



Appeal Decision

Site visit made on 7 February 2024

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2024

Appeal Ref: APP/L3625/W/23/3317145

Land to the rear of 260, 262 and 264 Chipstead Way and to the rear of Kita, Sunnyfields and Paddock, Outwood Lane, Chipstead, SM7 3LH

- 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 Axiom Land Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 21/02000/F.
 - The development proposed is redevelopment of the site to deliver seven residential units with associated landscaping and private gardens, parking and internal access road.
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Decision

1. The appeal is allowed and planning permission is granted for redevelopment of the site to deliver seven residential units with associated landscaping and private gardens, parking and internal access road at land to the rear of 260, 262 and 264 Chipstead Way and to the rear of Kita, Sunnyfields and Paddock, Outwood Lane, Chipstead, SM7 3LH in accordance with the terms of application Ref 21/02000/F and subject to the conditions in the attached schedule.

Main Issue

2. This is whether the proposed development would be well-designed and its effect on the character of the surrounding area.

Reasons

3. The appeal site contains a detached house at 264 Chipstead Way together with its rear garden and parts of the gardens of 260 and 262 Chipstead Way. It also includes former garden land to the rear of properties in Outwood Lane. Access to the seven houses proposed would be gained alongside No 264. Four of them would be laid out in a linear fashion with three properties at the end around the turning area.
4. There are retirement apartments on the corner of Chipstead Way and Outwood Lane at Goldfinch House and also a block of flats to the south at Outwood Grange. Otherwise the immediate surroundings generally comprise two storey frontage houses on reasonable sized plots in a mature landscaped setting. However, the wider locality is not homogenous with, for example, development in depth at 267-275 Chipstead Way opposite and at Water Mead.
5. Policy DES2 of the Development Management Plan sets out various criteria for residential garden land development. The supporting text explains that whilst gardens can contribute significantly to an area in several ways, development of

them can help make the most efficient use of land and be an important source of housing supply. This is provided that they are well-designed. As such, there is no fundamental objection to the proposal but its design and impact on local character needs to be assessed against the parameters in the policy.

6. The proposed access would utilise an existing entrance to No 264. Highway works would be required to widen the opening to achieve the requisite kerb radii. However, the visual impact of this would be modest. The new road would pass close to the flank walls of No 264 and Goldfinch House and would therefore appear narrow. This would give a low-key appearance that would not disrupt the street frontage along Chipstead Way. There would be scope for a strip of suitable landscaping along the access road to soften its edges. Separation to neighbouring buildings would be adequate. Therefore, criterion d) of Policy DES2 would be met.
7. The house on Plot 1 would be near to the new side and rear boundaries of 262 and 264 Chipstead Way. There is no argument that it would have an overbearing impact on neighbouring living conditions. It is also not uncommon for residential buildings to be tight to their boundaries. Plot 1 would be sited forward of the house on Plot 2 but this would provide for variety in the alignment of the buildings and a 'gateway' into the site. The front garden would not be large but there would be sufficient space around Plot 1 to avoid it appearing shoehorned in.
8. There would be a considerable amount of hard surfacing around Plots 5-7 in order to create the turning head. This would not be compensated for by generous planting areas around those buildings and Plot 7 would be hard against the parking spaces alongside it. This part of the site would therefore have a rather harsh appearance.
9. The parking spaces for Plots 6 and 7 are arranged one behind the other. Future occupiers would learn to live with this less than ideal arrangement and it does not mean that one of the spaces would be unused. The overall amount of parking meets the Council's standards with two visitor spaces and scope for additional vehicles on the forecourts of Plots 1-4. The prospect of overspill parking occurring is therefore unlikely. Even if it did, and taking account of the double yellow lines, there would be scope for kerbside parking nearby.
10. Looking at the scheme as a whole, Policy DES2 does not expect that development on back garden land should precisely replicate the immediate surrounding area. Furthermore, there are no standards for the size of front gardens or communal landscaped areas. The measured density of development would be less than the average of the character areas studied in the wider locality. The layout broadly follows the north-south axis of buildings within the street block.
11. Whilst there are misgivings about the arrangements at the southern end, the scheme would broadly reflect the prevailing pattern of development nearby and the overall spacious character of the area would not be prejudiced. Internally the layout would not appear cramped as the houses would be well spaced and relief would be provided by landscaping and the areas required for vehicles.
12. Therefore, within its context, the proposed development would be well-designed and the character of the area would be respected. All of the criteria within Policy DES2 would be achieved and so the proposal would accord with

that policy. It would also comply with the expectations in Policy DES1 regarding the design of new development.

Other Matters

13. The Council's housing land supply comfortably exceeds the expectations in national policy. However, that is not a reason to resist development that is acceptable. The National Planning Policy Framework refers to significantly boosting the supply of homes.
14. Representations against the proposal have been made following the appeal. The site is close to bus stops in Chipstead Way and its junction with Outwood Lane is said to be busy. However, there is no objection from the highway authority and no clear indication that the traffic associated with seven houses would have an unacceptable impact on highway safety. There has been a fire at Goldfinch House but the access road is designed to accommodate emergency vehicles. There is no requirement for a separate pedestrian route into the site and the access would function as a shared surface.
15. The significant trees along the western boundary of the site would be retained. The traditional design of the houses would be compatible with the area. As the site comprises well-maintained domestic gardens with ornamental planting their nature conservation value is limited. There is no evidence that protected species would be affected. Although at a higher level, the houses would be far enough away from the properties along Outwood Lane to avoid a serious loss of privacy due to overlooking.
16. There is reference to the drainage and sewage systems being overburdened but no information to support this. No issues have been raised by relevant consultees and details of surface water drainage could be secured by condition. There is no evidence that local services could not support the additional households and the Council has not identified the need for any contributions towards infrastructure. There is concern about a potential crime risk to the rear of surrounding houses but the new properties would provide surveillance over the access road.
17. Allowing the appeal does not set a precedent for other schemes that might come forward for garden land. It has been judged on an individual basis and any future schemes would be assessed similarly and against the provisions of the development plan, including Policy DES2.
18. Over 200 individual objections to the proposal were made at application stage together with those from residents' associations. The matters raised were covered in the officer report or have been dealt with in the assessment above.

Conditions

19. The approved plans should be specified in the interests of certainty. To ensure a satisfactory appearance, details of external materials and landscaping are necessary and existing trees should be protected. The parking spaces should be provided and provision made for bicycle storage and waste facilities so that the development functions properly. Given the sloping nature of the site, details of finished floor levels should be agreed in advance.
20. In the interests of highway safety, the access should be provided to facilitate construction and a pedestrian inter-visibility splay incorporated. The visibility

zones would be within the highway and so do not need to be conditioned. To safeguard the amenities of those nearby, the construction process and associated traffic movements should be controlled by management plans. The issue of a residential travel pack to residents is warranted to promote sustainable transport. To comply with Policy DES7, at least two of the houses should meet the requirements for accessible and adaptable dwellings.

21. Measures to enhance the natural environment should also be undertaken given the policies to this effect in the Framework but the suggested condition should be adjusted to better relate to existing site conditions. To minimise the risk of flooding, conditions are required to secure details of surface water drainage and to verify its implementation. The Framework supports high quality communications and the provision of broadband connections is required by Policy INF3. Restricting water consumption is justified by Policy CCF1. To protect the privacy of future occupiers, details of boundary treatments are required and flank windows should be obscure glazed.
22. Some of the details referred to by these conditions are required before construction starts as they would affect that process and so need to be agreed prior to commencement. Where necessary, the wording of the suggested conditions has been adjusted for simplicity and clarity and to avoid the submission of further details where possible.
23. The requirement to provide facilities for charging electric vehicles is covered by the Building Regulations and there is no need to duplicate those controls. There is no obvious reason to insist on pedestrian refuge points along the access road given the limited amount of traffic that would use it and the scope to step into driveways. The dwellings would be laid out in a conventional fashion and are well separated from surrounding properties. There is therefore no clear justification to restrict national permitted development rights for upper floor windows, dormers and rooflights.

Conclusion

24. The proposal would accord with the development plan. There are no material considerations to outweigh that finding. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the drawings listed below:

Location Plan 30103A_10 B
Block Plan 30103A_100 Z2
Site Layout Plan 30103A_106 F
Proposed site layout 30103A_107 A
Section Plan 30103A_200 H
Street Scene 30103A_200.2 A
Street Scene 30103A_200.3 A
Proposed Plans 30103A_501 B
Proposed Plans 30103A_501 B
Proposed Plans 30103A_502 F
Proposed Plans 30103A_503 F
Proposed Plans 30103A_504 F
Proposed Plans 30103A_505 G
Proposed Plans 30103A_506 F
Proposed Plans 30103A_517 C
Elevation Plan 30103A_518 C
Proposed Access Road 2020-3937-001 Rev F
- 3) The development hereby permitted shall not commence until details of the finished floor levels of each of dwellings hereby permitted and of their garden levels in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not commence until the access to Chipstead Way has been constructed in accordance with the approved drawings to a base material finish suitable for construction traffic. Prior to the occupation of any of the dwellings hereby permitted, the access shall be completed with the top layer finishing material.
- 5) The development hereby permitted shall not commence until a pedestrian inter-visibility splay of 2m by 2m has been provided on the west side of the access. No fence, wall or other obstruction to visibility over 0.6m in height above ground level shall be erected within the area of the splay.
- 6) The development hereby permitted shall not commence until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. This shall 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) HGV deliveries and hours of operation;
 - (g) vehicle routing;
 - (h) measures to prevent the deposit of materials on the highway;
 - (i) before and after construction condition surveys of the adjoining highway;
 - (j) on-site turning for construction vehicles; and

- (k) a communications plan to keep local residents informed.
The approved Plan shall be adhered to during the construction of the development.
- 7) The development hereby permitted shall not be occupied until a Travel Information Pack has been submitted to and approved in writing by the local planning authority. This shall contain information on employment, education, retail and leisure land uses within 2km walking distance and 5km cycling distance of the site and details of public transport within 400m of the site and the destinations they serve and details of the closest railway station to the site. The approved Pack shall be distributed to residents of the development within one month of their first occupation.
- 8) The development hereby permitted shall not commence until a Construction Management Statement has been submitted to and improved in writing by the local planning authority. This shall include details of:
- a) prediction of potential impacts with regard to water, waste, noise and vibration, dust, emissions, odours and wildlife. Where potential impacts are identified, mitigation measures should be specified to address these impacts;
 - b) information about the measures that will be used to protect privacy and the amenity of surrounding sensitive uses; including provision of appropriate boundary protection;
 - c) means of communication and liaison with neighbouring residents;
 - d) hours of work; and
 - e) a waste management plan to demonstrate that waste generated during the construction and excavation phase of the development is limited to the minimum quantity necessary and that opportunities for re-use and recycling of any waste generated will be maximised.
- The approved Statement shall be adhered to during the construction of the development.
- 9) Each of the dwellings hereby permitted shall not be occupied until the vehicle parking spaces to serve it have been provided in accordance with the approved drawings. The visitor parking spaces shall be provided before more than half of the dwellings are occupied. Thereafter the parking spaces shall be retained for those purposes.
- 10) The development hereby permitted shall not commence until a Tree Protection Plan and an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. These shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Areas of trees, including the installation of service routings, type of surfacing for the entrance drive and location of site offices. The Method Statement shall also include a supervisory regime for implementation and monitoring. All works shall be carried out in accordance with the approved details.
- 11) No development above ground level shall take place until a landscaping scheme (which shall include details of new planting, retention of existing planting and details of hard surfacing and of the front entrance) has been submitted to and approved in writing by the local planning authority. The approved landscaping scheme shall be carried out within the first planting season following the completion of the development. Any trees or other plants approved as part of the landscaping scheme which die, are removed or

become seriously damaged or diseased within five years of planting shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

- 12) The development hereby permitted shall not commence until a Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The Plan should be based on the proposed impact avoidance and mitigation measures specified in the Ecology Assessment dated May 2021 and shall include the following:
 - a) measures to avoid disturbance to any nesting birds and any reptiles;
 - b) sensitive lighting strategy; and
 - c) measures to enhance habitats for protected species, species of conservation concern and to improve biodiversity.The Plan shall be implemented in accordance with a timetable agreed in writing by the local planning authority.
- 13) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and thereafter maintained.
- 14) Prior to the first occupation of the development hereby permitted a verification report carried out by a qualified drainage engineer shall be submitted to and approved by the local planning authority. This should demonstrate that the drainage system has been constructed in accordance with the details approved pursuant to Condition 13). It should provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/area, flow restriction devices and outfalls).
- 15) No development above ground level shall take place until details of external materials, including windows and roofs, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 16) The development hereby permitted shall not be occupied until the Building Regulations requirements for accessible and adaptable dwellings have been complied with for at least two of the dwellings hereby permitted.
- 17) Each of the dwellings hereby permitted shall not be occupied until provision has been made for cycle parking to serve it in accordance with details previously agreed in writing by the local planning authority. Thereafter the cycle parking shall be retained for that purpose.
- 18) Each of the dwellings hereby permitted shall not be occupied until boundary treatments have been erected around the plot in accordance with details of their position, design, materials and type previously agreed in writing by the local planning authority.
- 19) Each of the dwellings hereby permitted shall not be occupied until provision has been made for waste storage facilities to serve it in accordance with details previously agreed in writing by the local planning authority.
- 20) Each of the dwellings hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.

- 21) All dwellings within the development hereby permitted shall be provided with the necessary infrastructure to facilitate connection to high speed broadband. Unless otherwise agreed in writing with the local planning authority, this shall include a broadband connection accessed directly from the nearest exchange or cabinet and cabling and associated installations which enable easy access for future repair, replacement or upgrading.
- 22) Any first floor windows in the side elevations of the development hereby permitted shall be glazed with obscured glass to a height of at least 1.7m above internal floor level and shall be retained as such at all times.