



Appeal Decision

Site visit made on 6 June 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2022

Appeal Ref: APP/L3625/W/21/3281796

Winters Keep, Beech Drive, Kingswood, Tadworth KT20 6PS

- 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 Armata Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/01023/F, dated 15 April 2021, was refused by notice dated 7 July 2021.
 - The development proposed is the creation of an additional vehicular access to Beech Drive with associated gates and driveway.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the Kingswood Warren and The Glade Residential Area of Special Character (RASC); and
 - a tree subject to a Tree Preservation Order¹ (TPO).

Reasons

Character and appearance

3. The appeal property is a large, recently built detached house as a result of plot subdivision. It includes a new vehicular access from Beech Drive into the front garden. A Rhododendron hedge stretches across the remainder of the appeal site frontage. The Council has designated the RASC in recognition that it is, amongst other things, characterised by corridors of verdant roadside planting, much of which was established historically when houses were originally developed in this arcadian estate. This includes trees and evergreen shrubs and hedgerow with, in particular, pockets of distinctive flowering Rhododendron.
4. The additional vehicular access would allow for an 'in/out' movement of vehicles without the need to turn in the front garden. A relatively short length of the Rhododendron hedge would be removed to create it. The part to be retained would be, or have the potential to be, taller than the inset flank walls and gates which would be part of the access. However, that part of the hedge lost would nonetheless be a significant proportion of that which exists. This second opening would, therefore, unduly shorten and erode the visual

¹ TPO RE1098

continuity of the Rhododendron hedge along the appeal site frontage and, albeit by a small amount, in the Beech Drive streetscene. While the RASC is quite extensive in area with Rhododendron hedge elsewhere, the permanent reduction in the incidence of this planting would nevertheless be fundamentally at odds with the maintenance of this distinctive feature of the RASC and the Council's objectives in this regard.

5. In Beech Drive there are a number of residential properties with dual access points similar to what would result at the appeal site, including some frontages comparable in width. However, there is no evidence that any of these resulted in the loss of Rhododendron hedge. I have been referred to an appeal decision for a site elsewhere in the RASC². However, the removal of Rhododendron hedge in that case was necessary to provide a means of vehicular access to a proposed house, whereas the appeal property already has such an access. This decision is not, therefore, comparable.
6. The Rhododendron hedge varies in age, height and density of planting and some parts are currently diseased and/or in poor condition. It has, though, been assessed to be Category C³. In arboriculture terms this means that it is of low quality and value. Nonetheless, adequate in condition to remain until new planting could be established, over a minimum of 10 years. There is no evidence that any part of it should be removed meantime for reasons of sound arboriculture management. Nor is there any apparent reason why it could not be reinvigorated naturally or by planned landscape management, including in accordance with conditions attached to the planning permission for the appeal property⁴. In which case, it would continue to make a positive contribution to the appearance of the site and to Beech Drive and in this respect would maintain the integrity of the RASC.
7. Taking all of the above into consideration, I find that by virtue of the loss of Rhododendron hedge the proposed development would cause significant harm to the character and appearance of the RASC. Consequently, it would not comply with Policies DES1, DES3 and NHE3 of the Reigate & Banstead Local Plan Development Management Plan 2019 (LP). These policies seek to promote and reinforce local distinctiveness, the character of the area and the visual appearance of the streetscene. In addition, in a RASC plot frontages and boundary treatments should reflect the existing street context and existing vegetation, including unprotected but important hedgerows which should be retained and where possible enhanced.
8. It would also fail to reflect guidance set out in the Council's Local Character & Distinctiveness Design Guide Supplementary Planning Document 2021.

TPO tree

9. The TPO tree is a mature Oak in the front garden of an adjoining house. Its siting and appearance makes a significant positive contribution to the visual amenity of that site, to the Beech Drive streetscene and, in turn, to the RASC.
10. The root protection area (RPA) of the TPO tree has already been disturbed by an access and driveway to the adjoining house. However, even with the proposed access and driveway works, which would be a significant distance

² APP/L3625/W/17/3166746

³ Arboricultural Method Statement, prepared by David Archer Associates, May 2020

⁴ 20/00998/F

from the trunk of the TPO tree, the combined cumulative degree of encroachment would be across 16% of the RPA. The extent of permanent hard surfacing would not, therefore, exceed 20% of the unsurfaced ground within the RPA advised in British Standard 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'. In addition, the Council has previously approved a suitable 'no dig' method of construction for the existing access and driveway at the appeal site. This is close to the trunk of a similar mature oak tree, also protected by a TPO. The proposal would use the same method of construction and details could be secured by a planning condition.

11. Consequently, I find that the proposed development would not cause material harm to the TPO tree. It would, therefore, comply with LP Policies NHE3 and DES3 which seek to avoid the loss or deterioration of trees covered by a TPO and also to retain existing tree cover in a RASC.
12. The Council's second reason for refusal refers to LP Policy NHE9 which relates to heritage assets. There is no evidence that it is relevant to my decision.

Other Matters

13. In reaching my decision, I have had regard to the other representations made by interested parties, but none are determinative in this case. In particular, whether a covenant would restrict the proposed access point from connecting to Beech Drive would be a civil matter between the respective parties.

Planning Balance

14. The proposed second vehicular access would be convenient for the occupiers of the appeal property. This would be a private benefit and, accordingly, I give little weight to this consideration.
15. Notwithstanding my finding in relation to the TPO tree, the loss of Rhododendron hedge would have a negative effect on the character and appearance of the RASC. The proposal would not reflect objectives of the National Planning Policy Framework (Framework) to ensure that development is sympathetic to local character and history, including landscape setting. It should also maintain a strong sense of place and distinctive places to live. I attach substantial weight to this consideration.
16. The adverse impacts of the proposed development would, therefore, outweigh the benefits.

Conclusion

17. The proposal would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding. Consequently, for the reasons given above, I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR