



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: 18 April 2024

Appeal Ref: APP/L3625/W/23/3325544

Josil, Waterhouse Lane, Kingswood, Surrey KT20 6DT

- 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 Macar Bespoke (WHL) Limited against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 22/02835/F.
 - The development proposed is demolition of existing house, erection of 1 no. detached house with 5 bedrooms and 2 no. semi-detached houses with 4 bedrooms with associated refuse storage and new landscaping; provision of two new vehicular accesses and closure of existing access.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing house, erection of 1 no. detached house with 5 bedrooms and 2 no. semi-detached houses with 4 bedrooms with associated refuse storage and new landscaping; provision of two new vehicular accesses and closure of existing access at Josil, Waterhouse Lane, Kingswood, Surrey KT20 6DT in accordance with the terms of the application, Ref 22/02835/F, and subject to the conditions in the attached schedule.

Preliminary Matters

2. Planning permission was granted in May 2022 for the demolition of the existing dwelling and redevelopment of the site to provide 2 nos. 5 bedroom dwellings (Ref: 22/00047/F). A subsequent planning application was granted in January 2023, which introduced a Phasing Plan allowing the houses to be developed in 2 separate phases (Ref: 22/02481/S73). This appeal seeks to provide one detached dwelling (House A) and a pair of semi-detached dwellings (Houses B and C). The detached dwelling remains as previously approved. At the time of my site visit, construction works were well advanced for House A.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, having particular regard to Houses B and C.

Reasons

4. The appeal site consists of a large, two-storey detached dwelling (known as 'Josil') and a two storey dwelling, with accommodation in the roof, which is currently under construction. Waterhouse Lane is predominantly characterised by large, detached dwellings, which are set within spacious and well landscaped

plots. The opposite side of the road is less developed, containing sporadic residential development and fields. The appeal site falls within the Alcocks Lane and Waterhouse Lane Residential Area of Special Character (RASC), which has a verdant and attractive character.

5. Houses B and C have been designed to appear as a single dwelling, which would be similar in appearance to the consented scheme. One house would have its front door on the front elevation and the other on the side elevation. Houses B and C would share a driveway and have an open front garden. Only the back gardens of these houses would be subdivided and this would not be visible from the public realm. While I appreciate that the area typically has a low ratio of built form to plot size, visually Houses B and C would appear as one large, detached dwelling, set within a single plot and would be similar in appearance to the consented scheme.
6. The height of Houses B and C would be the same as previously approved. The appellant advises that the width of the principal part of the building would increase by 2 metres when compared to the consented scheme. However, the proposed attached garage has been reduced in width, which would result in slightly more space adjacent to the boundary of the site with the neighbouring property than the consented scheme. Consequently, I find that the proposal would preserve a sense of space between buildings.
7. The proposal seeks to provide one additional car parking space, when compared to the consented scheme. The increase in the area of hardstanding is not significant. The proposed parking area would be partially screened from the public realm by the new tree and hedge planting, which is proposed along the front boundary. As a result, the verdant and open character of the area would be preserved.
8. For the reasons given above, I conclude that the proposed development would preserve the character and appearance of the area. The proposal would comply with Policies DES1, DES2 and DES3 of the Reigate and Banstead Development Management Plan September 2019. These policies among other things require that development respects the character of the surrounding area and that within a RASC plot frontages reflect the existing street context and that development does not involve inappropriate sub-division of existing curtilages to a size below that prevailing in the area or result in a harmful erosion of spacing between buildings. The proposal would also accord with the National Planning Policy Framework, which seeks to achieve well designed and beautiful places.
9. While the Council's reason for refusal references the Reigate and Banstead Local Character & Distinctiveness Design Guide Supplementary Planning Document (SPD) June 2021, it is not clear from the Council's submission where this conflict arises. Nevertheless, this SPD is guidance only and I find no conflict with the adopted development plan.

Other Matters

10. Third parties have raised concerns in respect of matters not addressed above including highway and pedestrian safety, increase in traffic, parking provision, overlooking, drainage/sewage capacity and ecology. Based on the evidence before me and my site visit, I find no reason to reach a contrary conclusion to

the Council on these matters. Furthermore, I find that the proposal would have no greater impact on ecology than the consented scheme.

Conditions

11. As the development has already commenced, the standard time limit condition is not required. In the interests of certainty, I have included a condition specifying the approved plans. In order to protect the character and appearance of the area, protect existing trees and enhance biodiversity, conditions relating to finished floor levels, tree protection, landscaping and biodiversity enhancement are required. In the interests of highway safety and to ensure adequate parking is provided and retained on site, conditions regarding visibility splays, closure of the existing access, parking provision/retention and compliance with the approved Construction Traffic Management Plan are required.
12. In order to protect the living conditions of neighbouring occupants, a condition requiring the first floor windows on the side elevations of House A to be obscure glazed is necessary. In the interests of resource efficiency and connectivity, conditions are required regarding water efficiency and broadband connectivity.
13. Given the proposed materials are indicated on the plans, an external materials condition is not necessary. A condition securing electric vehicle charging points is also not necessary, as this is required under separate legislation.

Conclusion

14. 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 be carried out in accordance with the following approved plans: 00201: Location Plan; 22.073.000A: Proposed Phasing Plan; 22.073.001: Existing Site Plan; 22.073.002: Existing Ground Floor Plan; 22.073.003: Existing First Floor Plan; 22.073.004: Existing House Elevations North and South; 22.073.005: Existing House Elevations East and West; 22.073.006: Existing Sections; 22.073.100A: Proposed Site Plan; 22.073.101A: House A, B and C: Proposed Ground Floor Plan; 22.073.102: House A First and Second Floor Plans; 22.073.103: House B and C First and Second Floor Plans; 22.073.110: House A Elevations North and South; 22.073.111: House A Elevations East and West; 22.073.112A: House B and C Proposed Elevations North and South; 22.073.113A: House B and C Proposed Elevations East and West; 22.073.120: Proposed Section A-A; 22.073.121: Proposed Section B-B; 22.073.130: Proposed Street Elevation; 986-L-01/B: Landscape Proposals; and, 986-L-02/A: Planting Plan.
- 2) Prior to the commencement of above ground works for Phase 2, details of existing and proposed ground levels and the proposed finished floor levels of Houses 2 and 3 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.
- 3) Prior to the first occupation of the development hereby approved, details of visibility splays for both access points and means of preventing water runoff from the site onto the highway shall be submitted to and approved in writing by the local planning authority. The vehicular accesses and visibility splays shall be provided, prior to the first occupation of the dwelling(s) in which it relates. Thereafter the visibility splays shall be kept permanently clear of any obstruction over 0.6 metres.
- 4) Prior to the first occupation of the development hereby approved, the existing access to the site shall be permanently closed and the verge reinstated.
- 5) Prior to the first occupation of each phase of the development hereby approved, space shall be laid out within the site, in accordance with drawing no. 22.073.100A for vehicular parking and turning. Thereafter the vehicular parking and turning areas shall be retained and maintained for these purposes.
- 6) Each phase of the development hereby approved, shall be carried out in full accordance with the provisions set out within the Construction Traffic Management Plan (Ref: 6985/CTMP02) by RGP, dated March 2023.
- 7) Any ground works, demolition or construction works associated with the development hereby approved shall be carried out in accordance with the Tree Protection Plan Ref: SO-22/1258 Rev 5 set out within the Arboricultural Method Statement, Impact Assessment and Tree Protection Plan carried out by SouthOaks Arboricultural Consultancy (the Arboricultural Report). The tree protection fencing shall remain on site until the completion of the phase in which the tree protection fencing relates. Arboricultural supervision, monitoring and other tree protection measures shall be implemented in strict accordance with the details set out in the Arboricultural Report.

- 8) Prior to the first occupation of each phase of the development hereby approved, the biodiversity enhancement measures set out within section 7 of the Preliminary Ecology Appraisal prepared by Ecology and Land Management, dated December 2022 and the landscaping scheme as shown on drawing nos. 986-L-01/B and 986-L-02/A shall be implemented in full. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. The biodiversity enhancement measures shall be retained for the lifetime of the development.
- 9) The first floor windows in the east and west side elevations of House A of the development hereby permitted shall be glazed with obscured glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall be maintained as such at all times.
- 10) Prior to the first occupation of either phase 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.
- 11) Prior to the first occupation of the development hereby approved, infrastructure to enable the delivery of high speed broadband services, to industry standards, shall be provided for each dwelling and thereafter retained.