



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: 8 September 2023

Appeal Ref: APP/L3625/W/22/3310144

The Vicarage, Honeycrook Lane, Salfords RH1 5DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Simon Leahy against Reigate and Banstead Borough Council.
- The application Ref 22/00902/F is dated 26 April 2022.
- The development proposed is described as the “development of 3 number 1 and 1/2 storey terrace house and a single storey detached dwelling.”

Decision

1. The appeal is allowed and planning permission is granted for the development of 3 x one and a half storey dwellings arranged in a terrace, and 1 single storey detached dwelling at The Vicarage, Honeycrook Lane, Salfords RH1 5DF in accordance with the terms of the application, Ref 22/00902/F, dated 26 April 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the planning application form. However, I have amended the description of development in paragraph 1 of my decision to ensure that it accurately captures the scope of the proposal.

Main Issues

3. The appeal is made against the failure of Reigate and Banstead Borough Council to reach a decision within the prescribed period. The Council have confirmed that if they had been in a position to determine the proposal then they would have recommended refusal and set out their putative reasons for refusal within their appeal statement.
4. Therefore, the main issues are the effect of the proposal on:
 - i) the character and appearance of the area;
 - ii) the living conditions of nearby residents at 29 Brighton Road with specific regard to overbearing effects and overlooking; and
 - iii) parking.

Reasons

Character and appearance

5. The appeal site is located at the rear of Christ the King church in Honeycrook Lane, Salfords, adjoining the rear gardens of the properties at 27 and 29 Brighton Road. The site consists of an area of open space previously associated

with the Vicarage at the church which has been redeveloped¹ into a pair of contemporary dwellinghouses. The site has a small accessway leading to existing garages at the rear of 2-8 Honeycrock Lane. The surrounding area has a mainly residential feel, albeit that there are commercial facilities located in close proximity along Brighton Road.

6. The general vernacular of the area is characterised by two storey detached, semi-detached and terrace dwellings of traditional form fronting the street scene. Whilst it is acknowledged that the proposal would be set back from the street scene in a back land location, this is not an uncommon feature within the locality, as there is a similar development close by, at the rear of Brighton Road known as 1-5 Napier Close. As such, the proposal would not be considered out of keeping.
7. Furthermore, there is a varied nature in terms of plot sizes in the area including the nearby back land development, and the immediate context provides some flexibility to the established pattern of development. Whilst not commensurate with the larger gardens that are evident along both Brighton Road and Honeycrock Lane, the proposal would provide smaller garden spaces that would appear similar to those at Napier Close. These are of a sufficient size to provide a reasonable standard of amenity for future occupiers.
8. The terrace has been designed to incorporate living accommodation within the roof space, thus providing a relatively low and subservient form of development whilst still maintaining residential space standards. The provision of the front gable bay projection and half-hipped pitched roof would break up the bulk of the development, and the provision of the gabled bays create visual interest and articulation to the front elevation.
9. The proposed single storey dwelling would have a distinctly more simple and utilitarian form and height given it has a flat roof. Nevertheless, its single storey nature, coupled with the corner location would provide suitable, private and accessible accommodation for future occupiers. As such, the development as a whole would not appear cramped, and the scale and form of the properties would sit comfortably within the wider established mixed architectural pattern.
10. The amount of hardstanding is generally limited to the access and parking areas at the front of the development. I have had regard to the Council's position on the new dwellings providing a car dominated frontage, however these types of arrangements are not uncommon in new housing developments where increased densities are sought. Furthermore, the appellant has provided a planting plan, that whilst modest would provide some landscaping to soften the appearance of this area, which could be conditioned as part of any approval.
11. Overall, the proposed development would harmonise with the varying design, plot sizes and orientation of properties within the immediate vicinity. The scale and mass of the development when viewed from Honeycrock Lane would be moderated by its subservient scale and height. As such, the introduction of the terrace and the detached bungalow in this location would not adversely impact upon the character and appearance of the area.

¹ Reigate and Banstead Planning Ref: 20/02478/F

12. I therefore conclude that the proposed development would not lead to an adverse effect on the character and appearance of the surrounding area. The proposed development, in this regard, would comply with the design requirements of Policy DES1 of the Reigate and Banstead Local Plan Development Management Plan (DMP), adopted September 2019 which requires new development to be of a high-quality design that makes a positive contribution to the character and appearance of its surroundings. The proposal would also accord with the provisions of the National Planning Policy Framework (the Framework) which amongst other things, also seeks to secure high quality design.

Living conditions of nearby residents

13. The Council have raised no concerns as a result of the proposal in respect to the living conditions of the nearby properties at 2-8 Honeycrock Lane nor 23, 27 and 31 Brighton Road. I have no reason to disagree with the Council, that the proposal would not cause harm to the living conditions of these residents with regard to matters such as outlook, privacy and light.
14. The proposed development would be located in close proximity to the boundary of 29 Brighton Road, and therefore I have taken into account whether the development would have an overbearing or dominant impact on outlook from this property. Whilst views of the proposal would be possible from No 29, the relatively low and hipped roof design means that overall, the appeal proposal's height, scale and bulk would not be of a level which would give rise to an undue sense of enclosure relative to No 29 or its garden area. Neither would its overall presence significantly reduce the current aspect enjoyed by those occupants to an extent that would be overbearing.
15. In respect whether the property would experience overlooking, the rear ground floor openings would be screened by the existing close board boundary fence surrounding the site. With regard to the roof lights at the rear of the terrace these serve non-habitable rooms, and as such could be conditioned to be obscured glazed. Subject to the imposition of such a condition, the design of the proposed development would ensure that existing residents at No 29 would not experience any loss of privacy from the upper floor. Nevertheless, it would be prudent to remove permitted development rights to ensure that no additional alterations and/or openings could be provided at the roof level to protect the living conditions of this neighbouring property.
16. For the reasons above, I conclude that the proposal would not result in harm to the living conditions of the existing occupiers at 29 Brighton Road with particular reference to overbearing and overlooking impacts. The scheme would be compliant with the relevant section of DMP Policy DES1 which amongst other things, seeks to prevent development from adversely impacting upon the amenity of occupants of existing nearby buildings, including by way of overbearing, obtrusiveness, overshadowing, overlooking and loss of privacy. The proposal is also consistent with the Framework, which amongst other things, seeks high quality design and a good standard of amenity for all existing and future occupants of buildings.

Parking

17. The approach of the Reigate and Banstead Parking Standards as contained in Annexe 4 of the DMP is that residential development is required to meet

minimum car parking standards subject to its accessibility level. The appeal site is located in a medium accessibility level where Annexe 4 sets out that the minimum car parking standard for the proposal equates to 4 allocated car parking spaces for the 3 x 2-bedroom and 1 x 1-bedroom property. The scheme provides 8 off-street car parking spaces. However, 4 of these spaces would serve The Vicarage site as part of the previously approved and built out scheme².

18. I acknowledge when taken as a whole, The Vicarage redevelopment and the proposal would provide 6 dwellings where additional visitor spaces would be required. Nevertheless, this is not the scheme before me, as The Vicarage site is subject to a separate grant of planning permission where matters of parking will have been addressed and is outside the red line boundary. On this basis, the proposal before me would not meet the threshold where visitor spaces would be required, and therefore the proposal would meet with the minimum standards.
19. Consequently, the proposal would include sufficient on-site parking provision to serve the development. It would, therefore, accord with the relevant sections of DMP Policies DES1, TAP1 and Annexe 4 which, amongst other things, seek to provide off-street parking to serve the proposal, meet adopted local standards and to ensure that proposals do not unnecessarily impede the free flow of traffic, nor result in additional on-street parking which would cause congestion or impact on highway safety.

Other Matters

20. I recognise that the proposal has generated public interest, with several consultation responses submitted in response to the planning application and further representations submitted at appeal. I have taken into account all of the other matters and concerns raised in the submissions by the interested parties, which include but are not limited to, the need for development and overdevelopment; highway safety; noise and disruption during the construction phase; loss of light; noise pollution and disturbance from the proposal; waste management; ecology; crime and anti-social behaviour
21. In terms of need, each scheme is required to be considered on its own merits and circumstances. Nevertheless, the Framework requires a significant boosting of the supply of homes and small windfall sites such as this play an important role in meeting housing needs. As such the proposal would make a modest but valuable contribution to the provision of housing required by Reigate and Banstead Borough Council.
22. In regard to parking and traffic safety, the scheme provides a suitable level of off-street parking and there are no parking restrictions in this section of Honeycroft Road. Consequently, there is little substantive evidence to suggest that the effects of the development would make the existing parking levels materially worse or that the development would have a materially harmful effect on traffic or highway safety. Concerns have been raised in connection with a refuse truck being able to access the site, turn and leave in forward gear. The appellant has provided a swept-path analysis highlighting the manoeuvre is possible, even when all parking spaces are occupied. I have no substantive evidence to the contrary.

² Reigate and Banstead Planning Ref: 20/02478/F

23. The concerns relating to soft landscaping and ecology, waste management, accessibility and construction disruption can be mitigated through the use of conditions and the Council have provided a list of suggested conditions.
24. In regard to the various other matters raised, including loss of light, crime and anti-social behaviour, noise pollution and disturbance from the proposal, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Some of the issues raised can also be controlled through other regulations. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

Conditions

25. I have considered the Council's 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.
26. 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.
27. I have imposed a condition in respect to material specification in order to ensure an acceptable visual effect. I have also attached a condition requesting details of site levels to ensure a satisfactory relationship with adjoining development and to safeguard the living conditions of existing residents.
28. There is a need to protect biodiversity and enhance ecological value at the site and I have imposed the condition that incorporates the requirements set out in the Council's suggested conditions. There is also a need to provide soft treatments to the parking area and the site boundaries in order to protect the character and appearance of the area and I have attached the appropriate condition.
29. I have imposed a condition to ensure that there is appropriate 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 imposed conditions in order to ensure that there is appropriate refuse, and recycling storage. I have also added that electric charging points are delivered to enable the use of electric vehicles to achieve sustainability objectives.
30. Due to the size and shape of the site and its relationship to neighbouring dwellings, it is necessary and reasonable to remove permitted development rights for extensions and alterations, to protect the amenity of neighbours and future occupants. I have also attached a condition securing obscured glazing on the rear rooflights to protect living conditions of neighbouring properties, from the proposed development, in terms of privacy.
31. The suggested condition requiring infrastructure to facilitate connection to a high-speed broadband is reasonable in support of sustainability, reducing the need to travel and future proofing development.

32. However, I have not imposed a condition relating to any boundary details because subject to condition Nos 4, 6 and 7 existing privacy levels would not be compromised. Consequently, this suggested condition does not meet the necessity test for planning conditions.
33. Nor have I imposed a condition relating to water consumption and energy efficiency, as it has not been explained by the Council that other existing regulations and controls do not satisfactorily deal with these matters. As such, these suggested conditions are also unnecessary.

Conclusion

34. There are no relevant material considerations to indicate the application should be determined other 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: 005 P02; 106 P02; 134 P01; 135 P01; 136 P01; 137 P02; 138 P02; 131 P01; 132 P01; 133 P01; 130 P02; 500 P02; 2008055-TK05; THE VICARAGE HONEYCROCK LANE 2 PLANTING PLAN OCTOBER 2021
- 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 any boundary hoarding behind any visibility zones
 - (f) measures to prevent the deposit of materials on the highway
 - (g) on-site turning for construction vehicles

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 commence 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.
- 5) No development shall commence until the details of both existing and proposed ground levels and the proposed finished ground floor levels of the buildings have been submitted and approved in writing by the Local planning Authority. The development shall be carried out thereafter in accordance with the approved levels.
- 6) No development shall commence until a scheme to provide positive biodiversity benefits has been submitted to and approved in writing by the Local Planning Authority. This should be designed alongside the soft landscaping proposals for the site. The biodiversity enhancement measures approved shall be carried out and maintained in strict accordance with the approved details prior to the occupation of this development and thereafter maintained.
- 7) All hard and soft landscaping work shall be completed in full accordance with the approved details contained in drawing numbers 2008055-TK05 and THE VICARAGE HONEYCROCK LANE 2 PLANTING PLAN OCTOBER 2021 scheme, prior to occupation or within the first planting season following completion of the development hereby approved.

Any trees, shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, shrubs and plants of the same size and species.

- 8) The development hereby approved shall not be occupied until a refuse collection area has been provided in accordance with a scheme to be submitted to and approved in writing with the Local Planning Authority, and the development shall be carried out in accordance with the approved details and thereafter retained.
- 9) The development hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes in accordance with the approved details.
- 10) The development hereby approved shall not be occupied until each of the proposed dwellings 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) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained in accordance with the approved details.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions permitted by Classes A, AA, B, or C, of Part 1 of the Second Schedule of the 2015 Order shall be constructed.
- 12) The development hereby permitted shall not be occupied until the windows on the rear roof 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 window is installed and once installed the obscured glazing shall be retained thereafter.
- 13) All dwellings hereby approved shall be provided with the necessary infrastructure to facilitate connection to a high-speed broadband. Unless otherwise agreed in writing with 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.

END OF SCHEDULE