



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: 17 August 2023

Appeal Ref: APP/L3625/W/22/3306447

80 Croydon Road, Reigate, Surrey RH2 0NH

- 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 A and D Lippett against the decision of Reigate and Banstead Borough Council.
 - The application Ref 22/00557/F, dated 8 March 2022, was refused by notice dated 29 July 2022.
 - The development proposed is demolition of existing single-storey permanent structures (used as garages and storage) and the erection of 2No. self-built semi-detached 3-bedroom family dwellings with associated access, external amenity spaces, refuse storage and car and cycle parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing single-storey permanent structures (used as garages and storage) and the erection of 2No. self-built semi-detached 3-bedroom family dwellings with associated access, external amenity spaces, refuse storage and car and cycle parking at 80 Croydon Road, Reigate, Surrey RH2 0NH in accordance with the terms of the application, Ref 22/00557/F, dated 8 March 2022, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr A and D Lippett against Reigate and Banstead Borough Council. This application is the subject of a separate decision.

Preliminary Matter

3. I note that the Council subsequently approved a revised scheme for the site on 25 April 2023 (planning application ref 22/02352/F), but I have not been provided with any details of this. In any event, my consideration of the merits of the proposal is based on the proposed plans and information submitted with the appeal.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the living conditions of the occupiers of 84 Croydon Road with particular regard to outlook and light; and
 - highway safety and the free flow of traffic.

Reasons

Living conditions

5. The site comprises single storey garages and storage buildings located within the primarily residential area of Croydon Road. There is a tall pair of two storey semi-detached dwellings adjacent to the site at 76 and 78 Croydon Road (Nos 76 and 78). On the other side, the two-storey house at 84 Croydon Road (No 84) has a lower height and is set back further from the road than other dwellings in the vicinity.
6. The proposed two-storey building with accommodation in the roofspace would be larger and occupy a different footprint to the garages and storage buildings that it would replace and it would remove the current open relationship between the existing buildings at Nos 78 and 84. However, the structure would have the same orientation as the neighbouring buildings, with the two storey part of it stepped back from the rear building line of No 84 and the rear single storey projection having a similar rear building line to the adjacent dwelling. As a result, the development would not have an overbearing impact or cause harmful overshadowing to the rear garden of No 84.
7. There is currently a gap due to a driveway between No 84 and No 86 which means that the existing house adjacent to No 84 is not overbearing. The proposed building would project forward of the house at No 84 and be visible from its front habitable room windows. However, as its front building line would be set back from those at Nos 78 and 86 and given the limited extent of the projection and the approximate 1.7m gap between the proposed structure and No 84, the development would not have an unacceptable impact on the outlook and light to the front rooms of the adjacent property.
8. Consequently, I conclude that the development would not adversely affect the living conditions of the occupiers of No 84 Croydon Road with particular regard to outlook and light. It would comply with Policies CS1 and CS10 of the Reigate and Banstead Local Plan Core Strategy 2014 (the CS) and Policy DES1 of the Reigate and Banstead Local Plan Development Management Plan 2019 (the DM Plan). Together these require development to not adversely impact on occupants of existing nearby buildings by way of overbearing and overshadowing. The proposal would also comply with the Council's Householder Extensions and Alterations Supplementary Planning Guidance 2004 where it sets out requirements to avoid overshadowing. Additionally, it would be in accordance with the National Planning Policy Framework (the Framework) which requires decisions to provide a high standard of amenity for existing users.

Highway safety and the free flow of traffic

9. The Council's minimum parking requirement for three-bedroom houses is one space per dwelling in highly accessible areas and two spaces for each property in areas with medium accessibility. Whilst the site straddles two accessibility areas and the Council's policies do not provide guidance on this eventuality, most of it falls within an area of high accessibility. The proposal includes provision for one parking space for each dwelling and, although these spaces would be in front of the snug in unit 2, I have no reason to believe that they would not be used. As such, the proposal meets the minimum parking requirements for the accessibility area covering most of the site.

10. There are double yellow lines on the opposite side of Croydon Road and further along it, towards its junction with Doods Road, but the side of the road on which the appeal site is located has no on-street parking restrictions at this point. Although only a snapshot in time, at my site visit I observed that there was little space available for on-street parking in this part of Croydon Road, but plenty of parking space further up the street towards the Croydon Road cul de sac and Lorian Drive within a short walk of the site. Therefore, even if the occupiers of each dwelling have more than one car and increase the demand for on-street parking on Croydon Road, I do not consider that the proposal would harm highway safety and the free flow of traffic on this road as there would be sufficient space to accommodate these on the street nearby.
11. A third party has referred to the amount of parking provided on some other sites which were granted planning permission. The size, type and locations of those developments differ to the current proposal so are not comparable.
12. Overall, I conclude that the proposal would not harm highway safety and the free flow of traffic. It would comply with Policies CS1 and CS10 of the CS and Policies DES1 and TAP1 and Annexe 4 of the DM Plan. Together these promote sustainable development which takes account of levels of accessibility and require development to make adequate provision for parking in accordance with adopted local standards. It would also accord with the Framework which requires the potential impacts of development on transport networks to be addressed.

Other Matters

13. There are concerns about the effect of the development on the privacy of the occupiers of No 84. Whilst the rear facing bedrooms on the proposed dwellings would overlook the garden of No 84 to a degree, this is not unusual in a residential area and would not cause a harmful loss of privacy. The Council has suggested a condition that the first-floor side bathroom windows be obscure glazed to ensure that these do not overlook the neighbouring properties.
14. Concerns have also been raised about the density of the development, increase in traffic and congestion, and hazards to highway safety. The development of the site for two dwellings is not inconsistent with the density of the surrounding residential development, will not generate significant levels of additional traffic and there is no evidence that it would cause a hazard to highway safety. The Council did not raise concerns on these matters, and I see no reason to disagree.
15. In relation to the impact on existing trees and the demarcation of the boundaries, the appropriate landscaping of the site can be controlled by condition. Further, a condition can ensure that any potential sources of asbestos contamination on the site would be appropriately mitigated so that it would not harm human health.
16. I note the reference to the *Fearn and others v Board of Trustees of the Tate Gallery UK* Supreme Court judgment. Given my conclusions on living conditions, there is no conflict between this judgment and the appeal proposal.

Conditions

17. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the Framework and the advice in the

Planning Practice Guidance. I have made minor amendments, where necessary, to ensure that the conditions comply with these documents. In the interests of precision, I have also combined some conditions relating to contamination and asbestos and included boundary treatments in the landscape condition.

18. In addition to the standard time limit condition (1), I have imposed a condition requiring that the development is carried out in accordance with the approved plans (2). This is in the interest of certainty.
19. Conditions relating to external materials (3) and hard and soft landscaping (12) are necessary to protect the character and appearance of the area.
20. Pre-commencement conditions requiring the provision of a Construction Transport Management Plan (4), asbestos survey (5), contaminated land risk assessment and remediation scheme (6, 7 and 9), a tree protection scheme (10), and surface water drainage scheme (11) are necessary to ensure that measures are put in place prior to development so that it will not prejudice highway safety, harm human health, pollute controlled waters, harm existing trees or increase flood risk. The appellant has agreed to these.
21. A condition is required to ensure that there is a process for dealing with any unidentified contamination found during construction (8) to ensure that the development will not harm human health or pollute controlled waters.
22. I have also imposed conditions requiring: a scheme to provide biodiversity net gain (13) to ensure the provision of biodiversity enhancements; secure storage for bicycles (16) and electric vehicle charging points (17) to encourage more sustainable forms of travel; a high speed broadband connection (19) to promote access to high quality electronic communications; and an energy and water efficiency statement (20) to make efficient use of resources and minimise carbon emissions.
23. I have imposed conditions relating to a scheme for the proposed bellmouth vehicular access (14) and space to be laid out for parking (15) to ensure no prejudice to highway safety or inconvenience to other highway users.
24. A condition requiring obscure glazing of the first-floor side windows (18) is necessary to ensure that the development does not cause overlooking of neighbouring properties.
25. I note the concerns about disturbance from building work but given the size of the proposal, any disturbance on neighbouring occupiers is likely to be small scale and temporary so a condition restricting working hours is not necessary.

Conclusion

26. For the reasons given, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal is allowed.

A Wright

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0001 Rev P1; 1000 Rev P1; 1100 Rev P1; 1200 Rev P1; 1205 Rev P1; 1305 Rev P1; 2000 Rev P1; 2001 Rev P1; 2002 Rev P1; 2100 Rev P2; 2200 Rev P2; 2205 Rev P2; 2305 Rev P1; and 2300 Rev P2.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be constructed in accordance with the materials as specified within the application form and there shall be no variation without the prior approval and agreement in writing of the local planning authority.
- 4) No development shall commence until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. The approved Construction Transport Management Plan shall be adhered to throughout the construction period for the development.
- 5) No development shall commence until either evidence that the building was built post 2000 or an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 (HSE's Asbestos: The survey guide) supported by an appropriate remedial mitigation scheme to control risks to future occupiers shall have been submitted to and approved in writing by the local planning authority. The scheme must be written by a suitably qualified person. The scheme shall identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed end use of the site. Development shall then be carried out in accordance with the approved details. No dwelling shall be occupied until the scheme of remedial mitigation has been independently verified and agreed in writing by the local planning authority to ensure the scheme has been complied with.
- 6) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites – Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
 - a survey of the extent, scale and nature of contamination; and
 - the potential risks to human health, property, adjoining land, ground waters and surface waters.
- 7) No development shall commence where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall

- be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 8) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 9) No development shall commence until a monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented, and the reports produced as a result, shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing within 14 days of receipt. If any of these reports identifies any discrepancy with the verification report then a protocol, including timescale, for the necessary remediation shall be submitted to the local planning authority within a further 14 days and approved in writing within 14 days of receipt. Thereafter, any necessary remediation and verification shall be carried out in accordance with the approved protocol.
- 10) No site clearance, preparatory work or development shall commence until a scheme for the protection of retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with British Standard 5837: Trees in Relation to Design, Demolition and Construction – Recommendations (or an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 11) No development shall commence until details of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter maintained.
- 12) No development above ground level shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- all proposed and retained trees, hedges and shrubs;
 - planting plans and details of areas to be grass seeded or turfed;
 - means of enclosure, including boundary treatments;
 - hard surfacing materials;
 - minor artefacts and structures, including refuse and other storage units;

- lighting; and
- an implementation programme.

The landscaping works shall be carried out in accordance with the approved details and the agreed implementation programme.

All trees shall be planted in accordance with British Standard 8545: Trees: from nursery to independence in the landscape – Recommendations (or an equivalent British Standard if replaced).

Any trees, hedges or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or become diseased within five years of planting shall be replaced in the next planting season with others of similar size and species.

- 13) No development above ground level shall commence until a scheme to provide biodiversity net gain, including an implementation programme and informed by a preliminary ecology appraisal, has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures shall be carried out in accordance with the approved details and the agreed implementation programme.
- 14) No dwelling shall be occupied until a scheme for the proposed bellmouth vehicular access to Croydon Road has been submitted to and approved in writing by the local planning authority, and thereafter implemented in accordance with the approved details and permanently retained.
- 15) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 2000 Rev P1 for two vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 16) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 2000 Rev P1 for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 17) No dwelling shall be occupied until they are each provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained.
- 18) No dwelling shall be occupied until the first-floor windows in the side elevations have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 19) No dwelling shall be occupied until the necessary infrastructure to facilitate connection to a high speed broadband has been provided. Unless otherwise agreed in writing by the Local Planning Authority, this shall include as a minimum:
 - a) A broadband connection accessed directly from the nearest exchange or cabinet,

- b) Cabling and associated installations which enable easy access for future repair, replacement or upgrading.
- 20) No dwelling shall be occupied until an Energy and Water Efficiency Statement has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and no dwelling shall be occupied until any measures specific to it have been implemented, installed and are operational.