



Appeal Decisions

Site visit made on 4 July 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2022

Appeal A Ref: APP/L3625/W/21/3281090

The Yew Tree, Reigate Hill, Reigate RH2 9PJ

- 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 R Patel (RAA4 Developments Ltd) against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/01350/F, dated 16 June 2021, was refused by notice dated 12 August 2021.
 - The development proposed is the extension and conversion of the former Yew Tree Public House to form 7 self-contained dwellings with associated bins, cycle store, parking and re-siting of access drop kerb.
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Appeal B Ref: APP/L3625/W/22/3290058

The Yew Tree, Reigate Hill, Reigate RH2 9PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr R Patel (RAA4 Developments Ltd) against Reigate and Banstead Borough Council.
 - The application Ref 21/02835/F is dated 29 October 2021.
 - The development proposed is the extension and conversion of the Former Yew Tree Public House to form 6 self-contained dwellings with associated bins, cycle store, parking and re-siting of access drop kerb.
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Decisions

1. Appeal A and Appeal B are dismissed, and in Appeal B planning permission is refused.

Preliminary Matters

2. As set out in the banner above, there are two appeals on this site. The proposals differ in the number of flats and car parking spaces, size of building and layout of the site. I have considered each proposal on its individual planning merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. In Appeal B, the Council did not determine the application within the statutory time limit. After this appeal was lodged, it issued a 'decision notice' purporting to refuse planning permission. While this is not a formal decision, the Council has confirmed that the notice sets out what would have been its two reasons for refusal. I have had regard to these objections and the appellant had the opportunity to consider them in final comments. I have taken comments received into account in my decision.

Main Issues

4. The main issues are:

- in Appeal A and Appeal B, the effect of the proposed development on the character and appearance of the Reigate Hill Conservation Area; and
- in Appeal A, the effect of the proposed level of on-site parking on residential amenity.

Reasons

5. The Council refused a previous scheme to convert and extend the appeal building into 9 self-contained dwellings¹. A subsequent appeal was dismissed². The current appeal applications are revised proposals.

Conservation area

6. The appeal building is a former public house in the Reigate Hill Conservation Area (CA). The National Planning Policy Framework (Framework) states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (paragraph 189). When considering the impact of development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation, irrespective of the level of any harm to its significance (paragraph 199).
7. The significance of the CA includes the historic origins and siting of some residential buildings which date from the early 19th century, including the pair of semi-detached houses at Nos 101 and 103 Reigate Hill to the north of the appeal site which form a Grade II listed building (LB), as well as later 19th and early 20th century residential buildings. Significance is also informed by the size of these buildings, which range from modest, low terraced cottages with basements fronting Reigate Hill to larger, detached houses in side roads; their architecture, which is mostly Victorian or in an Arts and Crafts style; and landscaped gardens with trees which form a green corridor along this road.
8. The appeal building replaced an original public house on the appeal site in 1937. Even if it is not a 'pure' or historically coincident form of Arts and Crafts architecture, as the appellant suggests, it is nonetheless a well-executed design in an Arts and Crafts style by Paxton Watson, or his practice, who was an architect of local note. The low eaves height and first floor contained within the roof space give the building an inherently one and a half storey form. It complements the above ground part of the cottages on the opposite side of Reigate Hill and some other buildings elsewhere in the CA. Positioned at the centre of the CA, directly facing traffic approaching up Reigate Hill from the south, and framed in these views mainly by trees, it is the most prominent building in the CA. The appeal building is locally distinctive for these reasons and it makes an appreciable positive contribution to the significance of the CA.
9. Both proposed buildings would be narrower (front to rear) than the appeal building and in Appeal B, the footprint would be similar in width (side to side). However, the footprint of the building in Appeal A would be significantly wider. Moreover, both buildings would have a full, conventional first floor storey with

¹ 20/02602/F

² APP/L3625/W/21/3268632

vertical elevations and raised eave heights, as well as dormer windows and projecting rear gabled wings at second floor level. These features would give an overtly two and a half storey form overall. Furthermore, both main roof ridge lines would be significantly taller and longer than in the appeal building, with gables at both ends in Appeal B.

10. In Appeal B, the building would not close the gap to Reigate Hill, thus maintain a degree of spaciousness in this regard. However, there would be a substantial increase in the vertical scale and massing of built form at first floor and roof levels. It would, therefore, be unduly prominent and conspicuous whereas the appeal building nestles into its immediate context. It would detract from the view from Reigate Hill to the south and significantly diminish appreciation of the LB. In Appeal A, and despite the cat-slide style side roof feature, this wider building would be even more dominant. While a corner of this building would respect the building line with the LB shown by the appellant, it would nonetheless unduly erode the gap to Reigate Hill. This would unduly erode spaciousness and prevent any meaningful view towards the LB from the south.
11. In both appeals, and even if there was not total demolition, the proposed 'extension and conversion' would re-model and enlarge the appeal building to such an extent that it would appear as a new building. It would result in a development of far greater scale and mass than the appeal building or most of the smaller scale buildings along Reigate Hill opposite and nearby. The external materials would reflect those found in the appeal building. Nevertheless, other than the cat-slide roof, flared gables at eaves level in the rear wings and some fenestration details, there is little else to readily distinguish the proposed buildings as in the Arts and Crafts style, as opposed to a modern block of flats, particularly in the most important and publicly visible front elevations.
12. The original public house was part two-storey and situated alongside Reigate Hill. Notwithstanding that this building no longer exists and, unlike the appeal building, was not present when the CA was designated, it had narrow end gables and shallow, low pitched roofs. In stark contrast, both proposed buildings would be significantly wider with tall, more steeply pitched roofs and three floors spread further across and into the site. The nearby petrol station forecourt canopy and totem sign are visible in the view from the south but are off-set to one side, as is the kiosk building. The hotel next to it does not intrude in this view because it is set back further, behind roadside trees.
13. The part of Beech Road in a Residential Area of Special Character (RASC), and in the CA, contains some relatively low density residential development, including large houses in large plots. There is some higher-density residential development elsewhere in Beech Road in the RASC, including blocks of 3 and 4-storey flats. However, some is not in the CA or does not have any meaningful visual relationship to the site. The cottages opposite the site are more densely developed closer to Reigate Hill but are not comparable in siting, orientation, height, scale or massing above ground to either of the proposed buildings. I have also been referred to images of a replacement 'modernistic Arts and Crafts' building elsewhere, and to 3-storey Arts and Crafts buildings elsewhere in the Borough by Paxton Watson, including in other conservation areas. However, it has not been suggested that any of these examples have a setting that is comparable to the appeal building or any meaningful visual relationship to the appeal site. Moreover, they show houses, not flats, and are materially different in design or fenestration and/or scale and massing to the proposed

buildings in both appeals. These examples of residential development near the appeal site and elsewhere are not, therefore, directly comparable so do not provide an appropriate template to justify the proposed development of the site in either appeal.

14. I have also been referred to permitted development rights (PDR) to extend houses or blocks of flats upwards by up to two-storeys. However, the appeal building is not a house or a block of flats. It has not been suggested that any such PDR exist at the site, further to a grant of prior approval. I appreciate that the Council has granted planning permission³ for a scheme to extend and convert the appeal building into a pair of semi-detached houses, though there are no approved plans before me. While this decision has established the principle of the loss of the public house and its residential use, it is for a materially different description of development than the current appeals.
15. The appellant considers that the Council did not undertake a detailed conservation area appraisal, thus that the designation of the CA and its boundary, including the appeal site and appeal building within it, was not justified. The Government's Planning Practice Guidance⁴ (PPG) states that an appraisal 'may help' a local planning authority to decide whether to designate a conservation area. While an appraisal is not a necessity, the Council prepared a character assessment to underpin the CA designation and also considered public comments. In these appeals it has also relied on the assessments in the respective officer reports, which were informed by advice from the Council's conservation officer. Having made the decisions that it did, this matter is, in essence, a difference of planning judgement. Alleged procedural failings in the designation of the CA, including public consultation, are not within the scope of my appeal decision.
16. Taking all of the above into account, I find that the development in both appeals would have a negative effect on the special architectural and historic interest of the CA. This would undermine and detract from the significance of this designated heritage asset. This impact would be localised and as a result would cause less than substantial harm. The proposals would not, therefore, preserve or enhance the character or appearance of this part of the CA, or the CA overall⁵. Consequently, both proposals would conflict with Policies DES1 and NHE9 of the Reigate & Banstead Development Management Plan 2019 (the DMP). These policies include that high quality design should make a positive contribution to the character and appearance of its surroundings, including conservation areas. Development should reinforce local distinctiveness and the visual appearance of the streetscene, be sympathetic in layout, height, scale, massing and form, have regard to important views and protect designated heritage assets.
17. The Framework sets out that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (paragraph 200). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 196). I return to these considerations in my 'Planning Balance' below.

³ 21/00310/F

⁴ PPG paragraph: 024 Reference ID: 18a-024-20190723

⁵ Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990

Car parking

18. In Appeal A, the proposed 13 resident and visitor on-site car parking spaces would result in less parking than when the public house was in use. However, Annex 4 of the DMP sets out minimum parking standards for new development. While these standards are a 'guide' they nonetheless already reflect the quantity, type, size and location of proposed new homes, including walking distances to town or local centres and to train stations. The approach of the DMP to parking standards is consistent with the version of the Framework that applied in 2019, when the DMP was adopted, and with the current Framework.
19. By these measures, and the maps included in Annex 4, the site is located in an area of low accessibility so a commensurate level of on-site car parking is required, in this case 16 spaces. The shortfall of 3 spaces would increase the likelihood of some cars having to be parked elsewhere. Due to parking restrictions on Reigate Hill and in adjacent private roads this would most likely be about 240m away in Raglan Road, on the opposite side of Reigate Hill. This would be out of sight and inconvenient for future residents and visitors. It would also increase on-street parking in Raglan Road with existing residents experiencing increased competition for parking and additional associated noise and disturbance (there is no parking survey to suggest otherwise).
20. Reigate town centre and railway station are within cycling distance of the site. There are some bus stops nearby in Reigate Hill, including services to Reigate, Crawley and Epsom. However, this is a busy main A road with a significant gradient, a blind bend just to the north of the site, no cycle lanes, narrow pavements (including no continuous pavement along the appeal site side of this road to the south) and no controlled pedestrian crossing points near the site. There are no bus shelters and the bus services are relatively infrequent. Access to the northbound bus stop from the site would require crossing a wide, complicated junction (at the convergence of Reigate Hill Close, Beech Road and Reigate Hill) and the petrol station exit point, while the southbound bus stop would require crossing Reigate Hill. It would be a hostile environment for any of these pedestrian movements, including to and from Raglan Road.
21. The location of the proposed development would not, therefore, be conducive to on-street car parking elsewhere in the area or be an attractive option for regular bus or cycle use (despite satisfactory cycle storage on-site), nor even for able bodied residents walking to and from Reigate town centre. There is no certainty that some future residents would not own cars, as the appellant suggests, let alone any mechanism before me that seeks to allocate on-site parking or apply restrictions to prevent some residents parking at the site. Even if some residents worked from home, most, particularly the elderly or disabled or parents with children, would therefore be likely to rely on the private car to meet most daily living needs, including health, education, shopping and other facilities and services.
22. The appellant disagrees with underlying assumptions used by the Council in formulating its car parking standards for the DMP plan period, including with regard to car ownership and on-street car parking requirements for different types or areas of residential development. However, it is for the plan-making process, rather than individual planning application appeals, to test an evidence base used to justify statutorily adopted development plan policies, which in this case were anyway relatively recently publicly examined and found to be sound.

23. Taking all of the above into account, I find that the proposal in Appeal A would not make adequate provision for on-site car parking. This would cause harm to the residential amenity of future residents of the proposed development, and visitors, and to existing residents of some nearby dwellings. Consequently, it would be contrary to DMP Policies DES1 and TAP1. These policies include that development should make adequate provision for on-site parking, in accordance with the adopted local standards in Annex 4 and avoid unacceptable harm having regard to impact on residential amenity.
24. The Council has also cited Policies CS1 and CS10 of the Reigate & Banstead Local Plan Core Strategy 2014 in its reason for refusal 3. However, I consider that the most relevant policies in this main issue are those in the DMP that I have referred to above.

Other Matters

Listed building

25. I am required to have special regard to the desirability of preserving the LB or its setting or any features of special architectural or historic interest which it possesses⁶. The significance of the LB derives from its innate architectural appearance and historic provenance⁷. It is also informed by its elevated siting in landscaped gardens above Reigate Hill, close to this road, giving a distinctive visual presence in this streetscene. The site abuts the southern end of these gardens and although at a lower level, is in the setting of the LB.
26. In both appeals the proposed buildings would be unduly dominant in the foreground of the LB and the increased scale and massing of built form would undermine the stepped sequence between the appeal building and the LB, and its subservient relationship to the LB. This would have a detrimental impact on the setting of the LB and detract from the way in which the LB is experienced. These developments would not preserve the setting of the LB or these features of its special architectural and historic interest. In light of my findings in the main issues above, this matter would not alter the outcome of the appeals.

Other interested party comments

27. The effect of development on private views, property values and land ownerships are not relevant to my decisions. I have given due regard to the other comments made by interested parties but these are not determinative issues so would not affect the outcome of the appeals.

Planning Balance

28. In terms of benefits, the provision of 7 new homes in Appeal A, or 6 new homes in Appeal B, would make a modest contribution to housing supply in the Borough. The flats would be suitable as small family homes or to facilitate downsizing to free-up larger homes. This would be consistent with objectives of the Framework to significantly boost the supply of homes and meet the needs of people with specific housing requirements. The social, economic and environmental benefits associated with building and occupying the homes are, therefore, factors which carry notable weight in favour of the developments.

⁶ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

⁷ Historic England official list entry

29. The developments would not be at risk from flooding or adversely affect ecology, including trees protected by a Tree Preservation Order. There would be sufficient internal living space, natural light and outlook. Subject to planning conditions there would be appropriate communal garden space with landscaping along Reigate Hill, satisfactory arrangements for refuse and recycling storage and collection, for foul and surface water drainage and energy efficiency, including water conservation. There would be no loss of privacy or intrusion on outlook for existing occupiers of other residential properties. Traffic generation would be acceptable with a suitable means of vehicular access. The absence of harm and compliance with the Council's development plan or the Framework in these regards are, therefore, neutral factors in my decision.
30. The Framework recognises that suitable, small windfall sites can make an important and rapid contribution to meeting housing requirements and support the viability of town centres. Great weight should be given to the benefits of using suitable sites within existing settlements to help meet housing needs and available, under-utilised sites within built-up, urban areas, not in the Green Belt, could be used more efficiently and effectively.
31. However, it also seeks to achieve well-designed, better places to live, conserve the historic environment and promote sustainable transport. In these respects, development should add to the overall quality of an area, be visually attractive as a result of good architecture and layout, be sympathetic to local character and history, including the surrounding built environment, maintain a strong sense of place using building types to create attractive and distinctive places to live and visit. Development that is not well designed should be refused, especially where it fails to reflect local design policies or government guidance on design. It should also take into account accessibility as an influence on car parking provision with a high standard of amenity for existing and future residents.
32. The harm that would be caused by both proposals would conflict with the Council's relevant development plan policies, which are consistent with aims of the Framework to balance meeting housing needs with these other social and environmental objectives of sustainable development. Consequently, these are important factors against the proposal. Considering the extent in the shortfall of on-site car parking, I give moderate weight to the impact on residential amenity. The impact of the proposals on the character and appearance of the Reigate Hill Conservation Area would be significant. As such, I give substantial weight to this consideration.
33. Notwithstanding that the benefits would be aligned with the Framework, the adverse impacts of the development would, therefore, outweigh the benefits.

Conclusion

34. The proposals 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 both appeals do not succeed.

Robin Buchanan

INSPECTOR