



Appeal Decision

Site visit made on 9 May 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2023

Appeal Ref: APP/L3625/D/23/3316865

Angel Cottage, 13 Cockshot Hill, Reigate, Surrey RH2 8EF

- 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 Albert Onamusi against the decision of Reigate and Banstead Borough Council.
 - The application Ref 22/02112/HHOLD, dated 22 September 2022 was refused by notice dated 9 January 2023
 - The development is described as installation of a sliding gate (including brick piers and driveway mirrors) at 13 Cockshot Hill, along with laurel hedges in order to provide privacy, beautify and reduce emissions (through carbon capture from the hedges).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. From my visit and on the basis on the evidence before me, the gate, piers and laurel hedge are already in place and therefore the development is retrospective.
3. The appeal site's name is referred to in the application form as both 'Angle' and 'Angel' Cottage. However, as the appeal statement refers to Angel Cottage throughout, I have used this for the purposes of the appeal.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the area, including the Woodhatch Lodge historic park and garden of local interest (the parkland) and whether the setting of the grade II Listed Angel public house (the LB) would be preserved; and
 - The effect of the development on highway safety, with particular regard to the potential for conflict between vehicles waiting to access the appeal site and other road users.

Reasons

Character and appearance, setting of listed building and historic park and garden

5. The appeal site comprises a two storey detached dwelling of traditional design set back from the highway behind a driveway. To the rear is a small grouping of four, two storey houses known as Angel Place. The Council confirm that the site is within an area locally listed as a historic park and garden of local

interest, although it is not subject to any statutory designation. There is verdant planting on either side of Cockshot Hill immediately to the north of the appeal site.

6. The gate is black and opaque and is a stark addition to the streetscene. Due to its height it restricts views into the appeal property, which is unusual given the majority of nearby properties have low boundary walls or fences and generally open frontages. It also occupies a prominent position, with minimal set back from the highway edge. Despite the laurel planting on the site boundary which provides some softening, the gate is an imposing and uncharacteristic addition within the streetscene which is harmful to the character of the area.
7. Whilst there is a large gate at the entrance to Angel Place, due to its significant set back from the public highway and its design, which allows views into these properties, it is a less imposing structure.
8. The appeal site has a clearly defined domestic curtilage which is marked by fencing at its northern boundary with the parkland. As a result, the site has the appearance of being physically quite distinct from the main body of the parkland.
9. The parkland is of sufficient historic interest to be considered a non-designated heritage asset by the council (NDHA). Paragraph 203 of the Framework states that the effect of an application on the significance of a NDHA should be taken into account in determining the application. In weighing applications that affect directly or indirectly NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
10. Based on my observations of the site and its relationship with the parkland I consider that the appeal now forms part of the area's developed urban fabric and therefore has a greater connection to the small grouping of dwellings in Angel Place rather than the parkland. However, even as the site's connection to the parkland has reduced, I have found the gate's design to be stark and imposing. Consequently, the proposal would cause limited harm to the parkland's overall character and appearance when viewed from Cockshot Hill.
11. The Council has raised concerns in relation to the felling of trees and loss of lawn and hedging prior to the submission of the planning application. However, there is little evidence before me to suggest that these could not have been felled or removed. I have determined the appeal on its own merits and based on the appearance of the site during my visit.
12. Further to the south, on the corner of a junction is the Angel public house which is Grade II listed. The Historic England list entry describes it as an unusually shaped-timber framed building consisting of a centre portion of three storeys, one window each with gable ends east and west. It dates from the late seventeenth or early eighteenth century.
13. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the local planning authority or, as the case may be, the Secretary of State, to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. There is no disagreement between the parties that

the proposal would be within the setting of the LB and I see no reason to disagree.

14. From my observations on the site visit and the evidence before me, the significance of the LB is derived mostly from its age, architectural quality and its prominent location on a junction.
15. The proposal is a considerable distance from the LB. It appears that the setting of the LB has been subject to alteration, over the years with the area immediately to the north of the building changing to a combination of a parking area and dwellings and boundaries marking the various residential curtilages. The proposal is also linear and small in scale, and as a result it is not an apparent feature in a number of views of the LB, particularly those from the south. Overall, its subservient scale and offset by a significant distance prevents it from having a harmful impact on the setting of the LB.
16. Given the above I conclude that, on balance, the proposal would preserve the setting of the Grade II listed building. This would satisfy the requirements of the Act and paragraph 197 of the Framework.
17. However, I have found that as a result of its prominent position and stark design, the proposal has a harmful effect on the character and appearance of the area including the parkland. In this respect it would be contrary to Policies DES1 and NHE9 of the Reigate and Banstead Local Plan Development Management Plan (2019) (DMP) and the Character and Distinctiveness Design Guide Supplementary Planning Document. Collectively, these prioritise the conservation of heritage assets when considering the overall impact of development proposals upon their significance and importance and require all new development be of a high quality design.

Highway safety

18. At the time of my site visit, I found Cockshot Hill to be a busy road with vehicles frequently travelling in both directions. The entrance gates have minimal set back from the pavement. Given the relatively narrow width of the pavement, vehicles waiting in front of the gates for them to open are likely to project across the footway and onto the carriageway. As a result, waiting vehicles projecting onto the road are likely to disrupt the flow of traffic heading south on Cockshot Hill. This may lead to unsafe vehicular movements as other drivers seek to pass the stationary vehicle. Furthermore, vehicles overhanging the footway would reduce the space available for pedestrians and could mean they need to step onto the carriageway to round the obstruction.
19. The entrance gates are powered by a remote device which can be used to open the gates on approach, from a considerable distance away, to allow vehicles immediate entry without waiting on the highway. This may provide a solution when the occupiers of the property are returning. However, it seems to me that there will be many occasions when visitors will also drive to the property. They are unlikely to have access to the remote device and, as a result, will be required to wait on the carriageway and pavement until the gates are opened.
20. I note that mirrors are installed on the brick pillars to improve visibility for vehicles and that there are no parking restrictions on this part of the road. However, these factors would not resolve my fundamental concern that

vehicles waiting for the gate to open would negatively interact with vehicles proceeding along the carriageway.

21. For the reasons given above, the proposal would cause harm to highway safety, with particular regard to the potential for conflict between vehicles waiting to access the appeal site and other road users. It therefore conflicts with Policy TAP1 of the DMP which, amongst other criteria, requires development not to unnecessarily impede the free flow of traffic on the public highway, or compromise pedestrians or any other transport mode.

Other Matters

22. I am sympathetic to the appellant's concerns in relation to air pollution from cars idling at the nearby junction, especially as they are acutely aware of the impact of poor quality air as a family member is asthmatic. However, I have not been provided with substantive evidence to demonstrate that the proposal would result in a material improvement in air quality at the site.
23. The appellant indicates that the proposal will help reduce levels of noise, lack of privacy, and wind pushing dirt and leaves into the property. The appellant also indicates that the proposal will improve safety and security and that local residents have provided positive comments in relation to the proposal. I also understand that the gates were installed after previous gates were damaged in a storm and that the appellant was not aware that planning permission was required. Be that as it may, these matters do not outweigh the harm I have identified.

Conclusion

24. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR