
Appeal Decision

Site visit made on 13 April 2022

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 8th June 2022

Appeal Ref: APP/C3620/W/21/3283655

Hunters Gate, Reigate Road, Brockham, Betchworth, Surrey RH3 7ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Anderson against the decision of Mole Valley District Council.
 - The application Ref MO/2020/2402/PLA, dated 22 February 2021, was refused by notice dated 20 April 2021.
 - The development proposed is described in the application form as "demolition of existing dwelling and the erection of 4no. semi-detached dwellings and 9 car parking spaces and retention of existing access to classified road – A25".
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and the erection of 4no. semi-detached dwellings and 9 car parking spaces and retention of existing access to classified road – A25 at Hunters Gate, Reigate Road, Brockham, Betchworth, Surrey RH3 7ET in accordance with the terms of the application, Ref MO/2020/2402/PLA, dated 22 February 2021, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on;
 - The character and appearance of the area;
 - Living conditions of neighbouring and future occupiers; and
 - Protected species.

Reasons

Character and appearance

3. The appeal site is a large plot set amongst a mix of residential and commercial development orientated towards Reigate Road. The site contains a number of mature trees, and the front of the site contains a mature and extensive hedge which is a common boundary feature within the area and heavily screens the site.
4. The proposal would increase the level of built form on the site, from a single detached dwelling to two pairs of semi-detached dwellings. Due to the topography of the site the land falls away from the highway towards the built

form, and as a result the proposal would appear to comfortably nestle into the site. Furthermore, the design, scale and form of the proposed dwellings would reflect the variation of properties in the immediate and wider area.

5. A significant portion of the hedge along the front of the site would be retained which would maintain the existing relationship of providing a significant level of screening from external views and therefore retain the semirural character of the area. Beyond the hedge an area of soft landscaping would separate the front of the site from the hard landscaping and parking area, with the dwellings set beyond the open forecourt. Accordingly the proposed layout would respect the pattern of wider development, and the intricacies of the appeal site itself.
6. Whilst the proposal would increase the level of built form on the site, I find that cumulatively the above factors would ensure that the proposal would sit comfortably within the site itself and as part of the wider grain of built form. It would comply with Mole Valley Local Plan Policies ENV22, ENV23, ENV24. Collectively these policies require development to be appropriate to the site in terms of its scale form and appearance, having regard to the space around buildings and established features.

Living conditions

7. The front elevation of the neighbouring properties, on either side of the appeal site, would align approximately with the front elevations of the proposed dwellings. Part of the rear elevation of the dwellings would project slightly further than the neighbouring properties, this element would be set in from the side elevation, such to ensure that the dwellings would not be overbearing, nor result in a loss of light, to neighbouring occupiers.
8. Windows above ground floor level on the side elevations of the dwellings would serve bathrooms, with windows serving main habitable rooms located in the front and rear elevations. Moreover, the dormer windows would be located on the front elevation of the dwellings. Accordingly, the layout of the dwellings and the orientation of the windows would not result in any significant overlooking or loss of privacy for neighbouring occupiers.
9. The proposed dwellings would be open to the access and parking area to the front of the site. Vehicles entering the site would be travelling slowly and manoeuvring within the parking area. Having regard to the existing environment, with noise already attributed to the adjacent Reigate Road, vehicles manoeuvring within the site would not result in a significant level of noise or activity such to be detrimental to the living conditions of future occupiers.
10. Accordingly, I find that the proposal would not be detrimental to the living conditions of neighbouring occupiers, and would provide adequate living conditions for future occupiers. It would comply with Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan Policy ENV22, which amongst other things requires development to make the best use of land available whilst also respecting the character of the locality.

Protected Species

11. The property currently has a generous level of space around it, however it appears to have been somewhat neglected and the area is largely overgrown with scrubland and long grass. To the south is the village of Brockham, and the

River Mole flows through areas of semi-natural habitat that occupy land to the west of the village. Land to the north and on the other side of the Reigate Road provides areas of farmland which extends both east and westwards, beyond which, the land rises rapidly to areas of natural habitat associated with Box Hill.

12. Survey work was carried out to record the provisional signs of notable/protected species, with updated survey work also conducted in July 2021. The bat emergence survey confirmed that bats are not roosting within the dwelling. The site provides a small area set within a predominantly residential setting which consists of short lengths of boundary hedgerow and a domestic garden. The site provides sub-optimal habitat for foraging and commuting bats in isolation. The site's location within a predominantly residential area that lies in close proximity to the busy A25 is likely to limit the site in respect of commuting bats with significant amounts of human traffic, artificial lighting and road noise leading to sub-optimal conditions that are likely to impede the free movement bats in and around the near environs. The site offers sub-optimal foraging and commuting suitability.
13. The Ecological Appraisal dated August 2021 identifies that the proposed development would allow for a number of opportunities to enhance the site to encourage nesting birds, reptiles, bats and other animals to use the site moving forward. I am satisfied that, the proposal would not be harmful to ecological habitats and that, subject to following the recommendations of the report, the proposal would comply with Mole Valley Core Strategy Policy CS15 and Mole Valley Local Plan Policy ENV15. These policies seek to promote and enhance biodiversity, and identify that planting and other schemes that promote biodiversity will be expected as part of all development schemes.

Other matters

14. Concerns have been raised regarding the effect of the proposal on highway safety. The access to the site would be the same as a number of properties along Reigate Road, along which the speed limit has recently been reduced. I am mindful that the Highway Agency did not object, and having regard to the additional layby element in close proximity to the site which allows vehicles to wait to safely join the A25, I am satisfied that this proposal would not result in a detrimental effect on highway safety. The occasional presence of wildlife within the area is to be expected given the wider natural habitat associated with Box Hill. However, the evidence does not lead me to conclude that the appeal site contributes in any meaningful way to this habitat such to warrant dismissing the appeal on those grounds.

Conclusion and conditions

15. I have found that the proposal would comply with the development plan when taken as a whole. There are no other considerations that indicate a decision should be taken other than in accordance with the development plan and accordingly the appeal should succeed.
16. I have included a condition specifying the plans for certainty. I have specified materials to ensure that the development sits comfortably within the site and amongst the existing grain of development. Details of landscaping are necessary for the character of the area and to enhance biodiversity. I have imposed conditions relating to renewable energy to encourage sustainable forms of energy. A condition addressing drainage details is necessary to ensure

that the development does not increase the risk of flooding on site or in the vicinity of the site. Conditions relating to visibility and parking are necessary to ensure that safe access and egress is maintained for the lifetime of the development. Conditions relating to floor levels and obscure glazing are necessary to ensure that the development does not result in harm to the living conditions of neighbouring occupiers. Furthermore, in this regard a condition restricting the insertion of any additional first and second floor windows is necessary. Whilst this should only be imposed in exceptional circumstances, I consider that the proximity of the built form to adjacent dwellings renders such a condition necessary and reasonable and as such exceptional circumstances exist in this case. I have imposed conditions relating to reptile and ecological management to enhance the ecological management of the site.

17. For the reasons above I conclude that the appeal is allowed.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the following plans and documents; Drg.01 Rev.A – Location Plan as Existing; Drg.03 Rev A Block Plan as Existing; Drg.04 Rev A – Block Plan as Proposed with Parking; Drg.04-1 Rev A Block Plan – Details as proposed; Drg.05 – Ground Floor Plan as Proposed; Drg.06 – First Floor Plans – As Proposed; Drg.07 Rev A – Loft Floor Plans as Proposed; Drg.8 Appearance – Front and Rear – As Proposed; Drg.9 – Appearance – Flanks as Proposed; HG-002 Existing Plans; HG-003 Existing Elevations; Ecological Appraisal dated August 2021.
- 3) No works other than site survey and site investigation shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Before any above groundworks take place details of a landscaping scheme shall be submitted to and approved by the Local Planning Authority, detailing measures to deliver biodiversity net gains, such as bird or bat boxes and log piles, and incorporating the planting of native species of trees, shrubs, herbaceous plants and areas to be grassed. The landscaping shall be carried out in the first planting season after commencement of the development unless agreed otherwise in writing by the Local Planning Authority, and shall be maintained for a period of 5 years. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5) Prior to any above ground works commencing, details to reduce the carbon emissions of the predicted energy use of the development hereby permitted by at least 10% through the on-site installation and implementation of decentralised and renewable or low-carbon energy sources shall be submitted and approved by the Local Planning Authority and be implemented prior to the first occupation of the development.
- 6) No works other than site survey and site investigation shall take place until surface water drainage details have been submitted in writing to, and approved by, the Local Planning Authority. Such details shall include an assessment of the potential for the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework.

The assessment shall provide information of the design storm period and intensity (typically a 1 in 100 year storm of 30 minutes duration with an allowance for climate change), the method employed to delay and control the surface water discharged from the site and the means to prevent pollution of the receiving groundwater and/or surface water. Where applicable, the details shall include infiltration tests, calculations and controlled discharge rates. If the development is to discharge water into the ground in any form, then a full BRE Digest 365 infiltration test (or falling head test for deep bore soakaways) will have to be submitted to the Local Planning Authority prior to commencement of any works on site. The suitability of infiltration methods should be verified (i.e. possible contaminated ground).

The approved drainage scheme shall be implemented prior to the first occupation of the development.

- 7) No works other than site survey and site investigation shall take place until details of the existing ground levels of the site, the proposed finished levels of the ground, the ground floor slab level of each building, and the finished levels of any access driveway showing their relationship with the existing levels of the immediately adjoining land and buildings, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
- 8) No part of the development shall be first occupied unless and until the vehicular access to Reigate Road has been widened and provided with visibility zones in accordance with a scheme submitted to and approved by the Local Planning Authority. Thereafter, the access shall be permanently maintained and kept clear of any obstruction.
- 9) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plan by the Local Planning Authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking turning areas shall be retained and maintained for their designated purposes.
- 10) The development hereby approved shall not be occupied unless and until the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and

thereafter retained and maintained to the satisfaction of the Local Planning Authority.

- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional first and second floor windows shall at any time be inserted in the western and eastern elevations of the dwellings hereby permitted.
- 12) Prior to the first occupation, the first floor windows in the western and eastern elevations of the dwellings shall be glazed in obscured glass and the second floor windows shall be installed at high level. The windows shall be permanently retained in that condition thereafter.
- 13) No works other than site survey and site investigation shall take place until a detailed Reptile Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Strategy.
- 14) No works other than site survey and site investigation shall take place until a detailed Ecological Enhancement and Management Plan (EEMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved EEMP.

END OF SCHEDULE