



Appeal Decision

Site visit made on 4 April 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2023

Appeal Ref: APP/L3625/W/22/3303269

30 Reigate Road, Reigate RH2 0QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mark Ingram against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/01049/OUT, dated 17 April 2021, was refused by notice dated 4 May 2022.
 - The development proposed is modifications to the existing dwelling and the splitting of the rear garden to form two new detached dwellings with new road access to the side of the existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with matters of access, appearance, landscaping, layout and scale all reserved for future consideration. I am aware that amendments have been made to the drawings during the course of the Council's consideration of the application. The appellant refers to access arrangements, layout and elevation plans having been submitted to enable detailed consideration to be made. Whilst the drawings submitted with the application were not marked as being illustrative or indicative, given the nature of the application and having regard to the findings in *Crystal Property (London) Ltd v SSCLG & LB Hackney* EWCA Civ 1265 [2016] they could only sensibly be understood as having that purpose. Accordingly, I have made my decision on this basis.
3. Between the determination of the planning application and the appeal coming before me, the appellant submitted tree and ecology reports in relation to the proposal. The Council has had an opportunity to review both documents. As a result, the Council concedes that the second and third reasons for refusal fall away. I have no evidence before me to reach a different conclusion and accordingly I make no further reference to these two matters in my decision.

Main Issue

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

Reasons

5. The appeal site comprises part of the long rear garden of 30 Reigate Road, a two storey detached dwelling on the northern side of the road. In the

immediate vicinity of the appeal site, other dwellings on this side of Reigate Road are also detached and generally sit within well sized plots. There is a variety of styles of building close to the appeal site, as well as a small three storey flatted building further along Reigate Road to the east. Although this part of Reigate Road itself is not overly wide, given the positioning of housing and the extensive tree and boundary planting the area has a spacious and verdant character to which the appeal site positively contributes.

6. Despite the appeal property and that at No. 32 Reigate Road being set marginally further back into their plots, the rear building line is reasonably consistent along the northern side of Reigate Road. Properties on the eastern side of Eversfield Road and the southern side of Deerings Road appear to have smaller plots and their overall density appears to be slightly higher than that of Reigate Road. Nevertheless, they generally have good sized rear gardens, which are reinforced by reasonably consistent rear building lines.
7. All of this creates a confluence of rear gardens around and including the appeal site. Whilst there are some modest single storey buildings and occasional ancillary garden structures they do not detract from the strong, prevailing sense of openness that exists as a result.
8. The proposal seeks to insert new buildings into this 'backland' setting. The plans show two dwellings, the access road running between the host property and the boundary with No.28 Reigate Road and associated areas of hardstanding for vehicle parking and turning. Whilst the proposal is in outline, the description of what has been applied for is two detached dwellings with new road access. Even allowing for the ground level of the buildings to be slightly sunken, such a development would be likely to introduce a highly conspicuous development that would entail building over a large part of the site in an area characterised by open gardens.
9. Whilst layout, scale and appearance are reserved matters it is difficult, in principle, to conceive of any sensible arrangement for two new dwellings on the plot that would not appear squeezed in or be able to maintain the prevailing spacious character and thus represent an appropriate use of the land.
10. I have been referred to another development authorised by the Council, where 'backland' development has been permitted at No. 36-38 Reigate Road. This was to the rear of a flatted development and adjacent to garages and hardstanding associated with the existing flats. Thus, the immediate context of that site is different from that of the appeal site. Furthermore, that scheme comprised a single storey dwelling and was of a different scale of development. In any event, I have considered this appeal proposal on its own merits and have concluded that it would cause harm for the reasons set out above.
11. The harm I have identified would be restricted to an area at the rear of gardens, limiting views from beyond the immediate area. Furthermore, the application has been made in outline with all matters reserved. Nevertheless, I am not convinced that it would be possible to erect two detached dwellings within the appeal site without causing harm to the character and appearance of the area.
12. The proposal would therefore be contrary to Policy DES1 of the Reigate and Banstead Development Management Plan 2019 which requires development proposals, amongst other things, to make a positive contribution and respect

the character and appearance of the surrounding area. The Council's Distinctiveness Design Guide Supplementary Planning Document (2021) similarly seeks, amongst other things, to ensure development respects and responds to its context.

13. The proposal would also fail to accord with the National Planning Policy Framework (the Framework) which seeks, amongst other things, for developments to add to the overall quality of the area, be sympathetic to the local context and maintain a strong sense of place.

Other Matters

14. The provision of new residential development within an urban area is said to be acceptable in principle. Furthermore, it has been pointed out that the Council did not object to the works to the host property nor the effect of the development on the living conditions of neighbours or future occupiers of the proposed houses. In addition, the scheme would be able to provide sufficient off-street parking as well as cycle and bin storage and private outdoor amenity spaces. Even though this may be the case, such matters would be expected for any development to be considered acceptable and so would represent a lack of harm rather than be factors that can be weighed positively in the scheme's favour.

Conclusion

15. There would be some benefits arising from providing two additional dwellings in a location with adequate access to services. However, these would not outweigh the harm to the character and appearance of the area that I have identified. The proposal would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, which indicate my decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR