

Appeal Decision

Site visit made on 19 August 2024

by Graham Stallwood BA(Hons) DipTP MBA FRTPI MCMi FRSA

Appointed by the Secretary of State

Decision date: 13 September 2024

Appeal Ref: APP/L3625/W/23/3335042

126 Brighton Road, Hooley, COULSDON, CR5 3EF

- 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 Ch Wahid against the decision of Reigate and Banstead Borough Council.
 - The application reference is 22/02711/F.
 - The development proposed is demolition of existing two-storey dwelling and the erection of five flats in a two-storey building with roof accommodation with provision of eight parking spaces, refuse and recycling and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Before permission was refused by the Council the scheme was amended. I have decided the appeal based on the amended drawings and used the Council's amended description of the proposed development.

Main Issues

3. The main issues are:
 - a) The effect of the proposed development on the character and appearance of the area.
 - b) The effect of the proposed development on the living conditions of nearby residents, particularly those at 124 Brighton Road.
 - c) The effect of the proposed development on highway safety.

Reasons

Character and appearance

4. The site is part of a linear, suburban development dating from the inter-war period. The area is characterised by a complementary range of detached and semi-detached buildings which vary in height, depth and design. They include bungalows, chalet bungalows, detached and semi-detached houses, and buildings containing flats.

5. On the side of Brighton Road where the appeal site lies, the buildings are set back from the carriageway behind a verge, footway and frontage areas. The frontages are used for gardens, parking, or a mix of the two. The other side of Brighton Road is on higher land, so the buildings and gardens rise above the road. Commercial uses are also nearby. Brighton Road was very busy with traffic and some pedestrians at the time of my visit.
6. The appeal site contains a modest, detached, two storey house. The frontage contains parking and an outbuilding, and overly large conifer trees along the front boundary wall, which would all be removed. Number 128 is larger than the house on the appeal site. Number 124 maintains its original scale and has an open frontage and space to its side which, combined with the frontage of number 122, expose the appeal site.
7. The new building would be sited appropriately in relation to the road and the prevailing character for the frontages of buildings. The parking area would retain space for appropriate landscaping on the frontage. Unobtrusive, convenient refuse and recycling facilities are proposed as part of the frontage area.
8. However, the scale of the proposed building would be uncharacteristically large and visible within the surrounding context. The depth would be apparent across the frontage of 122 and 124 Brighton Road. Rather than providing a visual transition between the buildings, the space between numbers 124 and 126 would emphasise the scale of the proposed development. From opposite, the height and width of the building, including its unusually located dormer windows, would appear bulky and insensitive.
9. The design of the elevations would draw attention to and emphasise this scale. The front elevation appears top heavy, and the window mix and pattern lacks coherency. The rear dormer windows and glazing do not complement the scale of the building. The overall roof form is bulky. The consequence of the scale and design of the building would be a form of development which would be harmful to the character and appearance of the area.
10. For these reasons the proposed development would not comply with the aims of Policy DES1 of the Reigate and Banstead Development Management Plan 2019 relating to the design of new development. They seek high quality design that relates to and makes a positive contribution to the character and appearance of the surroundings, including through relationships with surrounding buildings.

Living conditions

11. 124 Brighton Road is a former semi-detached dwelling which appears to have been converted into two flats. It has a conservatory to its rear. Windows in the side of the building looking towards the site appear to serve non-habitable rooms such as a bathroom and a hallway.
12. The proposed building would be close to the side boundary with 124 Brighton Road, and its footprint would be around three times the depth of the building it would replace. Much of that depth would be two storeys in height, with the dormer windows adding additional bulk. Windows proposed for the side

facing number 124 either serve non-habitable rooms or provide secondary aspect for a living area.

13. When viewed from 124 Brighton Road, the massing of the building would loom oppressively over the occupiers when they approach their homes, are in their garden, or when they are using the conservatory. The scale of the building would also be apparent from their side windows and some of the rear windows, increasing the overall sense of the development's dominance.
14. The distance of the building from number 124 and its position in relation to its rear windows are such that the building would not reduce sunlight or daylight unacceptably to its occupiers. However, the building would be located to the south of number 124 and the significant increase in massing would likely increase shadowing of the garden and the living accommodation at number 124 to a noticeable degree. In relation to 124 Brighton Road, the overall effect of the proposal would be visual dominance and increased shadowing which would significantly and unacceptably reduce the standard of living conditions.
15. Representations from nearby residents suggest the development would also lead to increased overlooking and a loss of privacy for occupiers of Church Lane Avenue or opposite on Brighton Road. Although windows at roof level would be looking towards both those locations, the distances involved would prevent a harmful loss of privacy.
16. The harm resulting from the development to the living conditions of the occupiers at 124 Brighton Road would be contrary to Policy DES1 criterion 5 of the Reigate and Banstead Development Management Plan 2019 that seeks to ensure development does not adversely affect the living conditions of nearby occupants.

Highway safety

17. The scheme proposes eight parking spaces, including one designated space for people with disabilities. The plans show the availability of turning space so that vehicles may leave the site in forward gear. Annex 4 of the Development Management Plan expects ten parking spaces for this type of development, although states that the standards are provided as a guide and may be varied considering local circumstances.
18. Whilst the area is designated as being of low accessibility, it is within walking distance of two petrol stations, some small shops and a coffee shop. A regular bus service operates along Brighton Road providing access to nearby towns with a range of facilities and national rail services. The bus stops are close to the appeal site and access to them is illuminated by streetlights and reasonably level. A pedestrian crossing point enables the busy road to be crossed safely. There are double yellow lines preventing lawful parking along Brighton Road, including outside the site. Parking further away in surrounding roads is possible but is unlikely to be a routine option for future occupants of the flats due to the distance and associated lack of convenience.
19. It is likely that the future occupants of the proposed flats would take these factors into account when considering whether to live there, although I

recognise that visitors are more likely to use nearby streets sometimes. Considering this and the likely occupancy of five modest sized flats, providing eight parking spaces on the site is unlikely to lead to an unacceptable increase in on-street parking. I note the County Highways Authority did not object to the proposal.

20. The construction period would generate a range of vehicle movements and activities which have the potential to cause disruption and danger to users of the A23, part of the Strategic Road Network. In the absence of a Construction Traffic Management Plan, National Highways objects to the development as it cannot be satisfied that those vehicle movements and activities can be managed appropriately. National Highways also objects due to a lack of information regarding detailed matters such as tree felling, construction details and possible damage to the strategic road network resulting from the construction works.
21. As a statutory consultee, National Highways' representations carry significant weight. I agree that a Construction Traffic Management Plan would be essential to ensure that disruption and danger to highway users does not occur during the development. However, such a plan could be secured by a condition on any permission granted. I have not seen clear evidence to demonstrate a satisfactory plan and approach could not be secured. The proposed parking area would be available for construction activities, and management of construction activities in similar situations is commonplace.
22. A site access already exists and there is a wide verge which provides visibility as vehicles leave the site. Although detailed works to the access within the highway boundary may well be required, full technical details of these are not required before planning permission can be granted. Similarly, potential damage which may result from removing trees and roots (or other activities) is not a matter normally managed through a planning application. Whilst they are important matters, National Highways can manage them through its normal highway management procedures. There is no clear reason why, in this case, they would need to be fully detailed and agreed before planning permission can be granted.
23. For these reasons, the proposed development would not reduce highway safety. It would comply with those aims of Policy TAP1 of the Reigate and Banstead Development Management Plan 2019 that seek to encourage sustainable transport choices and ensure highway safety.

Other Matters

24. The development would contribute to the National Planning Policy Framework's aims of boosting housing supply and making more efficient use of land. The construction would support temporary economic benefits through job creation, and additional homes bring spending on local services. The proposal would also bring contributions to improve local infrastructure through Community Infrastructure Levy. The additional dwellings would be a significant benefit and the other benefits would be moderate.

Conclusion

25. While I have found no harm to highway safety, there would be harm to the character and appearance of the area and the living conditions of neighbouring residents. This would conflict with the development plan as a whole. Whilst some of the benefits of the development are significant, taken together they are insufficient to indicate that a decision should be taken other than in accordance with the development plan.
26. For the reasons given above the appeal should be dismissed.

Graham Stallwood