

Appeal Decision

Site visit made on 5 April 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Appeal Ref: APP/L3625/W/22/3305217

Land between 8 and 9 Bridgefield Close, Banstead, Surrey SM7 1LR

- 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 Paul Stannard against the decision of Reigate and Banstead Borough Council.
 - The application, Ref. 22/00112/F, dated 19 January 2022 was refused by notice dated 8 April 2022.
 - The development proposed is the construction of 2 three-bedroom semi-detached dwellings on land between Nos. 8 and 9 Bridgefield Close.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 2 three-bedroom semi-detached dwellings on land between Nos. 8 and 9 Bridgefield Close, Banstead in accordance with the terms of the application, Ref. 22/00112/F, dated 19 January 2022 and subject to the conditions in the attached Schedule.

Main Issues

2. The main issues are (i) the effect of the proposed development on the character and appearance of the area, and (ii) the effect on the living conditions for the occupiers of Nos. 8 & 9 Bridgefield Close as regards noise, disturbance and privacy.

Reasons

3. On the first issue, the Council's objection is that the details of the scheme would combine with the characteristics of the site to result in development that would be harmfully out of keeping with the character of the area. However, whilst I recognise the points made, I saw on my visit that the head of the cui-de-sac of Bridgefield Close has a terrace of four dwellings in the centre and a pair of semi-detached houses to each side.
 4. As such, Bridgefield Close might reasonably be described as being of medium density, and infill development in any residential area inevitably has somewhat smaller proportions in terms of plot sizes and distances to boundaries than its surroundings – indeed if this were not the case it would be impossible to achieve.
 5. In this instance, I do not consider that the addition of a pair of semi-detached houses with more modestly sized curtilages would draw the eye as being a
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harmful change to the existing character. This is especially as the site's recessed position in part precludes the new development being read with the more forward positions of Nos. 7-12 which provide the immediate context. Instead, the focus would continue to be the dominance and the symmetry of the gables at Nos. 9 & 12 which 'book end' the terrace.

6. I acknowledge that there would be very limited soft landscaping, but this would not prevent planning conditions ensuring that the external areas of the development are of a good quality and that both soft and hard landscaping would make a contribution to amenity, as opposed to being 'token' areas that are soon neglected. And again because of the rearward position of the development, the street scene would continue to benefit from the existing communal grassed area in front of the terrace as a whole.
7. On this issue, I consider the factors I have referred to comprise sufficient mitigation of any perceived harm that would arise from the appeal scheme, especially when the advantage of two additional dwellings contributing to the Borough's housing need is also weighed in the planning balance.
8. Accordingly, I conclude that the proposed development would not be unacceptably harmful to the character and appearance of the area in conflict with Policies DES1 & DES2 of the Reigate and Banstead Development Management Plan 2019 and Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2021 ('the Framework').
9. Turning to the second issue, the Council's objection is limited to one of an adverse effect as regards noise, disturbance and the potential for overlooking of the front windows because of the new access road's proximity to the donor properties, Nos. 8 and 9 Bridgefield Close.
10. However, as the grounds of appeal point out, the existing paved access already serves as the vehicular access to the rearward parking and garage areas for Nos. 8 and 9. Accordingly, the cars accessing No. 9 are already causing an element of noise and disturbance for the occupiers of No. 8, as are the cars accessing No. 8 for the residents of No. 9. The development would replace this movement by vehicles accessing the two new properties, with two of the parking spaces for Nos. 8 and 9 positioned at the front of these dwellings and the other two to the rear.
11. However, the Council's second reason for refusal refers only to the front windows of each existing dwelling and I note that in the case of No. 8 the nearest front window to the driveway is non habitable. As regards No. 9 there is a large bay window with 5 separate elements. Given the size of this window and the internal width of the living room that it serves, I am unable to agree that it is particularly vulnerable to any meaningful increase in noise and disturbance. Nor am I able to accept that drivers of vehicles accessing the new dwellings would be either inclined, or indeed able, to look into the existing front windows.
12. On this issue I therefore find that the increase in noise and disturbance to the occupiers of Nos. 8 and 9 would not be significant and that there would no increased potential for overlooking. I therefore do not consider there would be harmful conflict with either the aforementioned Policy DES1, or with paragraph 130f) of the Framework.

Other Matters

13. The officer's report refers to objections from the public consultation on similar lines to the Council's reasons for refusal. As regards the principle of additional development, the Council has accepted this. In respect of concerns in relation to overdevelopment and the scheme being out of character with the area, I have already explained why, on balance, I do not regard these matters as being sufficient reason to reject the appeal.
14. I have read the concerns of two near-neighbours as regards parking, but the donor properties of Nos. 8 and 9 would retain two spaces, and each of the new dwellings would have the same provision. As this meets the Council's parking standards there can be no reasonable objection to the amount of parking.
15. I have also noted the views of these neighbours as regards difficulties during the construction period. However, this inconvenience can rarely carry sufficient weight to refuse planning permission. And in this instance I have agreed with the Council's suggested condition that the development should be subject to a Construction Transport Management Plan which will assist in mitigating potential problems during the build period.

Conclusion and Conditions

16. For the reasons explained and having had regard to all other matters raised, I conclude that the appeal should be allowed, subject to the conditions suggested by the Council. I have made only very minor alterations to these.
17. A condition to require the development is carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A landscaping scheme condition will maintain visual amenity, as will a condition requiring the Council's prior approval of external materials. A condition to ensure the provision of parking as indicated on the plans will ensure that parking is conveniently available for the occupiers and help prevent its overspill onto the Close. A condition requiring a Construction Management Plan will address highway safety and ensure that the effect on the amenity of existing residents is minimised. A condition to enhance the biodiversity of the site will complement the landscaping and safeguard ecology.
18. Finally, conditions in respect of electric vehicle charging, energy and water efficiency and broadband provision will have the dual benefit of ensuring future occupiers have availability of these up to date facilities and that the development achieves local and national policy objectives as regards climate change.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS based Location Plan; Drawing Nos. BC/100 Rev. A; BC/101; BC/103; BC/104 Rev. A;
- 3) No development shall take place above slab level until written details of the materials to be used in the construction of the external surfaces, including fenestration and roof, have been submitted to and approved in writing by the Local Planning Authority, and development shall be carried out in accordance with the approved details;
- 4) No development above slab level shall commence on site until a scheme for the landscaping of the site including the retention of existing landscape features has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of hard and soft landscaping, including any tree removal/retention, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities and an implementation and management programme. All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to first occupation or within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing with the Local Planning Authority.
All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837: 'Trees in relation to construction'. Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, and shrubs of the same size and species. Details should include screening to the front of both Nos 8 and 9 Bridgefield Close as indicated on the approved plans;
- 5) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter, the parking and turning areas shall be retained and maintained for their designated purposes;
- 6) The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority;

- 7) No development shall commence until a Construction Transport Management Plan has been submitted and approved in writing by the Local Planning Authority, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials;
 - (d) programme of works (including measures for traffic management);
 - (e) HGV deliveries and hours of operation;
 - (f) measures to prevent the deposit of materials on the highway.No HGV movements to or from the site shall take place between the hours of 0830-0915 and 1515-1600, nor shall the contractor permit any HGVs associated with the development at the site to be laid up or waiting in Partridge Mead during these times.
Only the approved details of the Construction Transport Management Plan shall be implemented during the construction of the development;
- 8) The development hereby approved shall not be first occupied unless and until an Energy and Water Efficiency Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how the development will:
 - 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 RegulationsThe development shall be carried out in accordance with the approved details and any measures specific to the individual dwelling shall be implemented, installed and operational prior to its occupation;
- 9) Both dwellings within the development hereby approved 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: (i) a broadband connection accessed directly from the nearest exchange or cabinet; (ii) cabling and associated installations which enable easy access for future repair, replacement or upgrading;
- 10) No development above slab level shall commence until a scheme to provide positive biodiversity benefits 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 and maintained in strict accordance with these details or as otherwise agreed in writing by the Local Planning Authority, and before occupation of this development.