



Appeal Decision

Site visit made on 6 March 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 APRIL 2023

Appeal Ref: APP/L3625/W/22/3301313

106 Balcombe Road, Horley RH6 9BW

- 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 & Mrs Heath against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/02885/F, dated 5 November 2021, was refused by notice dated 12 January 2022.
 - The development proposed is the erection of a detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An Arboricultural Method Statement, Impact Assessment and Tree Protection Plan¹ (tree survey) has been submitted. I have considered the revised plans under the principles established by the Courts in Wheatcroft².
3. As the tree survey does not alter the scheme in any way and is only providing further information upon which the Council have had the opportunity to comment, I have considered the appeal on the basis of the additional information.

Main Issues

4. The main issues are
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - the effect of the proposal on the amenity value of existing trees.

Reasons

5. The application site forms part of the current rear garden area of No 106 Balcombe Road (No 106). Balcombe Road is mostly characterised by large, detached two storey dwellings fronting the road in sizable plots. This contributes positively to the road's homogenous and consistent, spacious, suburban character. The roadside trees and trees visible to the rear of the properties also provide a verdant character to the street.

¹ By SouthOaks Arboricultural Consultancy

² Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

6. However, the proposed dwelling would be located to the rear of No 106, and whilst the proposed bungalow would not be particularly visible from Balcombe Road, it would be evident from the access running to the rear directly next to the side elevation of No 106, in addition to being visible from the neighbouring properties. A new independent dwelling in this location would represent development at odds with the linear pattern of street facing dwellings in the surroundings. It would not reflect the form or grain of existing development and so would harm the established uniform character of the surroundings. Whilst I note that the proposed building is tailored to the size required by the needs of the appellants, the single storey form would also incongruously contrast with the surrounding consistent two storey dwellings.
7. The appellants refer to an outbuilding of a larger footprint that has been granted a lawful development certificate³. A permitted development outbuilding would not have the same impact on the character and appearance of the area as a new independent dwelling, given the pattern of road fronting dwellings and matters such as required separation of plot and access and parking considerations. Additionally, there is no evidence that the fallback position is a greater than theoretical possibility or that if the appeal is dismissed the fallback would be pursued. As such, and even if proposal before me would be of a higher quality architecturally, the fallback holds limited weight in the determination of this appeal.
8. I conclude that the development would harm the character and appearance of the surrounding area. Accordingly, the proposal conflicts with the requirements of DMP Policies DES2 and parts 1 and 3 of DES1, which require development to promote and reinforce local distinctiveness, respect the character of the surrounding area, and be of a height, bulk, mass, and be sited to ensure the development is in keeping with the existing street scene.

Trees

9. The existing site contains a number of trees. The submitted Tree Survey sets out that these are category B or C trees. Four category C trees would be removed, which are identified as low quality. From what I have read and seen on my site visit, given the unremarkable and low quality of these particular trees, I am satisfied that they do not contribute positively to the character of the street.
10. Subject to the tree protection plan included in the Tree Survey being implemented, the remaining trees would be retained and adequately protected. A condition to secure this, and suitable landscaping, would be appropriate were I minded to approve the scheme. The retained trees would maintain the existing verdant character of Balcombe Road. In this respect there is no conflict with the tree of amenity value protection requirements of Policies NHE3 and part 8 of DES1 of the Reigate and Banstead Borough Development Management Plan (2019) (DMP). The evidence before me does not indicate that there is any conflict with the requirements of British Standard BS 5837:2012.

³ Application reference 21/00461/CLP

Other Matters

11. There would be some short-term economic benefits arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the new dwelling. However, given the quantum of development in this case, such benefits would be modest.
12. The appellant points to information submitted with an appeal decision⁴ and the Inspectors decision for that appeal that set out that the Council can not demonstrate a 5 year land housing supply (5YHLS). However, the Council has since published the 'Position at 31 March 2022' Housing Monitor, stating the 5YHLS position at April 2022 as well as predicting a 5YHLS position at April 2023. This sets out a 5YHLS of 8.72 as of April 2022.
13. As such, I am satisfied that, having regard to the evidence before me, that a 5YHLS is demonstrated. The presumption in favour of sustainable development in Framework paragraph 11 does not therefore apply.
14. The appellant refers to the lack of conflict with policies relating to issues such as the living conditions of future occupiers and occupiers of neighbouring dwellings and highways impact, however, this to be expected in any development and does not weigh in favour of the proposal. Similarly, the lack of objections from the occupiers of neighbouring dwellings with regards to this matter does not alter my conclusions on the main issue.
15. The appendix page of the appellant's appeal statement identifies a separate appeal⁵ and two high court judgements⁶. However, details of these are not provided and no reference to these are made within the appeal statement. As such, I cannot give these cases any weight.
16. Notwithstanding this, the proposed scheme would contribute to the Borough's housing supply and more widely help address the Government's broader objective of significantly boosting the supply of homes, in a location which is located close to shops and services. However, the provision of 1 additional unit would be a minor social benefit attracting limited weight in favour of the scheme.
17. Even if there were a housing shortfall as the appellant suggests, the harm to character and appearance is a matter that attracts significant weight against the scheme and would significantly and demonstrably outweigh the benefits of the development.

Conclusion

18. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

B Phillips INSPECTOR

⁴ Appeal reference APP/L3625/W/21/3274149

⁵ Appeal reference APP/L3625/W/21/3274149

⁶ *Monkhill Limited v Secretary of State for Housing, Communities and Local Government and Waverley Borough Council* [2019] EWHC 1993, and *Wavendon Properties Ltd v SoSoHCLG & Milton Keynes Council* [2019] EWHC 1424