



Appeal Decision

Site visit made on 31 August 2022

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal Ref: APP/L3625/W/21/3288385

Worsley, Sandy Lane, Kingswood KT20 6NQ

- 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 C Savastano against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/00129/F, dated 10 February 2021, was refused by notice dated 18 November 2021.
 - The development proposed is partial demolition of existing building, side and rear extensions including rooms in roof, attached swimming pool complex and detached garage with room in roof. New entrance and pedestrian gates.
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Decision

1. The appeal is dismissed insofar as it relates to the pedestrian gates. The appeal is allowed insofar as it relates to the partial demolition of existing building, side and rear extensions including rooms in roof, attached swimming pool complex, detached garage with room in roof, and new entrance and planning permission is granted for partial demolition of existing building, side and rear extensions including rooms in roof, attached swimming pool complex, detached garage with room in roof, and new entrance at Worsley Sandy Lane, Kingswood, KT20 6NQ in accordance with the terms of the application, Ref 21/00129/F, dated 10 February 2021, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. Notwithstanding the Council's comments, the description of development as detailed within the planning application form refers to extensions to the existing dwelling. I have therefore determined the appeal on this basis.
3. Given that the proposed pedestrian gate is clearly severable both physically and functionally from the proposed extensions, I intend to issue a split decision for the reasons that follow.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, including the Kingswood and The Glade Residential Area of Special Character.

Reasons

5. The appeal property comprises a detached dwelling and occupies a spacious plot which is set back from the road, separated by a soft landscaped verge. A large, mature garden is located to the rear of the property whilst there is a

generous, gravelled parking area located to the front. Site boundaries comprise verdant, mature landscaping including trees and hedges whilst the vehicular access is defined by central brick pillars. These characteristics reflect the general character and appearance of the Kingswood and The Glade Residential Area of Special Character (RASC) as outlined within Annex 5 of the Reigate & Banstead Local Plan Development Management Plan 2019 (LP).

6. The proposed development would substantially increase the footprint of the property and give rise to a greater degree of site coverage while also extending beyond the general rear building line. Nevertheless, given the width and depth of the plot together with the set back from the road, sufficient distance between boundaries and neighbouring properties would be maintained. As such, the spacious nature of the plot together with the wider RASC would not be undermined. Furthermore, whilst the remodelling of the roof structure to include the provision of 2 flat roof dormers and parapet walls would undoubtedly increase the visual mass of the appeal property, the overall scale of the proposed development would not be out of character with many properties along Sandy Lane, albeit larger than the adjacent Arts and Craft dwellings.
7. While taller than the existing lightweight car port and garage, the proposed garage would have a comparable footprint and be located in a similar position, forward of the dwelling house. Although it is acknowledged that the siting of the proposed garage would not be typical of the general development pattern, it would be consistent with the current layout of the site and therefore a building in this position would not appear incongruous in the streetscene. Furthermore, whilst the positioning of the proposed dormers and roof structure in terms of height and mass would be contrary to elements of the guidance within the Local Character and Distinctiveness Design Guide Supplementary Planning Document 2021 (SPD), the overall scale and appearance is generally in keeping with neighbouring garages. As such, the proposed development would not read as a discordant and obtrusive form of development.
8. The abundance of soft landscaping including grassed verges and boundary hedges, lack of kerbs and designated footways along Sandy Lane contribute positively to the character and appearance of the area and provides an attractive residential setting. The position of the vehicular entrance, framed by brick pillars and a mature hedgerow would maintain the symmetry of the existing boundary, which is consistent with the pattern of development along the Lane. Whilst a single break in the front boundary would be typical of the area, the proposed pedestrian gate would result in smaller sections of hedgerow disrupting the general pattern of longer, unbroken sections. As such, I find that this element of the proposed development would read as an incongruous feature.
9. On the basis of the above, I find that the proposed extensions would not harm the character and appearance of the area, including the RASC in accordance with Policies DES1 and DES3 of the LP. While there is a technical breach of elements of the SPD, the scheme accords with its aims to preserve local distinctiveness and character whilst also ensuring a consistent approach to development.
10. In respect of the proposed pedestrian gate, I find that this element of the proposal would harm the character and appearance of the surrounding area,

including the RASC for the reasons outlined above. It therefore conflicts with Policies DES1 and DES3 of the LP and is also inconsistent with the SPD guidance.

11. The Council's reason refers to Policies DES1 and DES5 of the LP. However, Policy DES5 relates to housing standards and my attention has not been drawn to any wording in it that relates to the main issue. It has therefore not been determinative in my decision. The Council's Delegated Report however alleges a conflict with Policies DES1 and DES3 of the LP, which amongst other aspects seek to ensure development makes a positive contribution to the character of the area and promotes local distinctiveness.

Conditions

12. I have had regard to the various planning conditions that have been suggested by the Council and have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
13. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. Given the proximity of the proposed works to existing trees, a Tree Protection Plan (TPP) is necessary in order to ensure appropriate protection measures. A requirement for a pre-commencement meeting is not necessary as the condition provides sufficient scope to secure appropriate measures.
14. A landscaping condition is necessary to protect the character and appearance of the area however it has not been shown that this is required prior to the commencement of development. Consistent with the National Planning Policy Framework (the Framework), a condition requiring biodiversity benefits is necessary in order to enhance the local environment. Nevertheless, there is no evidence before me to indicate that the undertaking of a preliminary ecology appraisal is necessary. In the interests of conciseness, the biodiversity enhancement and landscaping conditions have been combined. For the same reason a condition relating to external materials including joinery details has also been imposed.
15. A condition relating to obscure glazing is necessary to protect the living conditions of adjoining occupiers. In order to promote sustainable transport, a condition requiring an electric vehicle charging point is considered necessary and relevant to the development proposed. The appeal development seeks to extend an established dwelling and therefore, the requirement to submit an Energy and Water Efficiency Statement is not considered reasonable or relevant to the development proposed. For the same reason, I have omitted the Council's condition requiring the provision of high-speed broadband infrastructure.

Conclusion

16. Having regard to the development plan as a whole and all other relevant material considerations, the appeal is allowed insofar as it relates to the extensions to the existing property and entrance as detailed above but dismissed insofar as it relates to the pedestrian entrance.

H Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three year from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans;
 - Proposed Ground Floor Plan – 2017/06 Rev C;
 - Proposed First Floor Plan – 2017/07 Rev C
 - Proposed Second Floor Plan & Section – 2017/08 Rev D;
 - Proposed Pool Floor Plan – 2017/09 Rev B
 - Proposed Garage Floor Plan – 2017/10 Rev C;
 - Proposed Elevations – 2017/11 Rev D;
 - Proposed Site Plan – 2017/12 Rev B;
 - Location, Site and Roof Plans – 2017/13 Rev B;
 - Proposed Elevations (existing superimposed) – 2017/14 Rev B.
3. No development shall commence including demolition and or groundworks preparation until a detailed, scaled finalised Tree Protection Plan (TPP) and the related finalised Arboricultural Method Statement (AMS) is submitted to and approved in writing by the Local Planning Authority. These shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Area of trees (RPA) shown to scale on the TPP, including the installation of service routings, types of surfacing for the entrance drive and location of site offices. The development shall thereafter be carried out in strict accordance with these details when approved.
4. No development shall take place above slab level until a Landscaping and Biodiversity Enhancement scheme including an implementation and management strategy has been submitted to and approved in writing by the Local Planning Authority. The Landscaping scheme shall include details of hard and soft landscaping, including any tree removal/retention, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities. The development shall thereafter be undertaken strictly in accordance with the details so approved.

Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, and shrubs of the same size and species.
5. No development shall take place above slab level until written details of the materials to be used in the construction of the external surfaces (including fenestration and roof) together with details of the proposed joinery (including external doors and windows) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

6. No development shall take place above slab level until a scheme for the provision of a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) including an implementation timescale has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the approved scheme and thereafter retained and maintained for the designated purpose in perpetuity.
7. Prior to the first beneficial use of the ensuite bathroom, the first-floor window in the south-east side elevation of the development hereby permitted shall be glazed with obscured glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall be maintained as such at all times.

END OF SCHEDULE