



Appeal Decision

Site visit made on 24 January 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2023

Appeal Ref: APP/L3625/W/21/3287638

1 Vernon Walk, Tadworth KT20 5QP

- 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 Ivor Davies against the decision of Reigate and Banstead Borough Council.
- The application Ref 21/02415/F, dated 6 September 2021, was refused by notice dated 10 November 2021.
- The development proposed is a 3 bed detached dwelling house adjacent donor property.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effects of the proposed development on the character and appearance of the surrounding area including protected trees; and whether the development would provide acceptable living conditions for its potential occupiers with regard to outdoor amenity space.

Reasons

Character and appearance

3. The area is residential in character made up of large detached and semi-detached properties located on fairly generous plots. Vernon Walk has a verdant setting and is characterised by mainly wide fronted semi-detached properties of a traditional style providing a regular rhythm and form to the streetscene with a consistent façade fronting the road. There is a substation that adjoins the appeal site and fronts Vernon Walk also. The appeal seeks to erect a two-storey detached dwellinghouse adjacent No 1 Vernon Walk set back from the substation and the roadside.
4. Adjoining the site boundary, outside the control of the appellant, is a substantial tree¹ subject to a Tree Preservation Order (TPO) and due to its size and prominence it makes a significant and positive contribution to the verdant character and appearance of the area. The appellant has submitted a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (AMS)². These detail that all the trees surveyed will be retained and protected, and there would be no incursion within the root protection area (RPA) of the horse chestnut subject to the TPO.

¹ Tree T1 - Common Horse Chestnut protected by Tree Preservation Order – Reigate and Banstead Ref: RE426

² Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement prepared by Chalice Consulting Ltd dated May 2021 (Ref: AR4485).

5. The appellant's AMS shows the methods employed in the proposed groundworks of the appeal scheme, and the extent of the protection measures incorporated on the RPA of the retained tree. I recognise that the tree may be able to withstand some pruning to enable the proposal to be constructed. However, due to the close juxtaposition between the tree, and the proposed development it seems to me that there is likely to be increased pressure to prune due to the degree of shading that would be experienced within the proposed development and its garden.
6. The need for more extensive and regular pruning would diminish the contribution the tree makes to the character and appearance of the area and could decrease its life expectancy. This would harm the character and appearance of the area in the long term. The appellant highlights that given the status of the off-site tree as a TPO, this would afford it protection from excessive pruning or felling works. However, whilst it is acknowledged that a degree of control would be retained by the Local Planning Authority in this respect, the proximity of the proposal to the tree would make applications for works to improve living conditions more difficult to resist, thus harming the amenity value.
7. Within the surrounding suburban area, the appearance is one of reasonably generous gardens to the rear, largely undeveloped other than the presence of domestic sized outbuildings. The layout of the proposal provides a limited curtilage for the proposed dwelling and due to its constraints in terms of proximity to the TPO and substation would provide a cramped appearance, in comparison to the more spacious nature of the surrounding area. Consequently, the proposal would create a more densely developed feel given the modest amenity space. In addition, the small plot size and garden space for the proposed dwelling, would be at odds to the adjacent properties and local suburban grain.
8. It is acknowledged that there is a modest detached property opposite the appeal site on a smaller plot, set back from the main building line similar to the proposal. However, this limited example does not provide an overriding influence over the character of the area or street scene.
9. For the reasons above, the proposal would have an unacceptable effect on the health and life expectancy of the trees and would not compliment the qualities of the surrounding area or respect its important landscape features. Furthermore, the appeal scheme would provide a cramped form of development at odds with the more verdant locality, and thus would significantly harm the character and appearance of the surrounding area.
10. Accordingly, the scheme would be contrary to Policies DES1 and DES2 of the Reigate and Banstead Local Plan Development Management Plan (RBLP), adopted September 2019 and the guidance contained in the Reigate and Banstead Character & Distinctiveness Design Guide Supplementary Planning Document (SPD) which among other things seeks to promote and reinforce local distinctiveness and respects the character and uniformity of the surrounding area. The proposal would also conflict with RBLP Policy NHE3 which seeks to retain the quality of protected trees and with the National Planning Policy Framework (the Framework) insofar as it requires development to be sympathetic to local character and seeks to safeguard significant trees due to their contribution to character and quality of urban environments.

Living conditions of potential occupants

11. RBLP Policy DES5 among other things, requires new development to provide high quality adaptable accommodation and satisfactory outdoor amenity space for the future occupiers of new developments. In addition, the Framework expects planning decisions to ensure healthy living conditions and create better places to live, indicating that higher densities should not be at the expense of acceptable living standards.
12. Given the appeal proposal is for a 3-bedroomed unit, this is likely to be used by small families. The proposal does provide a modest garden space to the rear of the site, however the existing TPO is to the south of this area. As such, the tree would cast a shadow towards the proposal and its garden area particularly in the morning, leading to poor living conditions for potential occupiers. In my view, given the modest garden space and the position of the tree this could diminish the amount of light entering the garden, providing a shaded and gloomy outdoor living space. As a result, I am not satisfied that there would be no undue harm to the living conditions of future occupiers.
13. Overall, the proposed development would provide poor outdoor living conditions for its potential occupiers, with particular reference to the quality of the garden area. The proposal is therefore contrary to the relevant provisions of RBLP Policy DES5 which amongst other things, seek to provide high quality design and living conditions for future residential occupiers. It would also be contrary to the guidance in the Framework which, amongst other things, also seeks a good standard of amenity for all existing and future occupants of buildings.

Other Matters

14. I have been referred to surrounding properties that have been granted planning permission for back garden development. However, I have not been furnished with the details or reference numbers for these cases, as such I have afforded them no weight in support of the appeal scheme. Furthermore, I must determine the appeal in this context and on the basis of the proposal and evidence before me now.

Conclusion

15. The proposal conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other relevant matters raised, the appeal is dismissed.

Robert Naylor

INSPECTOR