



Appeal Decision

Site visit made on 8 August 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2023

Appeal Ref: APP/L3625/W/22/3306215

8-12 Balcombe Road, Horley RH6 9HT

- 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 Jamal Elmellas of Apples Properties Limited against the decision of Reigate and Banstead Borough Council.
- The application Ref 21/03185/F, dated 1 December 2021, was refused by notice dated 17 August 2022.
- The development proposed is the demolition of all existing buildings and erection of a detached building containing 6 apartments with associated access, parking for car and cycles, refuse storage and amenity space.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of all existing buildings and erection of a detached building containing 6 apartments with associated access, parking for car and cycles, refuse storage and amenity space at 8-12 Balcombe Road, Horley RH6 9HT in accordance with the terms of the application, Ref 21/03185/F, dated 1 December 2021, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effects of the proposal on:
 - i) the character and appearance of the area;
 - ii) the living conditions for future occupiers; and
 - iii) parking standards and on-street parking.

Reasons

Character and appearance

3. The appeal site consists of a pair of semi-detached houses and a detached house which appears vacant, located in a mixed-use area on the periphery of Horley town centre. The site adjoins the Bridge Industrial Estate, with both commercial and residential properties located in close proximity to the appeal site. Consequently, there is a variety of styles and material treatments in the area, alongside a variation in the roof treatments and roof heights between two and four storeys. The proposal seeks the demolition of the existing properties and erection of a contemporary L-shaped development consisting of 6 flats with associated parking and facilities.
4. Given the variety in the building styles in the vicinity there is no obvious rhythm to the street. The appeal site marks a transitional location between the more commercial and industrial nature of development in and around the

railway line to the north of the appeal site, and the more residential nature of Horley to the south. The proposal would provide for denser form of development in comparison to the dwellinghouses opposite the site, however the scheme has utilised the site well and would result in a positive visual relationship within the immediate street scene.

5. Paragraph 130 c) of the National Planning Policy Framework (the Framework) indicates that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
6. The proposed contemporary design approach would not be inappropriate in this location, as the use of alternative materials such as zinc cladding and the use of differing brick stocks would provide visual interest to the site, and these could be secured by condition, for further design consideration. Furthermore, just because a design is different from the prevailing character, does not necessarily make it harmful. The resulting development would take advantage of the constraints of the site and would provide a development which is respectful to its surrounds whilst providing interest in the street.
7. It is acknowledged that the flat roof treatment which steps up towards the Bridge Industrial Estate would provide a visual juxtaposition from the traditional neighbouring pitched roof terrace. However, it would have an acceptable impact on the character and appearance of this area, given the existence of other developments nearby, with specific reference to Bank House at the other end of the terrace, which is a large three/four storey development which contains a parapet and also flat roof elements. Consequently, the bulk, scale and mass of the proposal would be in keeping with the area in general, albeit a modern interpretation of development.
8. Overall, the proposed development would not appear visually intrusive or overly prominent within its context. The scheme provides a well-considered design response to the site, albeit with a contemporary design and alternative fenestration features, flat roof and façade treatments. The overall design and resulting form of the development, would not appear out of keeping within either Balcombe Road or the wider area. The development would merely serve to add an additional element of variety to the street scene.
9. I therefore conclude that the proposed development would represent good design and would contribute positively to the local character and would not harm local distinctiveness. Consequently, I find no conflict with Policy DES1 of the Reigate and Banstead Local Plan Development Management Plan (DMP), adopted September 2019, and the Reigate and Banstead Borough Council Local Character and Distinctiveness Design Guide Supplementary Planning Document (SPD), adopted June 2021, which amongst other things, requires new development to be of a high-quality design that makes a positive contribution to the character and appearance of its surroundings. Furthermore, the proposal would accord with the Framework which also seeks to secure high quality design, whilst taking into account the local character and reflecting the local surroundings.

Living conditions for future occupiers

10. From the information before me, the layout of the proposed flats highlights that the room sizes exceed the standards set out in the National Described Space Standards (NDSS), March 2015.
11. However, it has been put to me that the private and communal outdoor spaces fail to provide adequate space for occupants. DMP Policy DES5 requires new development to provide outdoor amenity space, including balconies and roof terraces, and/or communal outdoor space, however there are no minimum standards which could act as a benchmark for high design quality.
12. All the units proposed would have private outdoor space, which is of sufficient size to enable sitting out and/or drying of washing, whilst the communal area would allow for children to play outside. The communal area would be of a useable shape and be of an adequate size that would enable space for a small sitting out/entertaining area. An entirely separate area would be provided for cycle and bin storage, enabling the space to the rear to function solely as amenity space.
13. The space would be attractive and inviting, because of its overall size and position in relation to the living accommodation. Therefore, the area would provide a functional space appropriate for future occupiers.
14. Consequently, I find no conflict with DMP Policy DES5 or Paragraph 130 f) of the Framework, which collectively seek, amongst other things, to achieve high quality housing and a good standard of amenity for future occupants of buildings.

Parking

15. DMP Policy TAP1 seeks to ensure that schemes provide appropriate levels of off-street parking in accordance with adopted local parking standards, to avoid unacceptable impacts on on-street parking and local traffic conditions, unless satisfactory evidence is provided to demonstrate that non-compliance with local parking standards would not result in unacceptable harm.
16. Both parties agree the proposal is located within a high accessibility location as defined within Annex 4 of the DMP. In accordance with the Councils standards, based on the number of bedrooms proposed, a total of 8 parking spaces would be required. The proposal provides 4 off-street spaces, a shortfall of 4 spaces.
17. During the site visit I noted Balcombe Road has double yellow lines in operation prohibiting on-street parking, and there are bus services and a train station locally. The presence of the existing parking restrictions would ensure that should there be any overspill parking, this would not lead to any amenity issues for existing or future residents. The limited number of residential properties on this part of Balcombe Road have their own off-street parking and do not therefore rely on on-street parking further demonstrating that there would be minimal impact to existing residents.
18. Given the sustainable and highly accessible location, the provision for 4 parking spaces to serve the development together with 12 cycle parking spaces is considered to be acceptable and would not lead to excessive on street parking in the locality.

19. Furthermore, Surrey County Council as Highway Authority have raised no objections to the development in respect to highway safety matters. In addition, the site is within walking distance of Horley Town Centre and the services and amenities it provides. The site is also well located in terms of access to bus stops. Therefore, occupiers of the development would not be reliant on the private car to access the full range of community facilities such as shopping, healthcare, leisure and entertainment, given the distance to the centre of town. As such, the reduction in parking from the adopted standards in this instance would be acceptable. Consequently, I am satisfied that the scheme will not result in additional on-street parking which would be harmful to highway safety.
20. Concluding on this issue, I find that as the site lies in an accessible location, where development using alternative means of transport should be encouraged, whilst providing a shortfall in the off-street car parking spaces required, the proposal would not be harmful to highway safety and local amenity. The proposal therefore provides an exception to the relevant sections of DMP Policies DES1 and TAP1 and would broadly accord with Paragraph 111 of the Framework which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Conditions

21. I have considered the Councils suggested conditions having regard to the tests set out at paragraph 56 of the Framework. As a result, I have amended some where necessary for the sake of consistency, brevity, clarity and to ensure that they meet the tests in the Framework.
22. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. In the interests of highway safety and the living conditions of neighbouring residents I have imposed a requirement for a Construction Transport Management Plan which is necessary to submit prior to the approved development commencing.
23. I have also imposed conditions in respect to asbestos and land contamination to ensure that both are dealt with adequately in the interests of the health and safety of future occupiers.
24. I have also imposed a condition in respect to material specification in order to ensure an acceptable visual effect.
25. I have imposed conditions to ensure that there is appropriate vehicle and cycle parking provision, and a suitable car parking layout is maintained in the interests of highway safety and the living conditions of future residents. I have also added that electric charging points are available to achieve sustainability objectives.
26. Furthermore, I have attached a condition securing details of the balcony screening to protect living conditions of future occupants at the proposed development, in terms of privacy.

Conclusion

27. There are no relevant material considerations to indicate the application should be determined otherwise than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed subject to the conditions set out below.

Robert Naylor

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: 182_001; 182_002; 182_009 Rev D; 182_010; 182_011; 182_012; 182_013; 182_014; 182_015 Rev B; 182_016 Rev A; 182_018; 182_019 Rev C and 2793-001 Rev A
- 3) No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
 - (f) measures to prevent the deposit of materials on the highway
 - (g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - (h) on-site turning for construction vehicles or equivalent traffic management.

have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

- 4) No development shall take place until an assessment of the risks posed by any asbestos contamination within the buildings to be demolished, has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contamination practitioner, in accordance with HSG264 and shall provide, but is not limited to:
 - identification of potential sources of asbestos contamination;
 - a scheme of mitigation or removal where appropriate; and
 - details of how the mitigation or removal shall be independently verified.

This assessment shall be adhered to throughout all stages of the development and fully implemented prior to first occupation.

- 5) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved

measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing by the local planning authority.

- 6) No development shall take place above slab level until samples of the materials to be used in the construction of the external surfaces, including fenestration and roof, have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.
- 7) The development hereby approved shall not be occupied until space has been laid out within the site in accordance with drawing no. 182_009 Rev D for 4 cars 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.
- 8) The development hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for bicycles to be parked. Thereafter the bicycle parking area shall be retained and maintained for its designated purposes.
- 9) The development hereby approved shall not be occupied until each of the approved parking spaces are 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) and thereafter retained and maintained for their designated purposes.
- 10) The development hereby approved shall not be occupied until the details of the proposed balcony screening have been provided in a scheme to be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and thereafter retained.

END OF SCHEDULE