



Appeal Decision

Site visit made on 21 May 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2024

Appeal Ref: APP/L3625/W/23/3334554

Land Rear of 353 Reigate Road, Epsom Downs, Surrey KT17 3LT

- 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 Steven Doel of Denton Homes Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 23/01699/F.
 - The development proposed is the construction of a detached dwelling with parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises a parcel of land to the south of Linnet Close, a cul-de-sac of 7 dwellings. The appeal site, and an immediately adjoining parcel of land, create a gap in built form between established properties within Linnet Close and those in Juniper Place. This provides a clear sense of separation and relief in an area which has been subject to considerable infill and backland development over time.
4. While the proposed dwelling would broadly be in keeping with the design and scale of established properties within Linnet Close, forming a continuation of that building line, it would be positioned on higher ground and would be of a greater height overall. It would also draw development to the south, nearer to Juniper Place. Although views of the site, and therefore the proposed dwelling, are reasonably limited from surrounding public vantage points, glimpsed views would be possible between gaps in buildings. The proposed development would also be highly visible from a number of nearby residential properties. Based on its position and overall scale, the proposed dwelling would have a harmful urbanising impact here.
5. I accept that the proposed dwelling would sit, broadly, in the location of an existing area of hardstanding. I also accept that the undeveloped grassed area to the south (positioned out of the red line boundary but within the same ownership) would remain unaltered as a result of the scheme before me. However, the existing physical gap that currently exists between built form would be diminished.

6. My attention is drawn to the planning history of the site, including several appeal decisions. I note that in many cases previous Inspector's rejected any development beyond the 7th dwelling within what is now known as Linnet Close.
7. I accept that some of the circumstances at the site may have changed since those appeals were considered, namely that the development at Linnet Close has been completed and occupied, whereas during previous appeals this had either not begun or was under construction. However, the scale and position of this further dwelling differs only marginally from previous schemes. Moreover, I take from the previous Inspector's decision that the site was already severed from surrounding properties at the time of the most recent appeal. Furthermore, I accept that a series of backland and infill developments have taken place in the surrounding area over time. Nevertheless, taking all of these matters into account, circumstances have not changed so significantly that I am led to depart from that previous Inspector's position.
8. The site, together with the adjoining undeveloped parcel of land, does not currently feature any meaningful landscaping within it. Whatever the circumstances of the alleged loss of trees and landscaping, raised in comments, there is no likelihood that any landscaping would be replaced at the appeal site, or the site adjacent without a development proposal. Be that as it may, the lack of landscaping does not remove the physical gap that exists, and has done historically, or provide justification for the intensification of the location. In addition, very little room would be made available for any significant landscaping on the appeal site itself, even if this were to be conditioned.
9. That a development at Bridgefield Close has been approved in recent times, does not automatically mean that the scheme before me should be acceptable where harm has been identified. In any case, the Bridgefield Close development, whilst visible, has not had the same physical bearing on the gap that exists between Linnet Close and Juniper Place as would be the case under this scheme.
10. Overall, I consider that the proposed development would have a harmful urbanising impact on the character and appearance of the surrounding area, contrary to the relevant provisions of Policies DES1 and DES2 of the Reigate and Banstead Development Management Plan 2019. These policies, in summary, seek to ensure a high quality design in development that respects its context. This is in a similar vein to the provisions of the Reigate and Banstead Local Character and Distinctiveness Design Guide Supplementary Planning Document and the National Planning Policy Framework insofar as good design and achieving well-designed places is concerned.

Other Matters

11. That there are no designated heritage assets on or within close proximity to the site does not lead me to an alternative conclusion on the main issue.
12. I acknowledge that the development would result in the delivery of a new dwelling in the borough on a small (argued to be brownfield) windfall site. This would contribute towards housing supply by an SME builder, which is an objective of the Government. This would also have positive social and economic benefits, and I accept that the site is in a relatively sustainable location. However, these benefits are very limited by reason of the scale of the development and are not sufficient to outweigh the harm that I have identified.

13. I acknowledge that the proposed development would meet some other planning policy objectives, including in respect of detailed design, highway safety, waste storage, energy efficiency and impact on existing trees. However, these matters are not in dispute between the Council and appellant and are essentially neutral in my determination of the appeal. I have limited substantive evidence before me to demonstrate the biodiversity net gain of the proposed development. In any case, this is not wholly reliant on the specific scheme before me.
14. Matters relating to living conditions, in particular overlooking and overbearing impacts, have been raised by nearby occupiers. Based on the evidence submitted and my observations on site, I do not consider the proposed development to result in any harmful effect on living conditions. Nevertheless, the lack of harm in this respect does not outweigh or overcome the harm I have identified above.

Conclusion

15. For the reasons above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR