



Appeal Decision

Site visit made on 11 July 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/L3625/W/23/3314671

58 Brighton Road, Hooley, Surrey CR5 3EE

- 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 Tomasz Zieba against the decision of Reigate and Banstead Borough Council.
 - The application Ref 22/01096/F, dated 24 May 2022, was refused by notice dated 25 July 2022.
 - The development proposed is describes as residential dwelling on the land adjoining 56 - 58 Brighton Road. Hooley. CR5 3EE following planning refusal 22/00382/F.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on trees surrounding the site; and
 - The effect of the proposal on highway safety and the operation of the strategic road network with particular regard to the location of the vehicular access across a lay-by.

Reasons

Trees

3. When viewed from Brighton Road, the area to the left of the appeal site contains a grouping of buildings and a petrol filling station. To the right, and immediately to the rear of the appeal site, is a band of mature trees which provide a green buffer within an otherwise built up section of Brighton Road. The trees therefore make a positive contribution to the character and appearance of the area.
4. Whilst the trees are located outside the appeal site, there are several which are very close to the site boundary. As the site is on a steep slope, fairly substantial excavation works are likely to be required during the construction of the proposal. Given the trees' significant height and proximity to the boundary, it seems likely that their roots may be present within the appeal site.
5. The appellant has indicated that consideration would be given to foundation design should the appeal succeed and the building would be constructed in accordance with current building regulations. However, an Arboricultural Assessment has not been submitted, and no further details have been provided

to demonstrate how potential harm to the trees will be mitigated. In the absence of such information, it has not been demonstrated that the health of the trees would be safeguarded.

6. For the above reasons, I conclude that it has not been demonstrated that the proposal would not have a detrimental impact on the health of the trees surrounding the appeal site. I therefore find that it conflicts with Policy NHE3 of the Reigate and Banstead Local Plan Development Management Plan (2019). Amongst other things, this policy requires unprotected but important trees and woodland with ecological or amenity value to be retained.

Highway safety

7. The proposal includes a single off-street car parking space which requires a new access across and from an existing lay-by. The appellant indicates that should planning permission be granted, an application for a dropped kerb will be submitted.
8. My visit can only provide a snapshot in time, but I observed Brighton Road as a highly trafficked road. It is described by National Highways (NH) as an all-purpose trunk road which forms part of the strategic road network (SRN) at Hooley. The Council, along with NH, are concerned that the proposal would have a harmful effect upon the safe operation of the SRN.
9. With regards to access from lay-bys, Design Manual for Roads and Bridges (DMRB) is applicable, and states that junctions and accesses shall not be located within lay-bys. The proposal also has the potential to increase congestion on Brighton Road as a result of queuing with vehicles seeking to enter and exit the site, as well as causing conflict with legitimate users of the lay-by. In the absence of compelling evidence to the contrary, I consider that the proposal would harm the safety, reliability and operation of the SRN.
10. On my visit, I experienced the lay-by to be fairly heavily parked during mid-morning on a weekday. The proposal would result in the loss of at least one parking space on the lay-by as this area would need to remain unobstructed at all times to enable access to the new dwelling. As a result, it would reduce the available lay-by capacity, and may lead to conflict with legitimate users of the lay-by. This could lead to additional congestion as drivers seek parking spaces, or park illegally, which would be detrimental to highway safety. There is little evidence to suggest that such circumstances could be avoided by the appeal proposal.
11. I have been referred to a recent planning permission at 25 Brighton Road. However, the access to that property is not located adjacent to lay-by. As such, it has a different effect on highway safety to that proposed and it does not justify the harm I have identified.
12. I have also been referred to a recent permission at 68 Brighton Road. The appellant indicates that, in that instance, no off-street car parking was provided and that this was considered to be acceptable. The appellant has queried whether on-site parking is required in a location which they suggest has sufficient on street parking and public transport. However, I am required to determine the appeal on the basis of the submitted drawings, and as I have found that the access would have a harmful effect on highway safety, the

existence of a nearby car-free development does not justify the harm I have identified.

13. For the above reasons, I conclude that the vehicular access across and from a lay-by would have a harmful effect on highway safety and the operation of the strategic road network. I therefore find that the proposal would be at odds with paragraph 110(b) and 111 of the National Planning Policy Framework (2021), which state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. For the same reasons it would contravene the objectives of the design standards contained within DMRB.

Conclusion

14. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR