



Appeal Decision

Site visit made on 16 January 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 FEBRUARY 2023

Appeal Ref: APP/L3625/W/22/3295774

Heysham, Church Lane, Hooley, Coulsdon, Surrey CR5 3RD

- 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 Calm Homes Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/02145/F, dated 5 August 2021, was refused by notice dated 11 March 2022.
 - The development proposed is described as the 'demolition of existing 1.5 storey dwelling and replacement with 4 x new dwellings with associated car parking and private amenity space.'
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing 1.5 storey dwelling and replacement with 4 x new dwellings with associated car parking and private amenity space at Heysham, Church Lane, Hooley, Coulsdon, Surrey CR5 3RD in accordance with the terms of the application, Ref 21/02145/F, dated 5 August 2021, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Applications for costs

2. An application for costs was made by Calm Homes Ltd against Reigate and Banstead Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development above is taken from part E of the appeal form and the Council's Decision Notice. This is to reflect that the scheme was amended from the original 5 dwellings proposed. I have removed the word 'substantial' from the Council's description, as it does not describe development.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal property is a small bungalow set back from the road located within a large plot along Church Lane, a street characterised by large plots and detached dwellings. Whilst there is a variety in terms of separation distances between properties, with the dwellings further along Church Lane to the

- northwest being more closely sited, this gives Church Road a sense of space and a pleasant open and spacious character.
6. The proposal would involve subdividing the site into 4 separate units. There are semi-detached units nearby along Church Lane Avenue and Brighton Road, but none are evident at present along Church Lane. However, I note the subsequent approval¹ for 3 dwellings on this site, and the main difference to the proposal before me is that one of the two pairs of semi-detached units has been altered to one single dwelling. As such, the Council have accepted the principle of semi-detached units on this site.
 7. Compared to the approved scheme, the built form on site would remain very similar, as would the access and set back from the highway. Whilst the density would be increased to a level above the rest of Church Lane, the plot and garden sizes to units 3 and 4 would match those already approved to units 1 and 2. The additional impact upon the character and appearance of the street scene of the subdivision of the approved larger detached unit into two, to match the adjacent semi-detached units, would therefore be minor. These proposed properties would not appear incongruous nor cramped in comparison.
 8. The differences between the approved scheme and the proposed scheme in front of me with regards to the amount of hardstanding and spacing to the eastern boundary is minimal, and again, would not impact the character and appearance of the surroundings to any significant degree, particularly given the mixed separation distances and hardstanding levels along Church Lane.
 9. Given this established fall-back position, I therefore conclude that the proposed properties would not harm the character and appearance of the surrounding area. The proposal would therefore comply with Policies DES1 and DES2 of the Reigate and Banstead Local Plan Development Management Plan (2019) (DMP) which, in accordance with the National Planning Policy Framework, require development, including residential garden land development, to be of a high-quality design that respects the character of the surrounding area.
 10. There is also no conflict with the Supplementary Planning Document, the 'Local Character and Distinctiveness Design Guide' (LCDDG) (2021) and the '1930s-1950s suburbia and lower density housing' character identified in the Council's appeal statement.

Other Matters

11. I note that letters of objection were received during the application process raising numerous issues, including regarding a Conservation Area and the Green Belt. There is no information before me to suggest that the appeal site is covered by these designations. With regards to habitat issues raised, as set out below, conditions relating to ecological enhancements and landscaping will ensure that biodiversity is protected and enhanced, as will conditions ensuring that works are carried out in accordance with the submitted Arboricultural Method Statement. Issues relating to highway safety are also addressed though conditions securing appropriate parking and visibility splays. Given the minor scale of development, there should not be a significant impact upon traffic levels and I note that the Council have not objected in this regard. Given the limited scale of development, the scale of the plot and amount of off-street

¹ Application reference 22/00791/F

parking to its frontage, the construction period should not lead to unacceptable levels of inconvenience.

12. Issues relating to health and pollution, the Council have not raised any issues regarding impact upon neighbouring amenity, and from what I have seen on site and in the submitted documents, save for a condition requiring obscure glazing to the side elevations, I have no reason to disagree.
13. A conflict with a covenant, loss of view, the lack of need for development and impact on property values are not material planning considerations.

Conditions

14. A list of suggested conditions has been provided that the Council and/or the appellants consider to be appropriate. I have considered these in light of the PPG and the tests set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the suggested wording.
15. In addition to the standard time limit condition, and those stated above, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty. Conditions requiring details of materials and ground levels are necessary to maintain the character and appearance of the street scene. A condition relating to bin and cycle storage and provision is necessary to ensure that occupants would have appropriate access to these facilities. As set out above, given the limited scale of development, the scale of the plot and amount of off-street parking to its frontage, I do not consider that a condition requiring a Construction Transport Statement/Management plan is necessary and would not therefore meet the tests set out in the Framework.
16. On wider sustainability requirements, conditions to limit water consumption and dwelling emission rate are necessary to ensure relevant compliance with technical standards and policies sought by the DMP and the Reigate and Banstead Local Plan Core Strategy (2014), as is a condition requiring the installation of electric vehicle charging sockets.
17. In the interests of the visual amenity and biodiversity, conditions to require the submission of a landscaping scheme, including boundary treatment, and biodiversity enhancement measures for approval are necessary, as is details of tree planting. In this respect, whilst DMP Policy NHE2 only requires biodiversity enhancements 'wherever possible', there is no evidence put forward to suggest that it is not possible on this site, indeed, the submitted Preliminary Ecological Appraisal suggest enhancements. A condition ensuring compliance with the submitted Arboricultural Method Statement is necessary in order to secure appropriate protection measures throughout the build process.
18. A condition requiring the submission of and compliance with a surface water drainage scheme is necessary to ensure the site is satisfactorily drained and to protect water and environmental quality. Finally, a condition relating to the provision of broadband internet access is necessary to ensure compliance with the electronic communication networks requirement of the DPD.

Conclusion

19. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the

reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: PL1415 A, PL1110 B, PL1210 A, PL1211 A, PL1310 B, PL1311 A, 1410 A, PL1000, PL1100, PL1200, PL1201, PL1300, PL1301, MBSK220222-01 P1.
3. No development shall take place until the developer obtains the Local Planning Authority's written approval of details of proposed ground levels and the proposed finished ground floor levels of the buildings. The development shall be carried out in accordance with the approved levels.
4. No development, other than demolition and site clearance, shall commence until a strategy for the disposal of surface and foul water (surface water drainage scheme) is submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDs, NPPF and Ministerial Statement on SuDs. Details of drainage management responsibilities and maintenance regimes for the drainage system must also be included. The works shall be carried out in accordance with the approved details.
5. No above ground development shall take place until details or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples.
6. Prior to the first occupation of dwellings hereby approved, the above ground floor windows on the side elevations of the development shall be fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
7. Prior to first occupation of the dwellings hereby permitted, written details and plans of the following landscaping works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This scheme shall include: a) positions, height, species, design, materials and type of boundary treatment(s); b) soft landscaping, including all new planting c) hard surfacing materials; Development shall be carried out in accordance with the approved details and shall be maintained thereafter. All tree planting shall be carried out in accordance with BS 8545:2014 and the details approved prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. If within a period of 5 years from the date of the planting of any tree, that tree, or any planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of same size and species shall be planted at the same place, in the next available planting season or sooner.

8. The development hereby permitted shall be carried out in accordance with the details set out within 'Arboricultural Method Statement and Arboricultural Impact Assessment for Heysham, Church Lane, Hooley CR5', by JB Arboriculture.
9. The development shall be carried out in accordance with the mitigation measures set out within the Preliminary Ecological Appraisal ref. C1149.003 by Crossman Associates dated 7 March 2022.
10. No development above ground level shall commence until a scheme to provide positive biodiversity benefits, informed by the submitted preliminary ecology appraisal, has been submitted to and approved in writing by the Local Planning Authority. This should be designed alongside the soft landscaping proposals for the site. The biodiversity enhancement measures approved shall be carried out prior to the first occupation of the dwellings hereby approved and maintained in strict accordance with these details.
11. Prior to first occupation of the dwellings hereby permitted, full details of safe and secure cycle storage, refuse bins and recycling bins, including bin presentation points, shall be provided in accordance with details that shall have been first submitted to and approved in writing by the Local Planning Authority and thereafter permanently maintained.
12. The parking and turning spaces shown on the approved plans shall be made available for the sole use of the occupants or visitors prior to the first occupation of the development and thereafter kept available for that use.
13. Prior to first occupation of the dwellings hereby permitted, the vehicular access to Church Lane shall be provided with a sight line of 28.3 metres to the west in accordance with the approved plan MBSK220222-01 Rev P1, all to be permanently retained with no obstructions to sight lines between 2.0 metres and 1.00 metres high above the level of the carriageway.
14. Prior to first occupation of the dwellings hereby permitted, each of the dwellings shall be provided with a fast charge Electric Vehicle socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
15. Prior to first occupation of the dwellings hereby permitted, all dwellings shall be provided with the necessary infrastructure to facilitate connection to a high speed broadband. Unless otherwise agreed in writing with the Local Planning Authority, this shall include as a minimum: a) A broadband connection accessed directly from the nearest exchange or cabinet b) Cabling and associated installations which enable easy access for future repair, replacement or upgrading.
16. Prior to the first occupation of dwellings hereby approved, they shall all have been constructed to (a) Ensure that the potential water consumption by occupants of each new dwelling does not exceed 110 litres per person per day b) Achieve not less than a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the 2013 Building Regulations. The development shall be carried out in

accordance with the approved details and any measures specific to an individual dwelling(s) shall be implemented, installed and operational prior to its occupation.

End of Schedule