



Appeal Decision

Site visit made on 5 May 2023

by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2023

Appeal Ref: APP/L3625/W/22/3293586

178 Radstock Way, Merstham RH1 3NS

- 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 C Barker against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/00348/F, dated 12 February 2021, was refused by notice dated 21 January 2022.
 - The development proposed is 2x3 Bed detached properties on the land to the rear of 178 Radstock Way.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original description of development set out on the application form was for three new 3-bed detached properties, however the scheme was amended during the application process, with one dwelling removed. Therefore, in the header above I have used the amended description taken from the Council's decision, which is also set out on the appeal form. I have however omitted references to the dates of various amendments which occurred during the application process, as these do not describe the development proposed.
3. The appellant has provided amended and additional plans during the appeal. Site plan 0463 AP 52 shows proposed dropped kerbs and visibility splays. This information was requested by the Highway Authority during the application process and relates to matters that could have been secured by planning condition. Therefore, no party would be prejudiced by my accepting that drawing and taking it into account in this appeal. The Highway Authority and the Council have confirmed that this additional information satisfies their concerns in respect of the third reason for refusal. Nevertheless, an interested parties has raised highway safety concerns, therefore I will consider this matter further below.
4. Drawing 0463 AP 51 also shows changes to the side windows of both properties, including a bay window in the side of Plot 2. The changes are minor in nature and both the Council and interested parties have had the opportunity to comment on them during the appeal process. Therefore, accepting this amended plan would not prejudice anyone involved in this appeal.

Main Issues

5. The main issues are the effect of the proposal on the character and appearance of the area; whether the proposal would provide satisfactory living conditions for future occupiers with regard to internal accommodation and outdoor space; and the effect of the proposal on highway safety.

Reasons

Character and appearance

6. Large plots, open space, trees and other vegetation give Radstock Way a spacious, verdant character. Plots along Chesterton Drive are slightly narrower and shorter than along Radstock Way but dwellings are generally set back from the road with parking in front. This creates a sense of spaciousness, albeit not to the same degree as along Radstock Way. The appeal site is characteristic of the large corner plots found on Radstock Way. Adjacent to it is a terrace of three bungalows set close to the road within small plots.
7. The proposed dwellings would be of simple form and design using red brick and tiled roofs, which would be consistent with the houses along Chesterton Drive. The drawings show that the proposed dwellings would be in line with the adjacent bungalows. The Council has confirmed that reference in its first reason for refusal to the proposed dwellings being forward of the building line was an error.
8. With the parking layout proposed, the plot widths and gaps between dwellings would be similar to those of other two-storey dwellings in the vicinity. However, the plot depths would however be significantly shorter than those of other two-storey properties. The proposed dwellings would extend well back into the site, resulting in short rear gardens. The proximity of the dwellings to the rear boundary would be appreciated from Chesterton Drive and Dundrey Crescent through gaps between existing dwellings. Consequently, the proposed dwellings would appear overscaled and cramped within their plots and would not reflect the spacious character of Chesterton Drive.
9. The adjacent bungalow plots are a similar size to those of the proposed dwellings, and are therefore somewhat anomalous in this area. The bungalows are however considerably smaller than the proposed houses and do not extend as far to the rear, so sit comfortably within their plot. They are not therefore directly comparable to the scheme before me.
10. The appellant suggests that specimen trees or hedging could be planted, however there appears to be little space available for such planting in the front or rear gardens, given their limited size. It has not therefore been demonstrated that the visual impact of the proposed dwellings could be adequately mitigated through planting.
11. The proposal would therefore harm the character and appearance of the area. It would conflict with Policies CS4 and CS10 of the Reigate and Banstead Core Strategy 2014 insofar as they require development to respect and protect the character of the local area; and with Policies DES1 and DES2 of the Development Management Plan 2019 (DMP) which require high quality design with development of a height, bulk, mass and siting that is in keeping with the existing street scene.

12. Furthermore, the proposal would not follow the guidance in the Character and Local Distinctiveness Design Guide Supplementary Planning Document (SPD) insofar as it requires design and layout to be informed by the character of the wider area and the local pattern of streets and spaces. Nor would it comply with the National Planning Policy Framework (the Framework) which requires good design which is sympathetic to local character.

Living conditions

13. The amended plans remove the obscure glazing proposed for the sole window serving the middle bedrooms of each dwelling. For Plot 1 this would mean that the bedroom window would face the two-storey blank wall of Plot 2 with only a few metres separation, resulting in a very limited outlook. The angled bay window proposed for Plot 2 provide some outlook towards Chesterton Drive over the open land adjacent. However, this would be through a small window set at an awkward angle for occupants of the bedroom to look out, so would also result in a limited outlook. Consequently, both dwellings would have a poor outlook from the middle bedroom, and although not as poor as it would have been with obscured glass, this would not provide satisfactory living conditions for the occupiers of the dwellings.
14. The proposed dwellings would have three double bedrooms, so can reasonably be expected to provide accommodation for families. I have not been directed to any garden size standards in local policy, however the rear gardens would be much smaller than those of other similarly sized dwellings in the area. They would have a south facing outlook, but several trees are shown to be retained, which would limit the useable area of the gardens, particularly in Plot 1 where a single tree canopy would cover most of the garden area. Even if the trees were removed, it has not been demonstrated that the gardens would be of sufficient size to meet all of the normal day-to-day needs of a family such as a shed, play space and space for drying laundry along with planting, plus the cycle storage required by local policy.
15. The gardens of the adjacent bungalows are similar in size, however those are much smaller dwellings likely to have fewer occupants. Therefore this does not justify the small garden sizes proposed in this appeal.
16. Accordingly, the proposal would not provide satisfactory living conditions for future occupiers with regard to internal accommodation and outdoor space. It would therefore conflict with DMP Policies DES1, DES2 and DES5, insofar as they require development to provide high quality accommodation and good living conditions for future occupants. It would also conflict with the Framework requirement to achieve a high standard of amenity for future users.

Highway safety

17. The proposal would provide adequate car parking for each dwelling. The appellant has now demonstrated that suitable visibility can be achieved for pedestrians and vehicles at the proposed accesses. Those visibility splays could be secured by condition to ensure that they remained free from obstruction. Consequently, approaching vehicles and pedestrians would be able to see those entering or exiting the appeal site from a safe distance.
18. The proposal would increase traffic, however in this residential area the additional vehicular movements would not be significant. The proposal would

result in three dropped kerbs close together, including the one between the site and No 30, however this would be consistent with the arrangement of other driveways in the road.

19. Therefore, the proposal would not result in an unacceptable impact on highway safety. Consequently, it would not conflict with DMP Policy TAP1, which requires development to provide safe and convenient access for all road users and include car parking in accordance with adopted local standards; or with criterion 10 of Policy DES1 which requires development to make adequate provision for access and parking. Nor would it conflict with the Framework policies on parking and highway safety.

Planning Balance and Conclusion

20. The proposal would deliver housing on a small site within an existing settlement, making efficient use of land as supported by local and national policies, with associated economic benefits through construction and bringing additional households into the area. However, I have not been advised of any shortfall in housing supply in this area, nor has it been demonstrated that the proposal would meet a particular housing need. The appeal site is garden land within a built-up area, therefore it does not fall within the Framework definition of previously developed land, and consequently does not benefit from the policy support for development on such land. Therefore, the delivery of only two dwellings carries limited weight.
21. The proposal would harm the character and appearance of the area and would not provide satisfactory living conditions for future occupiers. It is not therefore well designed. Although it would meet the requirements of some development plan policies, it would not achieve the high-quality design required throughout the DMP and Core Strategy, and therefore would not comply with the development plan read as a whole. The Framework directs that development that is not well designed should be refused, especially where it fails to reflect local design policies. Given the importance of good design, I afford great weight to these policy conflicts.
22. Having regard to the evidence before me, I find that the benefits of the proposal do not outweigh the harm that would result, and do not justify granting permission for development that would be contrary to the development plan. The appeal is therefore dismissed.

L McKay

INSPECTOR