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# 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: 1 August 2023**

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**Appeal Ref: APP/L3625/W/22/3306836**

**Farm Corner, 15 The Avenue, Tadworth KT20 5AY**

- 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 Richard Spiers against the decision of Reigate and Banstead Borough Council.
  - The application Ref 21/02439/F, dated 10 September 2021, was refused by notice dated 13 April 2022.
  - The development proposed is described as “demolition of an existing annex and garage at number 15 The Avenue, construction of three detached dwellings with associated access road, parking and turning areas”.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The scheme was amended during the application process. This appeal decision is based on the plans listed in the decision notice.

## Main Issue

3. The main issue is the effect of the development on the character and appearance of The Avenue Residential Area of Special Character (RASC).

## Reasons

4. The appeal site comprises a detached house on a large plot within a residential area. The Avenue rises when travelling eastbound and the existing dwelling is located at the top of a hill with much of the rear garden at a lower level. It is set back and at an angle to the road, away from the eastern boundary with Oaklands which is partly defined by conifer trees.
5. Most of the site lies within The Avenue RASC identified in the Reigate and Banstead Local Plan Development Management Plan 2019 (the Local Plan). I concur with the description of the character of the area in an earlier appeal decision at the appeal site<sup>1</sup> where it states that “Whilst for the most part, including the appeal site, the RASC consists of low density detached dwellings in large plots, the area to the east and south of The Avenue consists of higher density development culminating in terraced properties to the far east. I observed that in general low density is a discernible characteristic of the majority of the RASC with the exception of that development to the very east. There is also a clear distinction between the higher density residential

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<sup>1</sup> Appeal Ref: APP/L3625/W/20/3248158

development in the area that surrounds and abuts the RASC, as well as the character of Tadworth Grove and Avenue Court opposite the appeal site.”

6. The proposal is for three new dwellings within the grounds of the existing dwelling at No 15. There is no adopted Council policy on minimum plot sizes within the RASC and the density would be similar to the developments at Bramber Close and Bishops Grove. Further, the proposal would take the form of large, detached dwellings within sizeable plots which is a characteristic of the RASC. As plots 2 and 3 would be set back from The Avenue and at a lower level, these plots would have very limited visibility in The Avenue street scene and, even though the plots would be marginally smaller than those in Bramber Close and Bishops Grove, given the particular site characteristics, these two plots would not detract from the character of the RASC.
7. Nevertheless, although the dwelling on plot 1 would have a comparable footprint to the annex and garage to be demolished, it would be significantly higher than these structures and sited forward of the appeal property, closer to The Avenue, with a different angle to the road. Whilst the separation distances would be similar to other developments built in the RASC, the height and position of the proposed dwelling on plot 1 relative to the existing house and road would result in a prominent built form along The Avenue street frontage east of No 15. Due to its location at the crest of the hill, plot 1 would be particularly prominent in views when travelling eastbound along The Avenue and, as a consequence of its siting, height and prominence, plot 1 would appear cramped on its plot and would look harmfully out of place with the spacious character of the RASC.
8. The new dwellings would be finished in traditional materials and incorporate traditional roof features and the tall leylandii would be retained, but these design features would not overcome the harm I have found with regard to plot 1.
9. I accept that there is some transition between the appeal site and the denser development to the north and east, but the character of the site relates to The Avenue frontage from which it would continue to be accessed, and the exclusion of a small part of plot 2 from the local designation does not alter this. Further, although No 15 only just falls within the RASC, it has the characteristics of the designated area, and I have considered the scheme accordingly.
10. Overall, I conclude that the development would harm the character and appearance of the RASC. This would be contrary to Policies DES1 and DES3 of the Local Plan. Together, these require new development in RASCs to positively contribute to the character of the area and not harmfully erode spacing between buildings. It would also conflict with the National Planning Policy Framework which requires development to be sympathetic to local character. Further, it would be contrary to the Council’s Local Character and Distinctiveness Design Guide Supplementary Planning Document 2021 where it finds that development should respect building lines.

### **Other Matters**

11. Due to the retention of the existing building at No 15, the set back from the road of the house on plot 3 and its siting at a lower level, the proposal would not harm the adjacent non-designated heritage asset, Walden Cottage.

12. The Planning, Design and Access Statement (the Statement) refers to the Council having previously accepted the principle of redevelopment of this site to contribute towards its housing supply. There is no substantive evidence to demonstrate that the Council is failing to meet the housing requirement in its area. This tempers the weight I have attached to housing delivery. Nevertheless, the provision of three additional houses is a limited benefit of the scheme.
13. The Statement sets out information on several other matters, including the living conditions of future occupiers and neighbours, impacts on landscaping, and effects on highway safety. The technical reports include recommendations on achieving reduced carbon dioxide emissions and mitigating impacts on protected species. The Council did not raise concerns on these matters and there is no compelling evidence before me that would lead me to reach a different conclusion to the Council on them. Nevertheless, compliance with the development plan in relation to these issues is a neutral factor.
14. The removal of the annex and garage would restore the building to its original form. Although this would be a small benefit of the scheme, it would not outweigh the conflict with the development plan policies.

### **Conclusion**

15. Overall, for the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations of sufficient weight to indicate that the proposal should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed.

*A Wright*

INSPECTOR