



Appeal Decision

Site visit made on 10 October 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2023

Appeal Ref: APP/L3625/W/22/3310715

Rokeby, 19 Tower Road, Tadworth KT20 5QY

- 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 Alex and Zena Curry against the decision of Reigate and Banstead Borough Council.
- The application Ref 21/01792/F, dated 13 July 2021, was refused by notice dated 29 June 2022.
- The development proposed is described as "replacement dwelling to Passivhaus standard following demolition of Rokeby, 19 Tower Road and addition of two semi-detached dwellings to fill the gap in the site frontage to 19 Tower Road."

Decision

1. The appeal is dismissed.

Applications for costs

2. The application for costs made by the appellant against the Council is the subject of a separate decision.

Preliminary Matters and Main Issues

3. The Council has confirmed that sufficient ecological information has been received in the form of an ecological note, which Surrey Wildlife Trust have also confirmed is acceptable. Any subsequent approval would be subject to the provision of suitable conditions to include a Construction Environmental Management Plan and an Ecological Enhancement Plan, which would ensure that suitable ecological mitigation measures are undertaken. As such, the Council no longer contests the third reason for refusal.
4. Therefore, I have confined my assessment of this appeal scheme to the remaining reasons for refusal. On this basis, the main issues are the effect of the proposal on the:
 - character and appearance of the Tadworth conservation area (TCA) and the surrounding street scene; and
 - living conditions for future occupants with specific regard to outlook.

Reasons

Character and appearance

5. The appeal site is a large detached neo-Georgian property located on a generous, irregular shaped plot in Tadworth, adjoining established green public open spaces to the south and west of the site. The existing dwellinghouse is located to the rear of the appeal site with an expanse of garden space fronting the street scene. The surrounding area is mainly residential with large detached

and semi-detached properties occupying generous plots amongst a verdant and tree lined context providing an attractive and spacious feel. The appeal site is also located within the Tadworth Conservation Area (TCA) and adjacent to the Metropolitan Green Belt, an Area of Great Landscape Value, and an Area of Nature Conservation Importance, thus providing a sensitive location.

6. Given its location within the TCA I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
7. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 130 c) of the Framework further 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.
8. The significance of the TCA is principally derived from its traditional feel, with the Arts and Crafts architecture a dominant feature. However, there are various other styles of buildings within the area, such as the converted water tower adjoining the existing appeal property (Rokeby), which also contributes positively to the traditional varied nature of the TCA. It is further acknowledged that Tower Road itself has a particularly varied nature in respect to design styles and materials used, although part of this is not within the TCA.
9. Whilst Rokeby is not an Arts and Crafts property, its neo-Georgian design lends itself to the traditional nature of the TCA, and despite the introduction of more recent additions such as the uPVC windows and flat roofed garage it maintains an attractive appearance. Notwithstanding its attractive nature, given its set back and tucked away position within the site, Rokeby itself does not have any strong visual connection, nor any particular group value with the adjoining properties, including the converted water tower. Consequently, individually the building does not have anything other than limited effect on the significance of the TCA and its loss would have a neutral impact. Thus, there is scope for a development to be designed to optimise the capacity of the appeal site more intensively.
10. In respect to the current proposal, the pair of semi-detached properties at the front of the site would follow a similar building line to Nos 17 and 21, which adjoin the site, and would be of a layout representative of the existing domestic character and appearance of the area. Furthermore, given the adequate degree of spacing around the proposal, they would not appear cramped. Similarly, the replacement Passivhaus, whilst providing a back land location would also be adequately located and spaced.
11. Both the Passivhaus and the semi-detached units would provide accommodation within their respective roof spaces. The semi-detached dwellings would achieve this through the provision of a crown roof, whilst the

replacement dwelling would provide a large mansard style roof. Both these roof forms would provide additional bulk and mass at roof level, creating a significant visual change to the more modest and simplistic roof forms that characterise the area. The additional bulk and mass at this level provide a top-heavy appearance and would appear out of proportion in relation to their surroundings. Whilst it is acknowledged that the flatted development opposite the appeal site also contains a mansard roof, here the bulk has been successfully broken up through its articulation and use of windows.

12. In regard to the proposed materials, the use of zinc at roof level and timber cladding on the replacement Passivhaus are not common features or materials in the street, and would appear out of keeping within the setting, further highlighting a development which does not conform to the general pattern of development. As a result, the proposal would neither preserve or enhance the TCA and would not be compatible with the local character, form and building proportions particularly at roof level.
13. For these reasons, I conclude that the proposed development would harm the character and appearance of the area and would fail to preserve or enhance the TCA. The proposal would therefore be contrary to Policies NHE9, DES1 and DES2 of the Reigate and Banstead Local Plan Development Management Plan (DMP), adopted September 2019 which amongst other things requires high quality design that makes a positive contribution to the character and appearance of its surroundings, including the protection, preservation, and wherever possible enhancement of heritage assets. Nor would it accord with the Framework which seeks to conserve and enhance the historic environment, ensuring new development is responsive to local history, culture and heritage.
14. Given it would be relatively localised, the harm I have identified to the significance of the heritage asset would be less than substantial. Paragraph 202 of the Framework advises where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
15. I have had regard to the public benefits of the appeal scheme, which would provide a modest contribution to the supply of housing in Reigate and Banstead. The proposal would result in some small social and economic benefits, including the support future occupiers would give to local businesses and services. Furthermore, it would promote the reuse of an underutilised plot of land, would provide eco-friendly enhancements through the provision of a Passivhaus, and benefit from a relatively accessible location. To these benefits I apportion modest weight given the limited scale and nature of the proposed development. However, the appeal scheme would fail to preserve the setting of the designated heritage asset, to which I must attach importance and great weight. Accordingly, the public benefits would not outweigh the less than substantial harm that would be caused to the significance of the heritage asset identified above.

Living conditions

16. DMP Policy DES5 requires new residential developments to provide high quality, adaptable accommodation, and provide good living conditions for future occupants ensuring primary habitable rooms have an acceptable outlook and where possible receive direct sunlight. The plans before me indicate that

the bedrooms in the roof space of the semi-detached properties and the replacement Passivhaus are single aspect units with rooflights providing their only outlook.

17. With regard to the Passivhaus the proposed rooflights would provide daylight into the bedrooms as well as a reasonably pleasant outlook including a limited view over the garden. Occupants would not feel hemmed in given the degree of openness of the outlook and I am not certain that this would necessarily represent a poor standard of design or accessibility, or that the Council has presented sufficient justification to convince me that this would be the case.
18. However, in respect to the pair of semi-detached dwellings the main roof light would be along the flank elevations, and the sectional plans highlight that these openings would be in excess of 2.00m from the relevant floor level. Given the height of these rooflights any outlook from the bedrooms at roof level would be limited to oblique views of the sky only. The inadequate outlook from these roof lights would be significantly below the standard of living conditions that future occupiers could reasonably expect.
19. Consequently, the proposed development would have an unacceptably harmful effect upon the living conditions of its future occupiers in respect to outlook, with specific regard to the semi-detached pair. The proposal is therefore contrary to the relevant provisions of DMP Policy DES5 which among other things, requires new development to provide an appropriate standard of outlook, daylight, and sunlight for future occupiers. It would also be contrary to the Framework which, amongst other things, expects planning decisions to ensure healthy living conditions and create better places to live, indicating that higher densities should not be at the expense of acceptable living standards.

Planning Balance

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
21. I have found that the proposed development would harm living conditions for future occupiers which attracts substantial weight against the scheme. I have also found that the proposal would harm the character and appearance of the TCA a designated heritage asset.
22. As I have found harm to the designated heritage asset, paragraph 11.d) i. of the Framework applies and, therefore, the application of policies in relation to the protection of the heritage asset provide a clear reason for refusing the development. Accordingly, the presumption in favour of sustainable development does not apply.

Conclusion

23. For the reasons outlined above and having regard to the development plan as a whole, and all other relevant material considerations including the provisions of the Framework, the appeal is dismissed.

Robert Naylor

INSPECTOR