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## Appeal Decision

Site visit made on 1 October 2024

**by J Davis BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 October 2024**

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**Appeal Ref: APP/L3625/W/24/3346999**

**Fantasy Lodge, 132A Nork Way, Banstead, Surrey, SM7 1HP**

- 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 Ashgrove Homes Limited against the decision of Reigate and Banstead Borough Council.
  - The application Ref is 24/00134/F.
  - The development proposed is demolition of bungalow and associated buildings and erection of four detached two storey dwellings, three with rooms in roof, parking, landscaping and amended access.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - the effect of the proposed development on the character and appearance of the area;
  - the effect of the proposed development on the living conditions of the occupiers of 11 and 12 Larchwood Close, with particular reference to privacy and outlook;
  - the effect of the proposed development on the living conditions of future occupiers, with particular reference to garden size; and
  - the effect of the proposed development on existing biodiversity and ecology.

### Reasons

#### *Character and appearance*

3. The appeal site comprises a detached bungalow and associated outbuildings set within a large, heavily overgrown plot. The existing bungalow is well set back from the road frontage, with the plot also extending to the rear of 132 and 134 Nork Way. The surrounding area is mainly residential in character, comprising mostly detached dwellings, including two storey houses, chalet style dwellings and bungalows set within large, well landscaped plots. There are also several examples of two-tier development in the immediate area, where a second row of houses sit behind frontage properties within generally smaller

- plots, including at (amongst others) Acer Close, Lambourne Close, Rowan Close and Brambling Close.
4. The proposal is for a row of four houses, set back from the road frontage behind the existing dwellings at 132 and 134 Nork Way. As acknowledged above, two tier development is characteristic of the surrounding area and the proposed development would not be out of keeping with the surrounding area by virtue of its location behind the existing row of frontage dwellings.
  5. The site would be accessed via a long access leading from Nork Way, in a similar position to that of the existing driveway. It would be well landscaped and would not be harmful to the existing street scene along Nork Way.
  6. On approaching the proposed dwellings, the house on plot 1 would be staggered a considerable distance forward of the adjacent dwelling on plot 2. It would also be set at a slight angle to the remainder of the proposed dwellings. The forward projection of the dwelling on plot 1 together with its orientation and design with a large prominent front gable would result in the development appearing cramped and contrived, with a limited setting also provided to the front of the dwelling. The dwelling on plot 1 would also be sited in a plot of limited depth, and given its overall size, bulk and height, I consider that it would also appear cramped in relation to its boundaries.
  7. The dwellings on plots 1-3 would incorporate rooms within their roof space, served by dormer windows on their rear elevations. The dwellings would be relatively high, with a rather bulky roof form. Given the limited separation distance between the dwellings, there would be little visual relief to the overall mass of the development, resulting in the development having a cramped appearance. This would be particularly apparent in respect of Plots 2 and 3 due to the height of the facing flank walls in combination with the bulky half-hipped roof design. Furthermore, the lower element on the side of the dwelling on plot 3 would be relatively high and accordingly, would not provide sufficient visual separation between it and the high flank wall of the dwelling on plot 4.
  8. The cramped nature of the development would be further exacerbated by the high, prominent return on the front elevation of the dwelling on plot 4 which would detract from the spaciousness at the end of the close.
  9. I acknowledge that other dwellings in the local area are sited relatively close to each other, particularly in respect of the newer, back garden developments. I acknowledge that several of these developments were allowed on appeal as highlighted by the appellant. However, I observed that in many cases, differing elevational treatment and roof designs has generally resulted in more visual separation and a less cramped layout. With regard to the appeal proposal, it is a combination of the site layout, overall quantum of development and the size, scale, height and design of the proposed dwellings that leads me to conclude that the proposed development would represent a cramped form of development that would be harmful to the prevailing character and appearance of the surrounding area.
  10. I therefore conclude on this issue that the proposed development would have a harmful effect on the character and appearance of the surrounding area. Accordingly, it would conflict with Policies DES1 and DES2 of the Reigate and Banstead Development Management Plan 2019 (DMP) which set out, amongst other matters, that new development should be of a high quality design that

promotes and reinforces local distinctiveness and respects local character. The proposal would also conflict with the high quality design objectives set out in the National Planning Policy Framework 2023 (the Framework).

*Living conditions of the occupiers of 11 and 12 Larchwood Close*

11. The proposed dwellings would back onto Nos 10, 11 and 12 Larchwood Close. The dwellings to the rear are on slightly higher ground and separation distances of between about 28.6m and 35.7m would be achieved between the rear elevations of Plots 1 and 2 and the opposing rear elevations of 11 and 12 Larchwood Close.
12. I acknowledge that the appeal site is currently very overgrown with well screened boundaries although not all existing vegetation would be retained. However, the proposed dwellings on Plots 1 and 2 would be very apparent when viewed from 11 and 12 Larchwood Close, through gaps in the vegetation. The main rear elevation of the dwellings on plot 1 and 2 would be close to the rear garden boundaries of Nos 11 and 12. At two and a half storey in height, the proposed dwellings would be unduly dominant and oppressive and consequently, would have an overbearing effect upon outlook, particularly from the back gardens of Nos 11 and 12.
13. The occupiers of Nos 11 and 12 Larchwood Close currently enjoy a high standard of privacy and the introduction of first, and particularly second floor windows, at such proximity would also result in an unacceptable level of overlooking into the rear gardens of Nos 11 and 12, and consequently, would be harmful to the living conditions of the occupiers of those dwellings.
14. The boundary of the site with 10 Larchwood Close is also well screened. The main elevation of No 10 would face towards the longer rear garden of the dwelling on plot 4. Whilst the rear elevation of the development would be visible from No 10, given the greater separation distance between the rear elevations of the proposed dwellings and the boundary with No 10, the living condition of the occupiers of that dwelling would be less affected.
15. Having regard to the above considerations, I conclude the development would have a harmful effect on the living conditions of the occupiers of 11 and 12 Larchwood Close, with particular reference to privacy and outlook. Consequently, the proposal would fail to comply with Policy DES1 of the DMP which, amongst other things, requires development to provide a good standard of amenity of all existing occupants.

*Living conditions of any future occupants*

16. The dwelling on plot 1 would be provided with a rear garden with an overall depth of between 8.5 – 12 metres. I am not aware of any local or national prescribed minimum standards in respect of garden space and this is, therefore, a matter of judgement.
17. The dwelling on plot 1 would be a 5 bedroom, family-sized dwelling arranged over three floors. Whilst the garden would provide a sitting out area and drying space, I consider that it would be disproportionately small and constrained in relation to the overall size of the dwelling and its potential level of occupation. The size of amenity space proposed would therefore be inadequate and less than is reasonable for a large family-sized dwelling. Furthermore, the dwelling would unacceptably dominate the rear garden, thus offering a poor standard of

outdoor amenity for future occupiers. Public open space is available in the area. However, this would not compensate for the inadequate private amenity space provision proposed.

18. Thus, I conclude that the proposal would have a harmful effect on the living conditions of future residents with regard to outdoor space. It would be contrary to policies DES1 and DES2 of the DMP insofar as these policies seek an appropriate environment and a good standard of amenity for future residents.

### *Biodiversity / Ecology*

19. The Council's refusal reason 4 relates to the requirement to carry out presence/likely absence surveys for bats and reptiles on the site. I note that emergence surveys for bats were carried out in May and June 2024. The Council has subsequently advised that having regard to the findings of these surveys, it is not considered that the presence of bats at the site would prevent the proposed development. In the absence of any substantive evidence to the contrary, I have no reason to disagree with the Council's findings on this matter.
20. The Ecological Impact assessment (EIA) submitted in support of the appeal proposal identifies that the range of habitats on the site has good potential to support reptile species. It recognises that the site has some connectivity to the wider landscape in the form of gaps in the wooden panel fencing which bound the site. Therefore, if reptiles were present in the wider landscape, they would be able to access and utilise the site.
21. In terms of the wider landscape, the EIA states that the wider landscape is considered sub-optimal to support reptiles due to its highly urbanised nature resulting in a lack of suitable habitat to support these species. It also recognises that the wider landscape has limited connectivity, being divided by roads, solid fencing, walls and buildings etc. Therefore, the overall conclusion of the EIA is that it is unlikely that populations of reptiles are present within the wider environment.
22. Surrey Wildlife Trust (SWT) were consulted on the proposed development. SWT highlighted that Slow Worm are often found in mature urban gardens and that the possibility of their presence cannot be ruled out. Whilst the EIA considers it disproportionate to conduct further reptile surveys, given the extensive mature gardens in the immediate vicinity of the site, I cannot be sure that reptiles are not present or that they would not be adversely affected. It would not be appropriate to require additional survey work by way of a condition as I cannot determine whether reptiles are present on site, what impact the development may have on them, and whether any adverse impacts could be mitigated.
23. For the above reasons, I am unable to conclude that the proposal would not have a harmful effect on biodiversity, with regard to reptiles. The proposal would be contrary to Policies DES1, NHE2 and NHE3 of the DMP and the Framework which, amongst other things, seek to ensure that development protects and enhances biodiversity.

### **Planning Balance**

24. Whilst I have acknowledged the evolving character of Nork Way and, in particular, the two-tiered developments that have taken place along it, I have

nonetheless concluded that the proposed development would be harmful to the character and appearance of the area for the reasons given above. In addition, I have identified harm to the living conditions of existing and future occupiers. Furthermore, I cannot be sure that the proposed development would not harm existing biodiversity.

25. The proposal would provide four houses designed to modern standards in a sustainable location. It would make a small but meaningful contribution towards the Borough's housing stock which weighs positively in its favour and aligns with the objective of significantly boosting the supply of housing, as set out in the Framework.
26. Given the modest scale of the development I give these benefits moderate weight and find that they do not outweigh the significant harm I have identified above.

### **Conclusion**

27. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

*J Davis*

INSPECTOR