



Appeal Decision

Site visit made on 8 August 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal Ref: APP/L3625/W/22/3311324

Land at 27 and 29 Alma Road, Reigate, Surrey RH2 0DH

- 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 and Mrs Sadler and Tatham against the decision of Reigate and Banstead Borough Council.
 - The application Ref 22/00259/F, dated 7 February 2022, was refused by notice dated 1 June 2022.
 - The development proposed is described as 'provision of an access drive and erection of a pair of dwellings'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area, having particular regard to its designation as a Residential Area of Special Character, and
 - its effect on living conditions for the occupiers of neighbouring properties at 3 & 4 Sheridan Drive, with particular regard to privacy.

Reasons

Character and Appearance

3. The appeal site is in a residential area with a spacious and leafy character. The surrounding dwellings are predominantly detached and individually designed, with a variety of external materials and detailing. Most face the road, behind well landscaped front gardens, with more extensive gardens to the rear. However, in some cases the siting and orientation of existing dwellings departs from this regular pattern.
4. Alma Road and Alders Road are within a designated Residential Area of Special Character (RASC). Policy DES3 of the Council's Development Management Plan¹ (RBDMP) sets out criteria to guide residential development within RASCs, including that development should not harmfully erode spacing between buildings or lead to an over-dominance of built form and that inappropriate sub-division of curtilages to a size below that prevailing in the area should be avoided.

¹ Reigate & Banstead Local Plan Development Management Plan Adopted September 2019

5. The large rear gardens along Alma Road contribute to the spacious and leafy character of the RASC, which is highlighted in the supporting text to Policy DES3. Therefore, while backland development is not precluded in principle, and has occurred nearby, such development should not be at the expense of this spacious, leafy setting around the existing dwellings.
6. Although the appeal site is partly screened behind the donor dwellings, its spacious extent and the absence of existing buildings can nevertheless be appreciated from the surrounding streets. Furthermore, the proposed dwellings would be in the most visible part of the site, directly in line with the proposed access drive. They would be substantial, two storey buildings with steep pitched roofs so, although the proposed planting would soften their appearance at ground level, their upper floors and roofs would be more clearly visible.
7. As viewed along the access drive, the gap between the proposed dwellings would be largely obscured by the dwelling on Plot 1, but the dwelling on Plot 2 would be set slightly further forward, such that both dwellings would be visible to some extent. Due to their orientation in relation to the access road, their lateral separation would not be particularly effective in terms of maintaining a sense of space from this viewpoint. The gentle downward slope from Alma Road would not sufficiently compensate for the additional building mass and associated erosion of the existing sense of space.
8. Although there are other plots of a similar scale within the RASC, they are in the minority. In addition, the orientation of the proposed plots means that the more open garden areas would be in the least publicly visible part of the site. Therefore the proposal is not directly comparable to other plots which have a different orientation in relation to the street.
9. The dwellings on Sheridan Drive are also on smaller plots than are typical of the RASC as a whole, with more limited lateral separation. However, they benefit from the sense of space provided by the surrounding gardens, including the appeal site. Therefore, the further erosion of that space would undermine the open setting around those neighbouring dwellings, which are themselves within the RASC.
10. Since the existing in-out accesses would be adapted to serve the proposed dwellings, there would be relatively little alteration along the immediate road frontage. The lateral separation between the donor dwellings would also remain the same. The proposed island of landscaping on the front boundary, together with planting alongside the access and in front of the parking areas, would mitigate the effect of the additional hard surfacing and prevent the site being dominated by parked vehicles. However, these factors would not adequately mitigate the adverse effect of the additional building mass, as described above.
11. Taking all the above matters into consideration, I find that the proposal would result in an over-dominance of built form within the site. Along with the reduced sense of space around other neighbouring buildings, this would be inconsistent with the otherwise spacious and leafy character of the RASC.
12. My attention has been drawn to other infill developments, particularly the dwellings to the rear of 5 Alders Road and 37 Alma Road. In both cases, these are single detached dwellings which have a more subservient relationship with their donor dwellings than would be the case with the appeal proposal. In any case, neither the development plan nor the reasons for refusal indicate that

backland development is unacceptable in principle with the RASC. Much depends on the particular characteristics of the site and the configuration of the proposed development, which I have considered on its own merits.

13. The existence of older dwellings on smaller plots, such as at 38-40 Alma Road, likewise does not justify harmful erosion of a spacious garden area which contributes positively to the identified characteristics of the RASC.
14. While I have noted the Council's comments about blank areas on the proposed front elevations, no related design issues were raised in the reasons for refusal. The overall design approach would be reasonably characteristic of the surrounding dwellings, which are themselves varied in terms of elevational detailing and materiality.
15. Nevertheless, for the reasons set out above, I conclude that the proposal would have a harmful effect on the character and appearance of the area, having particular regard to its designation as a Residential Area of Special Character. As such it would conflict with relevant requirements in Policies DES1, DES2 and DES3 of the RBDMP which require amongst other things that new development should reinforce local distinctiveness, including in relation to prevailing plot sizes and spacing between buildings and that development within RASCs should not harmfully erode the spacing between buildings or lead to an over-dominance of built form within the plot.
16. For similar reasons, the proposal would conflict with relevant paragraphs in the National Planning Policy Framework (the Framework), including the requirements in paragraph 130 that development should be sympathetic to local character and in paragraph 124 that development should, where appropriate, take account of the desirability of maintaining an area's prevailing character and setting, including residential gardens. It would also conflict with aspects of the Local Distinctiveness Design Guide² which includes that within RASCs typical plot sizes should be maintained and that new buildings dominating plots should be avoided.

Living Conditions

17. The proposed design incorporates obscure glazing to the five windows which would face most directly towards 3 & 4 Sheridan Drive. Since these windows would serve circulation areas, bathrooms and a dressing room, the obscure glazing would not materially compromise the quality of the proposed internal accommodation. Therefore its permanent retention could reasonably be secured by means of planning conditions, which could also require that the windows are non-openable.
18. The windows to bedroom 4 would in both cases be at a more oblique angle to the adjacent dwellings and not so directly intrusive. They would provide a limited view across parts of the rear gardens, but not to an extent that would materially undermine privacy, given that all the surrounding dwellings are on two storeys and already overlook each other's gardens to some extent.
19. Notwithstanding the above safeguards, the introduction of several front-facing windows overlooking generally more private areas of the adjoining plots would be a somewhat uncomfortable relationship. The proposed dwellings would be

² Reigate and Banstead Borough Council Local Character & Distinctiveness Design Guide Supplementary Planning Document June 2021

clearly visible to the occupiers of the dwellings on Sheridan Drive, who may perceive that their privacy has been diminished as a result, particularly when windows are illuminated at night. However, in reality there is already some mutual overlooking between adjacent gardens and dwellings along Sheridan Drive. Given the proposed use of obscure glazing in the most sensitive locations, there would not be a materially harmful loss of privacy, compared to the current situation.

20. At ground level, the substantial boundary hedge would provide a reasonable degree of screening and there is no indication that its retention would be compromised. I have noted that the hedge includes deciduous species, so is less effective as a screen in the winter months. However, it is of considerable depth and the level of screening at ground level could also be further reinforced with additional planting and/or fencing, including the acoustic fencing which is proposed to mitigate any increased noise or disturbance.
21. For the above reasons, I conclude that the proposal would not have an unacceptably harmful effect on living conditions for the occupiers of neighbouring properties, with particular regard to privacy. As such, it would not conflict with relevant requirements in Policies DES1 and DES2 of the RBDMP. These policies, amongst other things, require that development avoids adversely impacting upon the amenity of occupants of nearby buildings, including by way of overlooking and loss of privacy.
22. Although Policy DES3 of the RBDMP includes a range of criteria in relation to plot size, it does not cover the effect on living conditions for neighbouring occupiers. I have therefore given Policy DES3 limited weight in relation to this particular aspect of the proposal.

Other Matters

23. I acknowledge that the proposal was modified following refusal of a previous application and that this has addressed some of the previous reasons for refusal to the Council's satisfaction. I have also noted that there is a reference to proposed garages in the Officer Report, which is out of date since none are now proposed. However, neither point has been prejudicial to my consideration of the current proposal on its own merits.
24. The proposal would provide two additional dwellings in a location which has ready access to local services, including rail and bus services and all the facilities of the town centre. It would generate some limited economic benefits, as a result of the construction process and economic activity by future occupiers. However, I have been presented with no evidence that the Council lacks an adequate supply of housing land and the modest benefits associated with two additional dwellings would not outweigh the harm to the character and appearance of the RASC.
25. The Design and Access Statement alludes briefly to delivery of the proposed dwellings as a self-build project. However, no legal mechanism has been proposed to secure the provision of self-build housing. I have therefore given any potential benefit to the supply of self-build housing very little weight.
26. The inclusion of sustainable construction and energy efficiency measures to meet policy requirements is a neutral factor which weighs neither for nor against the proposal. Likewise absence of identified harm in relation to other

matters including access and parking arrangements, traffic, heritage, ecology or existing trees is a neutral factor which is not capable of outweighing the harm identified above.

27. I have noted concerns raised by interested parties regarding surface water flooding, including evidence that a recent appeal on a nearby site was dismissed on grounds relating to flood risk. However, the Council has raised no concerns about surface water flooding and since I am dismissing the appeal for other reasons, there is no reason for me to consider this matter further.

Conclusion

28. For the reasons given above, 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.

Jane Smith

INSPECTOR