



Appeal Decision

Site visit made on 23 July 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2024

Appeal Ref: APP/L3625/W/23/3332034

103 Ashurst Road, Tadworth, Surrey KT20 5EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Dean Bowie of Nuro Homes Limited against Reigate and Banstead Borough Council.
 - The application Ref is 23/00245/F.
 - The development proposed is the conversion of the existing bungalow to 2 x 3-bedroom homes including erection of 2 x 2-bedroom maisonettes and associated landscaping and parking.
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Decision

1. The appeal is dismissed and planning permission for the conversion of the existing bungalow to 2 x 3-bedroom homes including erection of 2 x 2-bedroom maisonettes and associated landscaping and parking is refused.

Preliminary Matters

2. The appeal is against the non-determination of a planning application. The Council's appeal statement indicates that it would have refused planning permission for reasons relating to character and appearance and the living conditions of future occupiers. The main issues below are therefore taken from the Council's appeal statement.
3. The appellant submitted an amended site location plan and a proposed roof plan with the appeal documents. The Procedural Guide for Planning Appeals makes clear that the appeal process should not be used to evolve a scheme and it is important that what is considered is essentially what was considered by the Council, and on which interested people's views were sought. As the revised site location plan shows a slightly larger site boundary and the roof plan shows information which was not available at the time of the application, it would not be procedurally fair to accept these plans without further consultation. Accordingly, I find that to consider these plans could cause prejudice to interested parties by depriving those who should have been consulted on them the opportunity of such consultation. For this reason, my decision on the appeal is based only on the originally submitted plans.
4. A draft National Planning Policy Framework was published in July 2024. As the proposed changes would not materially affect the main issues in this case, the parties were not invited to make further comments. As the draft document is currently subject to consultation, it carries very little weight.

Main Issues

5. The main issues in this appeal are:

- the effect of the proposal on the character and appearance of the area; and
- whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to outlook, light and external space.

Reasons

Character and appearance

6. The relatively flat appeal site comprises a disused bungalow and detached garage in a predominantly residential area. Several other single storey houses lie to the south, beyond which are two storey terraced dwellings. There are also two storey properties opposite, set down from the road. A recent two and three storey development and associated parking area at 105-125 Ashurst Road (No 105) is sited on rising land to the north. There is a mix of dwelling sizes and styles in the area, but projecting gables on two storey buildings and hipped and pitched roof forms prevail.
7. The existing bungalow would be extended upward, and the garage would be replaced by a new building. The two structures would accommodate four two storey dwellings, bringing an existing site in poor condition back into use.
8. The half-hipped roof forms would be incompatible with the existing hipped and pitched roof profiles in the street. Further, the proposed eaves level fenestration within dormers and gables would fail to reflect the design of existing two storey development in the locality. Although there would be front porch canopies, the lack of any front projections or insets would be at odds with the projecting gables evident on other two storey buildings in the vicinity. Due to the length of the front wall on the same plane, its roof form and low eaves height, the southernmost building would have a particularly squat appearance. Whilst the finishing materials could be subject to a condition, the design of the extended and new buildings would appear discordant in views from Ashurst Road.
9. The proposed development would be higher than the existing single storey houses to the south and appear larger than the buildings opposite. However, the varied height of buildings in the locality, including the two and three storey buildings at No 105 and the two storey houses further along Ashurst Road, means that the scale of the proposal would not be incongruous or unduly prominent in the street scene.
10. The structure containing units 3 and 4 would be closer to the road than the existing garage, but it would be a similar distance from the front and rear boundaries as the properties at No 105. Further, whilst it would be close to the northern boundary, the neighbouring parking area and garden would ensure that a gap is maintained between this building and the existing structures at No 105. The extended building would have spaces for cars and soft landscaping in front and rear gardens behind. A sizeable communal garden would separate it from the proposed new building. Therefore, due to the position of the proposed buildings relative to the boundaries and existing development, the scheme would not appear cramped.

11. There is existing car parking on the site in front of the double garage which lies adjacent to the large parking area for No 105. The scheme would include hardstanding for four parking spaces. Although this would occupy a large part of the site frontage, there would be soft landscaping in front of each dwelling and a narrow space for planting between the parking spaces for units 3 and 4 and that for unit 2. Given the extent of hard surfaced parking areas which already exist and the proposed soft landscaping layout, the proposed parking would not be discordant in views from the road.
12. Overall, due to the design of the extended and new buildings, I conclude that the proposal would harm the character and appearance of the area. This would be contrary to Policy CS1 of the Council's Core Strategy 2014 (CS) and Policies DES1 and DES2 of the Reigate & Banstead Local Plan Development Management Plan 2019 (DMP). Together, these require development to respect the character of the surrounding area, including in relation to building detailing and surrounding roofscapes, amongst other things.

Living conditions

13. The living/dining areas in units 3 and 4 would have rear south west facing patio doors opening directly onto the rear communal garden area, with a steep bank of large trees beyond. I acknowledge that there would also be side openings and front kitchen windows to these dual aspect open plan rooms. However, the very small distance between the proposed patio doors and the landscaped embankment would create an undue sense of enclosure for future occupiers of these dwellings when using the living/dining areas. Further, despite the orientation of the glazed doors, their position close to the steep bank of trees would limit the sunlight to these rooms. Thus, the proposal would result in harmful living conditions for the future occupiers of units 3 and 4.
14. The appellant states that the distances to the rear boundaries would be greater than those in the approved application (ref 17/01584/F) for No 105. However, the Council's Planning Officer's report for that scheme indicated that primary rooms are generally sited to the front to mitigate impact from tree shading and thereby found that acceptable outlook would be provided. As the living/dining rooms for units 3 and 4 would be located to the rear, the current scheme is not comparable to this scheme for No 105.
15. The Council does not raise any issue in respect of the size of the communal garden for units 3 and 4. The three-bedroom dwellings 1 and 2 would have private rear gardens tapering out from around 3.5m deep to about 6.4m deep and extending beyond the width of each house. Due to their shape and size, the gardens would provide sufficient usable outdoor space to meet the needs of future occupiers of these houses.
16. Therefore, whilst there would be acceptable provision of external space, I conclude that the proposed development would provide unacceptable living conditions for the future occupants of units 3 and 4, with particular regard to outlook and light. This would conflict with Policy CS1 of the CS and Policies DES1, DES2 and DES5 of the DMP. Together, these require new development to provide a good standard of amenity and an appropriate environment for future occupants. This includes ensuring primary habitable rooms have an acceptable outlook and where possible receive direct sunlight, amongst other things.

Other Matters

17. The proposal would contribute three additional dwellings towards the supply of housing, making more efficient use of a disused site close to services and public transport. However, the Council has identified sufficient housing sites to demonstrate that it can meet the minimum five-year housing land supply required by the National Planning Policy Framework (the Framework). This tempers the weight I have attached to housing delivery, notwithstanding that it is still a limited benefit to be factored into the planning balance.
18. The Council did not find harm or development plan conflict in relation to several other matters. These include the principle of residential development, affordable housing provision, privacy of future occupiers, neighbouring living conditions, flood risk and surface water drainage, car parking and highways, bicycle and waste storage, trees, ecology, energy and water efficiency, contamination, noise, building structure, and heritage assets. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.

Planning Balance and Conclusion

19. I have found harm to the character and appearance of the area, and unacceptable living conditions for the future occupants of units 3 and 4. These are planning harms which attract considerable weight. The delivery of housing attracts only limited weight and the remaining matters neutral weight, which accordingly do not outweigh the harm I have found.
20. For the reasons given above, the proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed, and planning permission is refused.

A Wright

INSPECTOR