
Appeal Decision

Hearing held on 11 January 2023

Site visits made on 10 January & 28 January 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2023

Appeal Ref: APP/L3625/W/22/3306684

Land opposite 21 to 21c Wellesford Close, Banstead, Surrey

- 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 Shanly Homes against the decision of Reigate & Banstead Borough Council.
 - The application Ref 21/01203/F, dated 30 April 2021, was refused by notice dated 28 April 2022.
 - The development proposed is residential development comprising 26 houses and maisonettes, including 8 units for affordable housing. Formation of two new access roads with turning heads, associated car parking, landscaping and tree planting.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the character and appearance of the scheme would be acceptable having regard to its context.
3. A second issue, the lack of a mechanism to secure the necessary affordable housing on the site, has been resolved to the Council's satisfaction following the submission of a Section 106 legal agreement.

Reasons

Character and appearance

4. The proposal is for a residential development of 26 houses and maisonettes (8 affordable) on a 0.78 ha rectangular site to the west of Wellesford Close, a cul-de-sac accessed from Chipstead Road on the southern side of Banstead village. To the north the site adjoins the rear gardens of a series of suburban houses, to the west an area of woodland and to the south, beyond a mature hedgerow, open countryside.
5. The site thus adjoins the built-up area of Banstead on two sides with the land to the west and south designated as part of the Metropolitan Green Belt and an Area of Great Landscape Value. Contrary to the statement of common ground, the site is not located within the 'settlement boundary' of Banstead as neither the development plan nor policies map defines such a boundary.
6. Until adoption of the Reigate & Banstead Development Management Plan (the RBDMP) in September 2019 the site was designated as Urban Open Space and

protected from development¹. Indeed, in November 2009 an outline planning application for 18 dwellings on the site was dismissed on appeal due to the conflict with this designation². As part of the preparation of the RBDMP the Urban Open Space designation was reviewed and withdrawn, thus removing its protection and making the site available for development.

7. Unlike some other sites which were allocated for housing with a site-specific policy, the appeal site was left undesignated. The Council accept the principle of a residential scheme on the site but in the absence of any site-specific guidance the proposal falls to be considered under RBDMP Policy DES1, a general design policy. This expects new development to be of a high quality design that, inter alia, promotes and reinforces local distinctiveness, respects the character of the surrounding area including the visual appearance of the immediate street scene, has due regard to the layout, density, plot sizes, building siting, scale, massing, height and roofscapes of the surrounding area, the relationship to neighbouring buildings, incorporates existing landscaping where feasible, where applicable achieves an appropriate transition from the urban to the rural, and makes adequate provision for parking taking account of the impact on local character including the visual impact of parked vehicles. The Council has also published relevant guidance in the Local Character and Distinctiveness Design Guide SPD 2021 (the LCDDG).
8. These criteria leave plenty of scope for planning judgement to be exercised, in this case by the Planning Committee contrary to the officer recommendation.
9. The context of the appeal site is critical in this case. The site forms part of a small, discrete enclave of housing on the southern side of Chipstead Road which projects into attractive countryside to the south of the village. The area is entered by a length of roadway which leaves Chipstead Road and leads to two linked culs-de-sac. The first, Wellesford Close East (E), is a close of about 13 no. two-storey detached houses and a continuous terrace of 8 no. three-storey townhouses, the latter rather a visual anomaly in the street scene. A further roadway leads to Wellesford Close West (W), with four two-storey detached houses down one side, four chalet bungalows at the end and the undeveloped appeal site on the western side. The area appears to have been developed in at least four incremental stages.
10. This enclave of housing on the edge of the village has a character distinct from the continuous urban development to the north of Chipstead Road. The latter consists of a grid pattern of high density Victorian and Edwardian streets, an estate of current and ex-council housing with many three storey blocks, classic 1930s-50s suburban houses and two recent culs-de-sac. The two are only connected by the roadway and rear gardens of the houses which face away from the appeal site onto Chipstead Road, leaving the Wellesford Close area a separate, lower density adjunct to the main village. The scheme thus needs to be assessed against the character of this latter area.
11. The site itself comprises sloping, cleared ground. It is visually enclosed on the west and south by the woodland and mature hedgerow and to the north by a line of large trees running alongside a footpath which runs from Wellesford Close W to Brighton Road and forms the northern boundary of the site. Most lie within the adjacent rear gardens, a few on the northern boundary of the site

¹ Under Policy PC6 of the Borough Local Plan 2005

² APP/L3625/A/09/2106564

itself, but the effect is to screen the houses beyond from the appeal site. The key visual relationship is thus with Wellesford Close W, the four detached houses which face the site and the four chalet bungalows at the end. There are also three visually important trees on the site boundary opposite Nos 21-21b, two 18 m tall Horse Chestnuts (T1 & T2) and a 15 m tall Lime (T3), which together form an attractive part of the street scene and are protected by a tree preservation order.

12. However, in contrast to the illustrative layout for the 2009 appeal, which aimed to complement and complete the existing one-sided Wellesford Close W around a central green, the proposal would present its side. The existing properties 21-21c would face towards the mostly unrelieved flank elevations of Plots 17 and 16 together with their side garden boundaries. Whilst they would be separated by trees T2 and T3 and a single replacement for tree T1, the interface between the existing and new would be unsatisfactory, with only a few metres for landscaping next to Plot 16 and the area adjacent to Plot 17 constrained by car parking spaces and a path to the rear garden. The layout would thus maximise the developable area at the expense of space for more suitable recompense for the loss of tree T1 and an enhanced setting for the retained trees, the most significant existing features on the site.
13. The relationship of the scheme to the existing Wellesford Close W would also be unsatisfactory on the southern side of the site. Nos 22-25 are low profile chalet bungalows, clearly designed as a less built-up, more spacious group at the end of the road to reflect the edge of village location. Next to No 25 the proposal is for a full two-storey detached house, Plot 1, on higher ground. As illustrated by the section between the two properties, the result would be a jarring transition in built form between the existing chalet bungalows and the new scheme. Plot 1 would also be set well forward of No 25, significantly increasing its prominence in the street scene when approaching the southern part of the scheme. In addition, the unrelieved two-storey flank elevation of Plot 1, even with its attached single storey garage, would enclose the spacious, open feel of the front gardens of Nos 22-25 and its private rear garden would be overlooked by the side facing first floor bedroom window of No 25.
14. The proposal would consequently fail to relate acceptably to the existing Wellesford Close W, simply using the road as a means of access to two east-west spur roads. Policy DES1 requires respect for the immediate street scene and the scheme fails this important policy test.
15. The scheme itself is divided into two sections along northern and southern spur roads, with no road or footpath connection between the two. The northern spur road, involving the loss of the Horse Chestnut T1, would provide access to three pairs of semi-detached houses and a group of four flats, whilst the southern spur road would be lined on both sides by four detached houses and six pairs of semi-detached houses of differing designs.
16. However, this layout involves two unattractive full size 90° turning heads to accommodate fire and refuse vehicles and results in an uneven distribution of visitor parking spaces, with four serving 10 dwellings in the northern section and just two serving 16 dwellings to the south, one of these obscurely sited at the end of the spur road where it would appear to be a private space belonging to Plot 8. Frequent visitor parking in the existing turning head at the end of Wellesford Close W would also be lost. In practice, visitors are unlikely to walk

round to the northern spur road to find a space, leading to a probable shortfall in the southern part of the scheme.

17. The southern part of the site would be developed with a rigid, linear layout of 16 properties ranged along either side of the road, the distance between their frontages steadily narrowing, the view at the end closed off by a short section of hedgerow, a break between buildings but not an effective focal point. Plot 1, in addition to its jarring appearance in relation to No 25, would be the start of a row of increasingly bulky properties up to Plots 6-7. Exacerbated by the steadily rising ground, the illustrative street scene demonstrates the increasing bulk and height of buildings along the row as they change from detached to semi-detached and two to two and a half storey properties. The result would be excessively tall and bulky buildings in the south-west part of the site where the screening effect of the boundary hedgerow is weakest. Plots 9-14 on the other side of the road would also be relatively tall and bulky, resulting in an over emphasis on such buildings along the southern spur road.
18. Furthermore, the layout minimises the overall width of many plots which would lead to an unduly cramped appearance. Dedicated 1 metre side passages to rear gardens are omitted in many cases³, and with the scheme only designed at 1:500 scale, it is not clear that the parking spaces next to the houses would be sufficiently wide to easily allow a cycle or wheelie bin to pass alongside a parked car to access the rear garden. This could lead in practice to the storage of some bins at the front of houses, as noticed in The Laurels. Many spaces are hard up against plot boundaries, with no space for landscaping. The spaces on Plot 9, between two buildings, may be impractical.
19. The houses on Plots 1-7 would be positioned close to the road, a feature not seen in Wellesford Close, and the street scene would be marred by frontage parking, notably in the case of the unnecessarily narrow Plots 12 and 15 (resulting in particularly small rear gardens). This would leave little room for meaningful tree planting or landscaping. Apart from Plots 1-3 there would be no garages, leaving most parked cars open to view, with a frequent use of inconvenient tandem spaces (in 11 of the 16 plots) including two sets of adjacent tandem spaces for four parked cars in a group which would be an unattractive, jarring feature of the scheme.
20. Taking these factors together, the overall character of the southern part of the scheme would be that of a densely developed, urban style street rather than that of a transitional scheme reflecting its village edge location.
21. The northern part of the site would comprise three poorly related blocks of building on one side of the spur road, separated from each other by a 90° turning head and in effect a large parking court. Plots 17-18 and the block of flats would face the trees and rear gardens of Chipstead Road, whilst Plots 23-26 would face a flank elevation of the flats. There would be extensive areas of parking, including a set of adjacent tandem spaces for four parked cars in a group, and minimal front gardens allowing little space for landscaping, particularly Plots 23-26, shown with paving in front on the landscape strategy plan. As a result of these factors, the area would amount to a disappointing street scene, lacking intrinsic character and design cohesiveness.

³ Plots 4, 5, 6, 8, 9 11, 13, 14

22. The overall scheme would only include relatively small, incidental areas of informal amenity space, a narrow strip alongside the northern spur road, the area occupied by trees T1-T3 and an area tucked away at the end of the southern spur road adjacent to Plot 8. This is occupied by a visually important 17 m tall Norway Spruce (T22), also protected by a tree preservation order. These areas are essentially the undevelopable tree protection areas for the trees concerned and would do little to break up the built form of the scheme, provide a focal point or points or offer attractive, useable amenity space for residents. The scheme would result in a net loss of 1.65 habitat units, 53% of the current habitat on the site⁴, reflecting the extent of buildings and hard surfacing proposed as opposed to amenity space, soft landscaping and rear gardens. In the case of Plots 6, 7, 10, 11, 12, 15 and 18 the size of the rear garden would be small for the size of dwelling concerned.
23. The scheme also relies on the screening provided by the adjacent hedgerow which is in separate ownership, albeit protected by a tree preservation order. The weakest part of the hedgerow is in the south-western corner, adjacent to Plot 7, but the semi-detached dwelling here would only be a few metres from the western site boundary and would only have a small rear garden hemmed in by trees, reducing direct sunlight. The layout would leave little scope for any additional planting within the scheme to strengthen the boundary hedgerow and the long-term screening of the houses from the adjacent countryside.
24. For these reasons the character and appearance of the scheme would not be acceptable having regard to its context. The scheme would conflict with the requirements of Policy DES1 as it would not represent high quality design, it would not promote or reinforce local distinctiveness, it would not respect the character of the surrounding area or the visual appearance of the immediate street scene, nor achieve an appropriate transition from the urban to the rural. In addition, the scheme would not comply with the design and layout guidance in the LCDDG by failing to group houses cohesively to form a legible townscape with a sense of place and identity and not adopting a more organic, irregular layout with the use of focal points.

Benefits of the scheme and planning balance

25. The proposal would deliver a number of benefits. These include the efficient use of a currently disused site in a sustainable location close to a wide range of services and facilities and the provision of 26 additional dwellings. These would make a valuable contribution to housing needs in the Borough, particularly the provision of eight affordable dwellings, four houses for affordable rent and four flats for shared ownership. The scheme would deliver an appropriate housing mix that meets identified local needs, including the small units required by RBDMP Policy DES4. There is no criticism of the house designs in themselves or the proposed palette of materials. Areas of informal amenity space would be included together with improved vehicle turning facilities and improved visibility at the junction with Chipstead Road⁵. In relation to the economy, the scheme would provide jobs during the construction period, the ongoing spending generated by about 45 residents, much on local goods and services, one-off funds from the new homes bonus and community infrastructure levy and ongoing revenue from council tax. Taken together these benefits should be afforded significant weight in favour of the scheme.

⁴ plus a net gain of 0.81 hedgerow units

⁵ both of the latter being substandard at present

26. However, these benefits are outweighed by the harm that has been identified in respect of the character and appearance of the scheme and the associated conflict with RBDMP Policy DES1. In reaching this planning judgement it is important to recognise that the harm relates to the layout and design proposed and is not an inevitable consequence of a residential scheme on the site. In these circumstances the material considerations in favour of the scheme are insufficient to justify a decision contrary to the development plan.

Conclusion

27. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Graeme Keen KC	Landmark Chambers
Karen Charles BSc DipTP MRTPI	Boyer Planning
Tim Brandt BA MPlan PG Cert UD	Pegasus Group
Fiona Thorp BSc MSc MCIHT	Motion
Aidan Robson BSc MSc MSc	Shanly Homes

FOR THE LOCAL PLANNING AUTHORITY:

Councillor Sam Walsh	Banstead Village Ward, Reigate & Banstead BC & Member of Planning Committee
Michael Parker MRTPI	Principal Planning Officer, Reigate & Banstead BC
Hollie Marshall MRTPI	Senior Planning Officer, Reigate & Banstead BC

INTERESTED PARTIES

Catalina Vassallo-Bonner	Banstead Village Residents Association
Andrew Siefers MRICS	Local resident
Lynne Clayton	Local resident
James Wearn	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

Set of photographs handed in by Mr Siefers

Revised Plans and Elevations for Plots 9-10 to correct error