



Appeal Decision

Site visit made on 5 March 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2024

Appeal Ref: APP/L3625/W/23/3325647

Land to the rear of 15-17 Horley Road, Redhill, Surrey RH1 5AL

- 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 & Mrs P McCaffrey against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 23/00048/F.
 - The development proposed is the erection of 2 dwellings with associated landscaping, access and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 dwellings with associated landscaping, access and parking at Land to the rear of 15-17 Horley Road, Redhill, Surrey RH1 5AL in accordance with the terms of the application, Ref 23/00048/F and subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the address from the decision notice and appeal form, as this more accurately represents the location of the development.
3. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 19 December and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal remain broadly the same. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party has been prejudiced by my approach.

Main Issues

4. The main issue is the effect of the proposed development on the character and appearance of the area, having particular regard to the roof form of the proposed development.

Reasons

5. The appeal site lies to the rear of 15 and 17 Horley Road (Nos 15 and 17). The area is predominantly residential in character, although there is a petrol filling station to the rear of the appeal site and a small number of commercial units on the opposite side of Horley Road. Semi-detached dwellings are the most prevalent house type in the immediate area, but terraced houses, detached houses and apartment buildings also feature within the street scene. There are

a range of roof types in the area, including hipped roofs and roofs with gable ends.

6. The proposal seeks to provide 2 nos. 3 bedroom semi-detached dwellings. Planning permission was granted in November 2022 for 2 nos semi-detached dwellings on the appeal site (Ref: 22/01629/F). The proposal would be similar to the consented scheme, except the roof would have gables on the side elevations as opposed to hips. Rooflights are also proposed on the front and rear facing roof slopes. The proposed development would enable a third bedroom to be provided within the loft space of each dwelling.
7. The proposed ridge and eaves height would be in keeping with neighbouring properties. While Nos 15 & 17 have hipped roofs, there are a variety of house types and roof forms in the locality. There is a semi-detached dwelling opposite the appeal site, which has a gable end with rear dormer. On the opposite side of Horley Road are a number of semi-detached dwellings, which have gable ends. Some of these properties also have rooflights on the roof slope that fronts the highway.
8. While the proposal would add some additional bulk and massing to the roof, it would not be significant. The proposed roof design would appear proportionate to the size of the proposed dwellings and would be in keeping with other properties in the locality.
9. For the reasons given above, I conclude that the proposed development would not be harmful to the character and appearance of the area. The proposal would accord with Policy DES1 of the Reigate and Banstead Local Plan Development Management Plan September 2019. This policy among other things requires that new development respects the character of the surrounding area and has due regard to the scale, massing, height and roofscapes of the surrounding area.

Other Matters

10. Concerns have been raised by a third party that noise and disruption during construction works would be harmful to the health of an elderly neighbour, who has existing medical conditions. The Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010 (the Act) states that age is a relevant protected characteristic for the purposes of the Act. Therefore, I have had due regard to the need to eliminate discrimination and advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it.
11. Article 8 of the Human Rights Act is also engaged as the proposal could affect the health, well-being or living conditions of persons within their home.
12. I am sympathetic to the personal circumstances of the neighbouring occupant; however, the construction works would be for a temporary period only and issues such as noise are covered by other legislation. Furthermore, the level of noise and disturbance during construction works would be similar to that experienced if the consented scheme was implemented. I concur with the Council that the proposed development would not be unduly harmful to the living conditions of neighbouring occupants. As a result, it is proportionate in the circumstances to allow the appeal.

13. Third parties have raised concerns in respect of matters not addressed above, including overdevelopment, loss of privacy, loss of light, highway safety, parking, traffic and congestion, obstruction of the highway, flood risk, drainage/sewerage capacity and the need for the development. These matters have not been raised as reasons for refusal by the Council. Based on the evidence before me and my site visit, I have no reason to reach a contrary view to the Council on these matters.
14. Further matters raised by third parties include property devaluation and loss of a view. As these are not planning matters, I have not considered them further.

Conditions

15. In addition to the standard time limit condition, in the interests of certainty, I have included a condition specifying the approved plans. In order to protect existing trees, a condition requiring works to be carried out in accordance with the submitted Method Statement Plan is necessary. To ensure a satisfactory external appearance and ensure appropriate landscaping, conditions are imposed regarding external materials and landscaping.
16. In the interests of highway safety and to ensure adequate parking is provided and retained on site, conditions regarding visibility splays and parking are required. Furthermore, in the interests of resource efficiency and connectivity, conditions are required regarding water efficiency and broadband connectivity.
17. There is no clear justification before me to demonstrate why it is necessary to remove permitted development rights and accordingly such a condition would fail to comply with paragraph 54 of the Framework. A condition securing electric vehicle charging points is also not necessary, as this is required under separate legislation. Details of refuse storage are not required as refuse storage is shown on the proposed plans. Future residents also have a private garden area to store bins should they wish.

Conclusion

18. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed, subject to conditions.

A James

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: 3652-PL-01: Location Plan; 3652-PL-02Ra: Existing Site Plan; 3652-PL-03Ra: Proposed Site Plan; 3652-PL-04Rc: Proposed Floor Plans; 3652-PL-05Ra: Proposed Elevations; 3652-PL-06Rb: Existing Buildings + Street Scenes; 3652-PL-07Ra: Proposed Roof Plan; and SJA MSP 22529-01: Method Statement Plan.
- 3) Prior to the commencement of any construction or demolition works, all tree protection measures shall be undertaken in strict accordance with the approved details contained in the Method Statement Plan drawing no. SJA MSP 22529-01 from SJA Trees. All arboricultural matters will then follow that described in these approved details.
- 4) Prior to the commencement of above ground works, details of external materials to be used in the construction of the development hereby approved, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 5) The development shall not be occupied until a scheme for the landscaping of the site including the retention of existing landscape features has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall include details of hard and soft landscaping, including any tree removal/retention, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation program.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to the first occupation of the development or within the first planting season following the completion of the development hereby approved. All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837: Trees in relation to design, demolition and construction.

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

- 6) Prior to the first occupation of the development hereby approved, space shall be laid out within the site in accordance with drawing no. 3652-PL-04Rc for vehicle parking. Thereafter the parking area shall be retained and maintained for its designated purpose.

- 7) Notwithstanding the submitted plan numbered 3652-PL-04Rc part the development shall not be first occupied unless and until the proposed vehicular accesses to Wimborne Avenue have been provided with pedestrian sight lines of 2 metres by 2 metres on the east side of the western access and 2 metres by 2 metres on the west side of the eastern access in accordance with a scheme to be submitted to and approved in writing with the local planning authority. Thereafter there shall be no obstruction to the pedestrian sight line between 0.6 metres and 2.0 metres high above the ground.
- 8) Prior to the first occupation of the development hereby approved, details demonstrating that the proposed dwellings can achieve maximum water consumption of no more than 110 litres per person per day shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, prior to the first occupation of the dwelling in which it relates.
- 9) Prior to the first occupation of the development hereby approved, infrastructure to enable the delivery of broadband services, to industry standards, shall be provided for each dwelling and thereafter retained.