



Appeal Decision

Site visit made on 8 December 2022

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2023

Appeal Ref: APP/L3625/W/22/3294168

85, 87 & 89 Brighton Road, Redhill RH1 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 Mr P Russell of One Oak Development Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/00823/F, dated 6 October 2021, was refused by notice dated 12 November 2021.
 - The development proposed is demolition of existing buildings and erection of an apartment building comprising 19 flats with commercial use at ground floor plus associated car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development proposed for the banner heading above from the application form. The appellant has agreed with the Council on a revised description. However, this included matters which are not development. I have therefore used the original description which describes the development for which planning permission is sought.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and;
 - the effect of the proposal upon the living conditions of neighbouring occupiers, with regard to outlook and loss of privacy.

Reasons

Character and Appearance

4. The appeal site is situated on the western side of Brighton Road a busy main route into the Town Centre close to the junction with Brook Road. The appeal building sits within a short row of other older buildings which together have a consistent rhythm to spacing and consistency in scale which contrasts with the more modern taller and wider developments that bookend this row of older buildings. Whilst in need of some maintenance this short row of well-spaced modest 2 and part 3-storey buildings makes a positive contribution to the character and appearance of the area. I observed how these breaks between

these buildings allow views beyond blocks of development and gives some breathing space between the built form along the road.

5. Brighton Road has a mixed character with a variety of property types and sizes including modern blocks of apartments along Brighton Road, and older residential development of a more domestic scale and appearance leading away from the Town Centre.
6. The proposed development would replace the existing 2-storey property with a 3-storey block of flats with rooms in the roof space and commercial space on the ground floor. When taking into account the site levels the slope allows for the incorporation of undercroft parking at one end of the proposed building, emphasising its scale when viewed from Brighton Road. I recognise that amendments have been made to the design of the proposal, from a previous scheme, in an attempt to reduce its scale and mass. However, even when taking into consideration its use of a crown roof, corresponding eaves height and set back from No 91 the appeal building would be a dominant form on this front elevation. Its overall scale, height and form would not sit comfortably sited between more modest scale buildings, where it would appear an abrupt and imposing building that would reduce the feeling of space in the area.
7. The existing modern apartment blocks along Brighton Road are generally three-five storeys in height, including where they utilise rooftop development. Their positions are relatively consistent whereby they occupy positions towards road junctions or are located amongst similar-sized buildings which provides a harmony to the street scene and reinforces the character of modern grouped buildings. In contrast, the height of the appeal proposal and its proximity to neighbouring buildings would appear incongruous in this location and would conflict sharply with the existing rhythm of the row of older buildings. It would introduce a dominant form which, for the reasons given above, would not sit comfortably in this location and would have a harmful effect on the character and appearance of the area.
8. Notwithstanding, the harm I have identified from the bulky massing of the front elevation, the proposed depth of the building would not be incongruous given the varied built form near the appeal site. Additionally, the proposed footprint at the rear of the site is not significantly larger than as existing. For these reasons, I find it would be an efficient use of the land.
9. I conclude that the proposed development would significantly harm the character and appearance of the area. It would fail to accord with Policy DES1 of the Reigate & Banstead Local Plan Development Management Plan (LP). This, in part, requires new development, to be of a high quality design that makes a positive contribution to the character and appearance of its surroundings. It would also be contrary to the National Planning Policy Framework (the Framework) where it states developments should be sympathetic to local character.

Living Conditions

10. Even when taking into account the increased width to the front of the building, the appeal scheme would not have a significantly greater footprint than the existing building. Notwithstanding this, due to the proximity of the appeal scheme to No 99a Garlands Road and Cleveland Cottage, the increased height, frontage width and bulkier form, would dominate outlook from these

properties. As a result, there would be no relief from the development in the outlook from within the rooms of the properties or the garden areas facing the appeal building. The resulting outlook would be restricted and uninviting.

11. Furthermore, despite the appeal site being at a lower level and the appeal building on the rear projection element not being substantially taller than the existing building the proposed building would still have an overbearing effect, particularly given that the rear projecting element of the scheme would be significantly bulkier at such a short distance to these properties. I observed 99a Garlands Road fronts the appeal site however, this would not prevent harm to outlook from the property given the short distance to the appeal building.
12. Having considered the relationship between the appeal building, 99a Garlands Road and Cleveland Cottage and the positioning of windows on the proposed building I find that existing boundary treatments and distance between these properties would be sufficient to prevent a loss of privacy for existing occupiers of No 99a and Cleveland Cottage.
13. No 1-3 Stile Cottages are located to the north and are at a lower ground level. The proposed flats would have habitable room windows and balconies which would look towards the rear of these properties and their rear garden areas. I have taken into consideration the height of the proposed development and the location of windows and site levels between the appeal site and No 1-3. In view of the distance between the appeal building and No 1-3, the scheme would be sufficiently far enough away from those windows and garden areas to prevent any loss of privacy to existing occupiers or the appeal building being overbearing, even when taking into account the number of floor levels proposed.
14. I conclude that the proposed development would have a significantly harmful effect on the living conditions of neighbouring occupiers at No 99a and Cleveland Cottage due to its effect on their outlook. The proposal would therefore be contrary to Policy DES1 of the LP which seeks to ensure, amongst other things, that new development does not adversely impact upon the amenity of occupants of existing nearby buildings.

Other Matters

15. A completed and signed S106 unilateral undertaking was submitted following the Council's decision notice being issued. It included an obligation relating to affordable housing. The provision of 30% has been demonstrated and would therefore accord with Policy Des6 of the LP. I am satisfied that the obligation is necessary to make the development acceptable, is directly related to the development and is fairly and reasonably related in scale and kind to the development. Therefore, it would accord with the three tests set out in paragraph 57 of the Framework and Regulation 122(2) of the Community Infrastructure Regulations 2010. I have taken it into account.
16. The proposal would enable the delivery of an additional 19 dwellings, 6 of which would be affordable units, in an established residential area. The delivery of appropriate levels of market and affordable housing is an important requirement in order to meet the demand for affordable housing and to create mixed and balanced communities. I have considered the evidence provided by the Appellant in relation to the Council's affordable housing requirement. Nonetheless, I find no reason to disagree with the substantial evidence from

the Council that it is meeting its housing requirement for both market and affordable housing. However, the provision of additional housing is a benefit to which I attach some weight given the clear continuing need for housing in the area.

17. There would also be social and economic benefits associated with employment during construction and from the replacement commercial element of the scheme as well as future occupants buoying up the local economy. I have also taken into consideration that this is a brownfield site within walking distance of local services and facilities and where there is good access to public transport. I attach moderate weight to these benefits. However, in the form proposed this development would result in the significant harm identified above and the benefits of the scheme do not justify development that would be contrary to the development plan.
18. My attention has been drawn to other schemes granted planning permission by the Council for either conversion or new buildings. I have already set out why a number of more modern buildings close to the appeal site differ from the proposed scheme given they do not break up established rows of older properties. Furthermore, the information before me does not show that the schemes are directly comparable to the one before me or that the characteristics of the built form are the same.
19. I acknowledge, the Appellant has sought to overcome concerns from the previously withdrawn application and also that the scheme was supported by the Council's Planning Officers. However, members are entitled to reach their own conclusions and are not bound by recommendations from officers. Furthermore, I have found harm arising from the scheme before me that I have assessed on its own merits.

Conclusion

20. The proposal would provide new housing including 6 affordable homes. Notwithstanding this and for the above reasons the development would be harmful to the character and appearance of the area and living conditions of neighbouring occupiers. As a result, the proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
21. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR