



Appeal Decision

Site visit made on 9 April 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2024

Appeal Ref: APP/L3625/W/23/3325914

4 The Drive, Banstead SM7 1DB

- 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 Dean Bowie, Nuro Homes Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 23/00087/F.
 - The development proposed is demolition of detached 5-bedroom dwelling with the erection of a 3-storey building comprising 9 flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the living conditions of the occupiers of 4a The Drive and 36a Brighton Road with regard to outlook, loss of privacy and overlooking;
 - The effect of the proposal on the character and appearance of the area, including a non-designated heritage asset; and,
 - Whether the level of off-street car parking would lead to unacceptable pressure on the demand for on-street parking and affect the living conditions of neighbouring occupiers and highway safety.

Reasons

Living conditions of 4a The Drive and 36a Brighton Road

3. When viewed from the windows and garden of 4a The Drive, the proposed building would be highly visible. It would extend significantly beyond the rear elevation of this house. What is currently a relatively open outlook from these neighbouring windows and garden, would be substantially curtailed by the presence of the building.
4. The combined effect of the proposed building's height, depth, and scale would exacerbate the impact of the presence of built form near this house. Because of its size and close proximity to the boundary, the building would dominate the outlook from the upper floor windows and garden to such an extent that it would have an overbearing presence.

5. 4a extends beyond the rear elevation of the existing house at the appeal site. This relationship was accepted by a previous Inspector¹. The proposed building would have a higher ridge line than 4a and extend further beyond its rear elevation than 4a does beyond the rear elevation of the existing house. Because of this, the current relationship between the existing house and 4a would be different to that of the proposed building and 4a. This allowed appeal is therefore not directly comparable to the proposal before me and has limited weight in my decision when considering this issue.
6. The rear garden of 36a Brighton Road is not visible from the appeal site due to the extensive landscaping along the shared boundary. At its closest point, the proposed building would be at least 4m away from the rear garden of this house. The building would have windows and balconies facing this rear garden. However, the intervening tall hedging and trees would largely intersect views, avoiding a significant loss of privacy for these occupiers. Additional landscaping could also be secured by planning condition to further mitigate any opportunities for overlooking.
7. When viewed from the rear garden of 36a, even though the building would be three storeys, most of it would be screened by the landscaping. Combining this with the set-back design which would increase the distance between part of the building and 36a, the bulk and mass of the building would not be unduly imposing on the outlook from the house or its garden. Whilst the upper part of the building would be visible, it would be a sufficient distance away to not have an overbearing effect to a degree that would harm living conditions.
8. For these reasons, the proposal would cause significant harm to the living conditions of the occupiers of 4a The Drive with regard to outlook. It would conflict with Policy DES1 of the Reigate & Banstead Local Plan Development Management Plan 2019 (the DMP) which amongst other things, expects new development to have due regard to the relationship with neighbouring buildings and not adversely impact upon the amenity of occupants of nearby buildings.

Character and appearance

9. Buildings in The Drive and Woodgavil share some common characteristics. Properties are typically two-storey with wide footprints built close to the side boundaries and have frontage parking. The Drive has more of a verdant character through the trees, landscaping and grass verges.
10. The appeal site is occupied by a two-storey house, set-back into a large plot with frontage parking. It is adjacent to land designated as Historic Parks and Gardens which is a non-designated heritage asset (the NDHA). The immediate street scene has a mixed character of both residential and commercial uses with a variation in the building heights, widths, depths and appearances.
11. The significance of the NDHA is primarily derived from the planned landscape design, characterised by the street trees which line the roads on the approach to Nork Park. These special features are still evident today. Although close, the appeal site is physically and visually separated from the tree-lined avenue of the NDHA.
12. Notwithstanding the assessment of the Council, the guidance in the RBBC Local Character & Distinctiveness Design Guide Supplementary Planning Document

¹ Appeal Ref: APP/L3625/W/17/3185419

2021 (the SPD) should not be applied prescriptively to the exclusion of all other factors, including the wider context of a site. Generous front parking areas, with hardstanding and landscaping, are part of the prevailing character of the area. The proposed parking area would broadly follow this and would therefore not be out of character. The landscaping proposed around the perimeter of the car park would be a visual improvement when compared to the existing frontage parking which has limited landscaping.

13. The more recently built neighbouring houses are taller than the existing house. Whilst this development is taller than that commonly found in the area, it now forms part of the area's character. The proposed building would have an eaves height similar to the neighbouring house and would not be much taller. Although the eaves height would be higher than that of the Church's, the building would be considerably shorter. It would be read in amongst this more diverse street scene as opposed to the housing in The Drive where there is a more consistent building height. The height of the proposed building would be seen as a transition in building heights between the neighbouring house and the Church and would not appear as irregular.
14. The scale and bulk of the proposed building would be greater than the nearby buildings. However, the L-shaped design, coupled with the hipped roof form, the set-down from the roof ridge and lowered gable ends, would visually break up the scale and bulk.
15. Although the distance from the rear boundary would be shorter than that typically found in the area, there would still be some space between the rear elevation and the adjacent boundary. The proposed building would have a sizeable footprint. However, because of the spacing around the front, rear and side elevations, this would not give rise to a cramped visual relationship. When taking account of the overall size of the plot and the resultant spacing around the proposed building, its size would not be so substantial to dominate the plot.
16. While a larger form of development would be built on the appeal site, the proposed building would be set quite far back into the site, increasing its separation from the NDHA. As the site is not experienced in the context of The Drive, the setting of the NDHA would therefore not be directly affected by the proposal. Consequently, the proposal would preserve the significance of the NDHA.
17. There would be some change to the character and appearance of the appeal site, however, for the reasons given above, the degree of change would not cause harm to the character and appearance of the area or the significance of the NDHA. The proposal therefore complies with Policies DES1 and NHE9 of the DMP, Policy CS4 of the Reigate and Banstead Local Plan: Core Strategy 2014 (the CS) and the National Planning Policy Framework. Amongst other things, these policies require new development to have due regard to building siting, scale and height of the surrounding area, respond to local character and preserve NDHA's special features.

Parking

18. Policy TAP1 of the DMP sets out that development is required to include car parking in accordance with adopted local standards (Annex 4) unless satisfactory evidence is provided to demonstrate that non-compliance would not result in unacceptable harm.

19. For this development, the minimum parking standards set out in Annex 4 require 15 residential spaces and 1 visitor space. There would be a shortfall of 7 spaces. These standards are based on the appeal site falling within the 'low accessibility' category. Notwithstanding this, there are bus stops nearby and Banstead Town Centre and Banstead Station are also within walking distance. Generally, future occupants would be unlikely to rely on cars as much as other sites in low accessibility areas.
20. The parking survey accompanying the appeal has followed the Lambeth Methodology for assessing parking stress. The survey was carried out during the night on two consecutive days when most were likely to be home. This is an established means for measuring parking conditions. Surrey County Council Highway Authority (the Highway Authority) has also not disputed the use of this methodology. In the absence of any comparable analysis, I have relied upon the results of the survey in assessing the appeal.
21. The parking survey showed that the roads surveyed were not subject to high parking stress and that over 50 on-street parking spaces were available. The evidence indicates that the parking shortfall could therefore reasonably be accommodated on the nearby roads where there are no parking restrictions. While this represents a snapshot, at my morning site visit, I saw that the service road parallel to Brighton Road was heavily parked, whereas Woodgavil and The Drive had very few cars parked with several potential parking spaces available.
22. I accept that parking levels on the surrounding roads are likely to fluctuate at different times, particularly as there is a nursery and school in the area that may also attract on-street parking demand. Some increased competition for on-street parking spaces could cause inconvenience and frustration. However, this cannot necessarily be equated to material harm of a magnitude that would warrant withholding permission.
23. The Highway Authority has raised concerns over the ability of Woodgavil to safely accommodate any parking overspill, considering the road to be too narrow to allow refuse vehicles to pass when a car is parked. Part of Woodgavil is subject to parking restrictions and would prevent this. Due to the various dropped kerbs along Woodgavil, there is limited provision for on-street parking. Nevertheless, some uncontrolled on-street parking can currently take place in Woodgavil.
24. Whilst I understand the Highway Authority's concerns, the unrestricted nature of this part of Woodgavil cannot be overlooked. Even if I were to accept the proposal would give rise to some increased parking in Woodgavil, parking along part of the road is not prohibited, despite the width of the road.
25. While there may be existing instances of inconsiderate and illegal parking, these are matters for the Highway Authority and do not fall to be considered within the scope of this appeal. The evidence before me does not indicate that future occupants and their visitors would necessarily be forced to park illegally or dangerously. Increased parking from non-church users in the private church car park would be a civil matter for the landowners to enforce any parking restrictions.
26. Vehicles crossing the footpath to drive in and out of the parking areas at the front of properties is common in the locality. The existing frontage can

accommodate several cars. Access to the car park would be via the existing route across the footpath. Neither the Council nor the Highway Authority have raised concerns over the increased usage of this access. Before entering or exiting the car park, drivers would have good visibility to see pedestrians. There is no substantive evidence before me to demonstrate that utilising the existing access would have a detrimental impact on highway safety.

27. Drawing all of the above together, satisfactory evidence has been provided to demonstrate that non-compliance with the parking standards would not place unacceptable pressure on the demand for on-street parking. The proposal would therefore not cause unacceptable harm to the living conditions of neighbouring occupiers or highway safety, due to parking. The proposal therefore complies with Policies DES1 and TAP1 of the DMP which amongst other things require development to make adequate provision for parking, to not result in unacceptable levels of on-street parking demand and to not endanger the safety of road users.
28. Policy CS10 and CS1 of the CS are high level policies requiring sustainable development. Given my conclusions above, the proposal would be in accordance with the aims of these policies.

Conclusion

29. The proposal would harm the living conditions of the occupiers of 4a The Drive. I place significant weight on this harm and the associated conflict with the development plan.
30. The proposal would not harm the character and appearance of the area or the significance of the NDHA, it would not place unacceptable additional pressure on the demand for on-street parking and would not cause unacceptable harm to highway safety.
31. There is no substantive evidence before me regarding the Council's housing supply. Nevertheless, the proposal would provide 8 additional homes supporting the government's objective of significantly boosting the supply of homes. There would also be some social and economic benefits arising from the construction phase and future occupants would bring trade to nearby shops and services.
32. Taken together, these benefits attract only moderate weight given the quantum of development under consideration and would not outweigh the harm I have identified including the conflict with the development plan.
33. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

L Reid

INSPECTOR