



Appeal Decision

Site visit made on 18 April 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal Ref: APP/L3625/W/22/3308009

Land to the Rear of 21 Linkfield Lane, Redhill, Surrey RH1 1JF

- 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 Julian James Curry of Linkfield Lane Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref 22/00655/F, dated 22 March 2022, was refused by notice dated 2 September 2022.
 - The development proposed is erection of 2 residential dwellings, associated parking and landscaping and improvements to existing access onto Linkfield Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant submitted plans for an alternative scheme after the submission of the initial appeal documents. These show amendments to the footprint and elevations of the dwellings which are significant changes to the drawings which formed the basis of the planning application. The Procedural Guide for Planning Appeals makes clear that the appeal process should not be used to evolve a scheme and it is important that what is considered is essentially what was considered by the Council, and on which interested people's views were sought. Whilst the amended plans were referred to in the appellant's statement and the appellant has carried out some consultation on these, there has not been a formal process of consultation by the Council. Accordingly, I find under the principles established by the Courts in *Wheatcroft*¹ that to consider such a modification could cause prejudice to interested parties by depriving those who should have been consulted on the change the opportunity of such consultation. For this reason, my decision on the appeal is based only on the drawings submitted with the planning application.

Main Issue

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

Reasons

4. Located within a residential area, the site comprises part of the former rear garden of 21 Linkfield Lane (No 21). No 21 is at the end of a spacious row of large, detached dwellings set within generous plots which characterise this part

¹ *Bernard Wheatcroft Ltd v SSE* [JPL, 1982, P37]

of Linkfield Lane. To the west is a primary school and house with a footpath access for pupils located immediately adjacent to the appeal site. Noting the appellant's Linkfield & Environs Character Study, the wider area has a more variable pattern of development with a mix of residential layouts, plot sizes and coverage, densities, designs, and house types which have developed over time.

5. The proposal is for two detached dwellings located towards the rear of the site accessed from a driveway to the side of No 21. Whilst there would be some boundary landscaping and the houses would have small rear gardens, most of the site would be developed with buildings and hard surfacing. This would create significant urbanisation and a cramped form of development on former garden land in a part of Linkfield Lane characterised by individual houses with large, open gardens.
6. The plots would be limited in size due to the amount of space occupied by the proposed driveway and parking area. Furthermore, the dwellings would cover most of the width of the site, with little space between the two proposed properties, and between them and the site boundaries, resulting in a large gable wall located close to the existing school footpath. As such, the size, layout and positioning of the buildings and plots would not reflect the spacious layout and generous gaps between properties in the existing row of dwellings along this part of Linkfield Lane.
7. Although the proposed dwellings would be a similar height to the house at No 21, their narrow width and significant depth would not reflect the relatively shallow depths and wide frontages of many of the properties on this side of Linkfield Lane. Whilst the front elevations of the houses would include gable features intended to emulate the architectural style of No 21, these would be steeper, narrower, and taller than the front gables on No 21 and other dwellings near the site. Therefore, the design would be out of character with the existing houses close by.
8. I note the appellant's reference to the Council's Local Character & Distinctiveness Design Guide 2021. The proposal would result in the introduction of a new building line behind the existing line of buildings along this part of Linkfield Lane. I also note the artist's impression within the appellant's evidence. Although the properties would be partially screened by the existing house at No 21 and the proposed entrance gates, the upper part of one building would be visible from Linkfield Lane and the development would appear particularly conspicuous and incongruous from public vantage points on the adjacent school access path. Consequently, the dwellings would be detrimental to the character and appearance of the area.
9. The appellant refers to examples within the Council's area of approved backland and infill development, recently built schemes where the separation distances between the dwellings are similar to the proposal, and appeal decisions where residential development was allowed on the basis that it was found not to cause harm to the character and appearance of the area, amongst other things. From the evidence before me, they appear to be in areas with a different character and are not in close proximity to the appeal site. As such they are not comparable to the appeal proposal.
10. Overall, I conclude that the development would harm the character and appearance of the area. This would be contrary to Policies DES1 and DES2 of the Reigate & Banstead Local Plan Development Management Plan 2019.

Together, these require development to make a positive contribution to the character and appearance of its surroundings, having regard to the layout, density, plot sizes, building siting, scale, massing and roofscapes of the surrounding area and important views into and out of the site, and have plot widths and spacing in keeping with the prevailing layout in the locality. It would also conflict with the National Planning Policy Framework where development should be sympathetic to local character and where development that is not well designed should be refused.

Other Matters

11. In its appeal statement, the Council states that part of the rear of the site is within an area of surface water flooding with risks in the 1 in 30 year and 1 in 100 year scenarios. Having regard to a recent appeal decision and the content of the Planning Practice Guidance, the Council considered that a sequential test is required. In response, the appellant submitted a Flood Risk Assessment Report (FRA Report) which concluded that the site is not at risk of surface water flooding and there is no requirement to apply the sequential test. Given my findings above on the main issue, it is not necessary for me to consider the issue of flood risk and I have not consulted the Council on the FRA Report.
12. Whilst the proposed development would make more efficient use of the land in accordance with national planning policies, this would not outweigh the harm that I have found above. The proposal would contribute towards the supply of housing, including small family homes. However, there is no substantive evidence to demonstrate that the Council is failing to meet the needs for housing in its area. This tempers the weight I have attached to housing delivery, notwithstanding that it is still a benefit to be factored into the planning balance.
13. I note that the proposal has evolved to take account of comments from adjoining landowners, including setting the houses as far back as possible on the site, and that there is some support for the development. Due to the position and orientation of the proposed dwellings relative to the existing houses, I agree that the proposal would not harm the living conditions of the neighbouring occupiers.
14. The appellant cites the benefits of the proposal in terms of improving pedestrian and visibility splays to the existing accessway and adjoining entrance to the school. However, I observed that changes to the site access have already been made.

Conclusion

15. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A Wright

INSPECTOR