



Appeal Decision

Site visit made on 25 October 2022

by A. Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2022

Appeal Ref: APP/L3625/W/22/3293618

Land r/o 43-49 High Street, Horley RH6 7BN

- 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 Hatch Homes Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/02346/F, dated 1 September 2021, was refused by notice dated 11 February 2022.
 - The development proposed is described on the application form as 'residential development of 3 no. 3 bedroom 6 person houses on land to the rear of 43-49 High Street, Horley'.
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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 living conditions of the occupants of neighbouring properties, with particular regard to outlook and privacy;
 - whether the proposed development would provide acceptable living conditions of future occupiers, with particular regard to outlook, privacy and amenity space; and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Living conditions - neighbouring occupants

3. The appeal site comprises an area of hardstanding, currently in use as a storage area for an adjoining building site. The site is bounded by the rear gardens of 8 Lumley Road, 10 Lumley Road and properties fronting Yattendon Road. It is separated from these properties by a close boarded timber fence, with mature landscaping along the boundary with No 8.
4. At present, the occupiers of No 10 benefit from reasonable levels of privacy within their rear garden. This is due to the largely undeveloped nature of the appeal site. I observed no substantial vegetation along the boundary here, as contended by the appellant.

5. The proposed development would introduce built form to the site which would feature several first floor windows within its rear elevation. These would be set back from the rear boundary of the site, shared with No 10, by approximately 10 metres and bathroom windows would be fitted with obscured glazing. I also note that the development proposed has been amended to reconfigure its internal layout and to introduce additional soft landscaping, with the suggestion of a condition to provide further landscaping measures.
6. Nevertheless, the rear facing bedroom windows would look out over the rear garden of No 10 at close range and from an elevated position. Landscaping features would need to be of a considerable height and density to prevent harm caused by overlooking and would likely take some years to mature. This would not sufficiently mitigate the harm identified. Consequently, the levels of privacy currently experienced in the rear garden of No 10 would be diminished, harming the living conditions of those neighbouring occupants. The orientation of the proposed development relative to No 10 is such that there would be no unacceptable loss of privacy to the habitable rooms of that neighbouring property. The separation distance between the site and 43-49 High Street (opposite) is acceptable for an urban location such as this and there would be no unacceptable loss of privacy to the occupiers there.
7. The overall scale and mass of the proposed development would increase relative to the existing site situation. It would undoubtedly bring built form closer to neighbouring properties, particularly those fronting Lumley Road. Nevertheless, the occupiers of those neighbouring dwellings would retain uninterrupted outlook over their own rear gardens, and in the case of No 8 over the landscaped amenity area positioned to the west of the appeal site. As such, whilst those occupiers would experience a change in their relationship with the appeal site, issues of overbearing, overdominance and visual intrusion would not result from the proposed development.
8. My attention is drawn to nearby developments at 6 Yattendon Road, 37 Warren Road, 345 Reigate Road and Court Lodge Road with particular reference to separation distances and privacy. However, those sites are set within different contexts and are not considered to be directly comparable to the appeal site. In any event, each case must be determined on its own individual merits and circumstances. I have assessed the appeal based on the plans before me and my observations on site. Ultimately, the existence of those other properties and developments does not lead me to an alternative conclusion on this main issue.
9. In conclusion, the proposed development would have a harmful effect on the living conditions of the occupiers of 10 Lumley Road, with particular regard to privacy. As such, the proposed development would be contrary to the relevant provisions of Policy DES1 of the Reigate and Banstead Development Management Plan (DMP, 2019) which, in summary, seeks to protect the living conditions of neighbouring occupiers. This is in a similar vein to the objectives of the National Planning Policy Framework (the Framework) insofar as living conditions are concerned.

Living conditions - future occupants

10. The proposed dwellings would be positioned adjacent to the existing, and retained, car park area. There would be no setback, with doors and windows within the front elevation facing directly onto this communal area.

11. However, the redeveloped car park area would be small and private. As such, the comings and goings in this area would, in all likelihood, be limited and infrequent. Moreover, the main living accommodation for each dwelling would be dual aspect and spread over the entire ground floor. As such, outlook would be over both the car park area and the private rear gardens for each dwelling. Whilst the outlook to the front would effectively be over a hard landscaped area, this is not unusual for an urban setting. As reasoned above, the separation distance between the site and High Street properties opposite is reasonable. The standard of accommodation for future occupants, with regard to outlook and privacy, would therefore be acceptable. I have no substantive evidence before me to indicate that levels of noise would unacceptably harm the living conditions of future occupants.
12. The private amenity space proposed to serve each dwelling would be positioned to the rear of the appeal site, adjacent to established residential gardens. Whilst the garden areas would be modest in size, particularly relative to nearby established gardens, they would be of a functional shape and size for this urban location.
13. In conclusion, the proposed development would provide acceptable living conditions for future occupiers, with particular regard to outlook, privacy and amenity space, in accordance with the relevant provisions of DMP Policies DES1, DES5 and DES9 which, in summary, seek to achieve a high standard of accommodation for future occupants.

Character and appearance

14. Properties surrounding the appeal site are of a varied scale, design and use. This includes larger commercial buildings along High Street and more modest residential properties along Lumley Road and Yattendon Road.
15. The proposed building would be visible from the site entrance on Lumley Road and the multiple private vantage points of neighbouring properties. However, it would not be readily visible from the other surrounding roads or public vantage points, including High Street. This is due to its relatively secluded position behind existing development and intervening boundary treatments. From that perspective, the proposed development would have limited appreciable effect on the street scene.
16. The proposed development would have a footprint, scale and overall appearance that would assimilate to an acceptable standard with the surrounding area and would not appear cramped in its setting. The lack of front garden areas is typical for backland and mews style developments and would not be harmful to the character and appearance of the surrounding area here.
17. In conclusion, the proposed development would have an acceptable effect on the character and appearance of the surrounding area, in accordance with the relevant provisions of Policy CS1 of the Reigate and Banstead Core Strategy (2014) and DMP Policy DES1, which in summary, seek to achieve high standard of design in development.

Other Matters

18. I have carefully considered the comments raised, including that the site is located in a sustainable urban area and priority area for regeneration, and is at low risk of flooding. I also note that the Council does not object to the principle

of the development, that it makes efficient use of previously developed land and would result in the delivery of new housing in the Borough. Furthermore, it would accord with a number of other planning policy objectives, and would result in some economic benefits, including in supporting employment during construction and the bringing of trade to nearby services and facilities once occupied. Nevertheless, none of these matters, nor the benefits associated with the scheme, change my conclusion on the main issues or outweigh the harm identified above.

Conclusion

19. For the above reasons and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeals should be dismissed.

A. Price

INSPECTOR