



Appeal Decision

Site visit made on 23 May 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 JULY 2023

Appeal Ref: APP/L3625/W/22/3296320

Land adjacent Clovelly, 110 Brighton Road, Earlswood, Redhill RH1 6PX

- 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 David Evans against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/02854/F, dated 27 July 2021, was refused by notice dated 5 January 2022.
 - The development proposed is erection of 3 x 1 bed flats
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description used in the banner heading above primarily reflects that on the application form but has been slightly altered to omit the address of the appeal site.
3. In its appeal statement, the Council states that Policy DES5 of the Reigate and Banstead Local Plan Development Management Plan 2019 (the DMP) is relevant but was not cited in the relevant reason for refusal. The appellant has had the opportunity to comment on the Council's submission and would not be prejudiced by my consideration of this policy.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the living conditions of the future occupiers of the development with particular regard to the provision of external amenity space; and
 - highway safety and the free flow of traffic.

Reasons

Living conditions

5. The appeal site comprises part of the garden associated with Clovelly, which has itself been subdivided into three individual units, situated within a residential area. It faces Brighton Road, a busy highway, close to its junction with St John's Road. The part closest to the road is overgrown and sloped at a higher level than the part which backs onto properties at Earlswood Road with the latter providing an outdoor patio area. Mature trees separate the site from the dwellings to the rear.

6. The area to the front of the building would be partly occupied by the lightwell for the lower ground floor flat, with the remainder comprising a narrow strip of amenity space adjacent to the proposed bin store and a 1.8m high wall forming the boundary with Brighton Road. The narrow width of the front external area sandwiched between the lightwell, building and wall, combined with its proximity to the bin store and noisy road, would result in a small amenity space with a poor environment which would not provide a useable area for the future residents of the flats.
7. Whilst there would be a larger area of amenity space to the rear, with patio doors from the lower ground floor flat leading directly onto it, this would also be relatively narrow. The proposed three storey building on one side and tall trees along the rear boundary would create a very enclosed, overshadowed space. Its narrow width along with its proximity to the building and trees would result in the provision of a small, poor quality rear amenity space, harmful to the living conditions of the future occupants of the dwellings. Although the building would be centrally located within the site, with a scale, form, and design to respect local character, it would occupy a significant amount of the site with only small areas of front and rear amenity space, creating a cramped form of development.
8. The Council does not have any specific amenity space standards, but its policies require proposals to make adequate provision for outdoor amenity space for future occupants. For the reasons set out above, I find that the proposal would not provide a sufficient size and quality of external amenity space to meet the needs of future residents.
9. Consequently, I conclude that the development would create harmful living conditions for the future occupiers of the development with particular regard to the provision of external amenity space. This would be contrary to Policy CS1 of the Reigate and Banstead Local Plan Core Strategy 2014 and Policies DES1, DES2 and DES5 of the DMP. Together, these seek to ensure that new development is sustainable and provides an appropriate environment, including adequate provision for outdoor amenity space for future occupants. It would also conflict with the National Planning Policy Framework (the Framework) which requires decisions to provide a high standard of amenity for future users.

Highway safety and the free flow of traffic

10. Brighton Road is a busy trunk road (A23) and there are three marked on-street parking spaces outside the appeal site. There are road markings indicating no stopping at the Brighton Road/St John's Road junction. Despite the lack of parking restrictions in other parts of Brighton Road, the presence of bus stops, the width of the carriageway and the volume of traffic mean that much of this road is not suitable for on-street parking. There are residential roads nearby which have on-street parking though parts of these have restrictions from 8am-6.30pm on Mondays to Saturdays.
11. Whilst only a snapshot in time, at my daytime site visit I observed two cars parked outside the marked bays on Brighton Road, partly blocking the footway. There were also many cars parked on nearby residential streets with a lack of available spaces in the areas without daytime parking restrictions. Due to the narrowness of some streets and the lack of alternative available spaces, some cars were parked partly on footways resulting in only limited space for pedestrians. Although the Highways Authority did not object to the proposal, at

the time of my site visit, it was clear that there is on-street parking stress during the daytime when the parking restrictions apply.

12. The appellant has stated that the development is proposed to be car free. However, no mechanism has been proposed that would secure this and, whilst there are public transport links available, occupiers of the proposed new flats may wish to own and park a car nearby for those journeys where it is not possible or practical to use public transport.
13. The proposal does not include any car parking provision and would require a minimum of three parking spaces to comply with the Council's standards unless evidence demonstrates that non-compliance would not cause unacceptable harm. The proposed development would lead to an increase in demand for limited daytime on-street parking spaces on nearby roads causing cars to be parked inappropriately, including further parking on narrow roads and footways. This would cause unacceptable harm to pedestrian and traffic safety.
14. A parking survey using an accepted methodology and carried out in the early hours of the morning in June 2021 on roads within 200m of the site has been submitted by the appellant. It finds that the proposal would only marginally increase the existing night-time parking occupancy levels of around 30%, significantly lower than 85% at which the parking network is deemed to be stressed. However, it includes spaces which are unlikely to be appropriate or practical to use due to their location on or on the opposite side of the busy Brighton Road and has limited survey data on daytime parking when the parking restrictions apply. Therefore, this evidence does not alter my conclusion that the proposal would harm pedestrian and traffic safety.
15. There is reference to other proposals granted planning permission in the wider area where parking issues were considered. This includes one in a different part of Brighton Road which was allowed on appeal despite providing a lower level of parking than required by the DMP. Whilst located in an area of low accessibility, the proposal was for houses rather than flats and included provision of eight parking spaces for four dwellings. As such, it is not comparable to the location and type of development now proposed. In any event, I have dealt with the appeal on the basis of the evidence and site observations.
16. National and local planning policies encourage development with access to sustainable transport modes and the site is within an area of medium accessibility, near to regular train and bus services and Redhill town centre. Although the site is in a relatively accessible location and would include the provision of a bike store, it would generate a need for additional parking which would not be provided on site and would increase stress on existing nearby on-street parking. Therefore, the accessibility of the location does not outweigh the need to provide sufficient off-street parking in this instance.
17. As a result, I conclude that the proposal would harm highway safety and the free flow of traffic. This would be contrary to Policy TAP1 and Annex 4 of the DMP where they require new development to provide safe access which does not unnecessarily impede the free flow of traffic and car parking in accordance with adopted local standards. It would also conflict with the Framework which requires the potential impacts of development on transport networks to be addressed.

Other Matters

18. The proposed development would make more efficient use of the land in accordance with national planning policies, but this would not outweigh the harm that I have found above. The proposal would also contribute towards the supply of housing on a small site but 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.
19. The appellant notes that the Council did not find harm in relation to the scale and form of development in terms of its roof height, its impact on the living conditions of neighbouring occupiers, its separation from neighbouring properties, and its impact on trees. There is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. Nevertheless, compliance with the development plan in relation to these issues is a neutral factor.

Conclusion

20. 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