



Appeal Decision

Site visit made on 20 February 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2024

Appeal Ref: APP/L3625/W/23/3327650

Quarry Corner, Waterhouse Lane, Kingswood, Surrey KT20 6EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Richards against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 22/02492/F.
 - The development proposed is the sub-division of existing plot and erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council have clarified that the reference to Policy NHE9 of the Reigate and Banstead Development Management Plan 2019 (DMP) in one of the reasons for refusal was an error and I have not therefore taken it into consideration.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the area.
 - The protected beech tree.

Reasons

Character and appearance

4. The appeal site is set to the north of Waterhouse Lane. The land rises steeply from the lane to the north. The site is currently occupied by a 2-storey house set at an angle to the highway and partly screened by trees and planting. To the east of the site, level with Waterhouse Lane is a community hall, car park and 3-storey commercial terrace which forms the commercial centre of Kingswood.
5. There are open fields to the south side of Waterhouse Lane, and there is low density residential development running to the west of the appeal site. This development largely comprises detached houses set well back from the highway in spacious plots. Whilst some buildings are visible from Waterhouse Lane, they are partially screened by planting and mature trees. The open landscape and low density development in large plots gives this part of Waterhouse Lane a verdant and spacious character.

6. The appeal site is within the Alcocks Lane and Waterhouse Lane Residential Area of Special Character (RASC), as defined by Policy DES3 of the DMP. RASCs are described as having a low-density character, with detached houses set in spacious plots, mature soft landscaping and a general leafy character.
7. The proposed house would be set at an angle to the existing house which, in conjunction with the small gap between the two houses, would give the impression of near continuous development across both plots when viewed from Waterhouse Lane. Consequently, there would be an increased dominance of built form in an area of low-density development and verdant appearance.
8. I accept that the distance between the existing and proposed houses is consistent with several other examples in the area and that this would not necessarily prevent any meaningful soft landscaping between the buildings. However, because of the angle of the proposed house relative to the existing, in this case the gap between the buildings would not be particularly appreciable from street views.
9. The planting and soft landscaping would, to some degree, assist in screening the site. However, the position of the proposed house in its plot relative to the vehicular entrance from Waterhouse Lane would mean that it would be readily visible from the street. Together with the height of the proposed building adjacent to the existing and their height above street level, the built form would be prominent. The increase in built form on the site would erode the established character of the RASC.
10. My attention has been drawn to many examples of subdivision locally, some being within the Alcock Lane and Waterhouse Lane RASC. The sites on Furze Hill, whilst part of the RASC, are different in character to Waterhouse Lane. Furze Hill has a more regular suburban pattern of development with a reasonably consistent building line and less space between side boundaries than is generally found on Waterhouse Lane. The pattern of development and its setting within the landscape appears less spacious than Waterhouse Lane.
11. Part 7 of Policy DES3 aims to prevent development that would be within a curtilage that is smaller than the prevailing size in the area. The analysis submitted in evidence shows a significant variation in plot sizes in the area and I accept that the resultant plots at the appeal site would not be out of keeping with others locally.
12. Whilst this may be the case, the location of the proposed house relative to the existing, along with its visibility from Waterhouse Lane, would lead to the over-dominance of built form over the proposed plots, eroding the spacious and verdant character of the area. This would run contrary to Policies DES1 and DES3 of the DMP, which, taken together seek to ensure new development makes a positive contribution to the character and appearance of its surroundings with regard to the layout, density, building siting, relationship to neighbouring buildings and important views into and out of the site.

Trees

13. There is a beech tree subject to a Tree Preservation Order (TPO) located to the rear of the garden to an adjacent property. It is substantial in size and makes a significant contribution to the visual amenity of the area, as recognised in its inclusion in the TPO. The proposed development would result in a small

incursion into the root protection area of the tree. The arboricultural report submitted in evidence identifies an engineering solution to overcome the issue and had the appeal been allowed, the appropriate methodology and tree protection measures would have been secured by planning condition.

14. I note the BS5837:2012 Trees in relation to design, demolition and construction contains guidance regarding the proximity of structures to trees, recommending that factors including shading, future pressure for removal and seasonal nuisance are taken into consideration in design. The garden of the proposed dwelling would partially extend beneath the canopy and the position of the tree to the north east of the proposed house would result in shading during the morning. The main living area to the house would be south facing, located to the front and it is dual aspect with windows to the east. The plans show the rear patio being located away from the tree canopy. There would likely be shading to the rear bedroom from the tree, but this room is also dual aspect with another window to the east. Overall, I accept that the layout has been designed to respond to the tree. The TPO status of the tree also means that the Council would retain control over any future works to the tree.
15. In terms of the effect on the beech tree, I am satisfied that the proposal is consistent with the guidance of BS5837:2012 and consistent with the aims of Policies NHE3 and DES3 of the DMP, which, amongst other things, seek to ensure the protection of trees and habitats.

Planning Balance

16. I acknowledge that the appeal proposal would have economic benefits in the form of construction employment, subsequent maintenance and the use of local services by future residents. The dwelling would contribute to the Council's housing stock and is in a sustainable location. However, given the development comprises only a single additional dwelling, the benefits described above are very small scale and the harm I have identified to the character and appearance of the area outweighs these benefits.

Conclusion

17. I have found that the appeal proposal would harm the character and appearance of the area. As such it is contrary to the development plan read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal should therefore be dismissed.

L Francis

INSPECTOR