



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

Appeal Ref: APP/L3625/W/24/3346944

Land to the rear of 59 and 61 Nork Way, Banstead, SM7 1HL

- 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 Trinity Square Developments against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 23/02289/F.
 - The development proposed is erection of 2 x 4-bedroom detached dwelling with associated access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 x 4-bedroom detached dwelling with associated access, parking and landscaping at Land to the rear of 59 and 61 Nork Way, Banstead, SM7 1HL in accordance with the terms of the application, Ref 23/02289/F, subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by Trinity Square Developments against Reigate and Banstead Borough Council and this is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - the effect of the proposed development on the living conditions of the occupiers of 61 Nork Way.

Reasons

Character and appearance

4. The appeal site comprises a parcel of land to the rear of 59 and 61 Nork Way. Whilst it previously formed part of the rear garden of those properties it has subsequently been sub-divided and fenced off.
5. The surrounding area is mixed in character and appearance, comprising of residential dwellings of differing architectural designs and age, set in plots of

varying size. There are several examples close to the site of houses in second rows behind the main road frontage dwellings. This two-tier form of development is clearly part of the established character of the area. Whilst the immediate area is mainly residential in character and appearance, there is also a surgery building adjacent to the site, on the corner of Nork Way and Warren Road.

6. The proposed dwellings would be accessed via an access running in between 61 Nork Way and the adjacent Nork Surgery. This access has been partly constructed as a private driveway to a point level with the rear elevation of the No 61.
7. There are a variety of plot sizes in the immediate area, including some large plots to the north east and south west of the appeal site. However, there are also relatively small plots within the vicinity, including those to the rear of the site in Willow Close and a short distance to the north, in Nork Gardens.
8. The proposed dwellings would be located in plots that exceed the size of many in the locality. Furthermore, the retained frontage dwellings, Nos 59 and 61 Nork Way have also retained relatively generous plots. The proposed dwellings would be positioned well in from the side boundaries of the site and the separation distance between the two proposed dwellings would also be reflective of the spatial standards displayed in the area, including that of the original donor properties. Each new dwelling would have a rear garden of about 20m in depth and would be provided with a driveway and two parking spaces to the front.
9. I therefore conclude that the siting and layout of the proposed dwellings would be commensurate with the prevailing pattern of development in the area and accordingly, I cannot agree that the development would appear cramped in relation to its site boundaries or wider surroundings. Furthermore, the proposed dwellings would be of a height, scale and design that respects the local vernacular seen in the local area. The proposed dwellings would not therefore, be harmful to the character and appearance of the surrounding area.
10. The Council has also raised concern regarding the visual impact of the access. However, the access has already been partly constructed as a private drive. The main change to the front of the site would be the widening of the crossover to Nork Way and the provision of a bin store which would be partly screened by frontage vegetation. In my view, the proposal would have no significant impact on the visual or spatial separation between properties in Nork Way and I am satisfied that the character and appearance of the area would not be harmed as a result.
11. The existing access is separated from the flank wall of 61 Nork Way by a raised planter, and a landscape strip has been provided adjacent to the boundary with the surgery at 63 Nork Way. The proposed access would continue deeper into the site to facilitate access to the proposed dwellings. However, the extended part of the access running deeper into the site would not be visually prominent when viewed from Nork Way and would not adversely affect the existing visual separation between the properties along Nork Way. The landscaping on either side of the existing access would continue along its entire length and would soften its visual appearance. The visual appearance of the proposed parking spaces to the front of the dwellings would also be softened by new landscaping.

12. Whilst the Council has referred to more generous landscape strips adjacent to the access roads leading to other back garden developments in Nork Way such as Acer Close, Lambourne Close and Acorn Close, these accesses serve larger developments and are not directly comparable to the appeal proposal. I am satisfied that the proposed access would be suitably landscaped having regard to its width and would not lead to significant harm to the character and appearance of the area.
13. I therefore conclude on this main issue that the proposed development would not have a harmful effect on the character and appearance of the surrounding area. Accordingly, it would comply 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. There would also be no conflict with the design objectives of the Reigate and Banstead Local Character and Distinctiveness Guide Supplementary Planning Document 2021.

Living conditions

14. Whilst the proposed access has already been partly constructed, it would continue along the length of the rear garden boundary of 61 Nork Way. Parking and turning space associated with the proposed new dwellings would also be immediately to the rear of the rear garden boundary of No 61.
15. There are no ground floor habitable rooms on the flank elevation of No 61 which is adjacent to the access. Whilst the landscaping strip would be relatively narrow, it would provide a sufficient buffer between the access and the rear boundary fencing to No 61. The level of vehicular movements associated with two new dwellings would be limited, as confirmed by the TRICs database provided within the Transport Statement. Accordingly, I consider that the likely level of usage of the proposed access in association with two new dwellings together with the associated vehicular movements to the rear of No 61, would be unlikely to result in any significant levels of noise or other disturbance. This leads me to conclude that the proposal would not have a significant harmful effect on the living conditions of the occupiers of 61 Nork Way.
16. Accordingly, in this respect, the development would comply with Policies DES1 and DES2 of the DMP which, amongst other things, protect the living conditions of occupiers of existing nearby buildings.

Other Matters

17. I acknowledge the substantial number of objections to the proposed development from local residents. Having regard to the comments concerning the living conditions of existing residents, given the generous separation distances between the proposed development and adjoining dwellings, I am satisfied that the development would not result in any significant harm to neighbouring occupiers in terms of privacy, outlook, overshadowing or noise and disturbance.
18. I am satisfied that the proposed would not result in the loss of any trees of significance and a condition could be imposed to ensure adherence with the submitted tree protection plan. The proposed layout provides opportunities of

additional landscaping which again could be secured by condition. The Council, having consulted Surrey Wildlife Trust, raised no objections to the proposal on ecological grounds and I have no evidence before me which would lead me to disagree with their findings.

19. The proposed parking provision is in accordance with the Council's standards so I can reasonably assume that the proposed development would not lead to significant additional on-street parking. The additional vehicle movements in association with two dwellings would not be significant and would not have an unacceptable impact on the highway network nor an unacceptable effect on highway safety. I also note that the highway authority has not raised any objection to the proposal, subject to the imposition of conditions.
20. The Council has confirmed that the site is within flood zone 1 (with the lowest flood risk) and that no part of the site is within an area of high surface water drainage. I am therefore satisfied that the site is unlikely to be at significant risk from flooding and that satisfactory drainage can be provided.
21. From the evidence before me, the site is not within the Green Belt or within the setting of a Conservation Area or listed building.
22. I have assessed the appeal on its merits and with regard to comments about alternative locations, I can only consider the proposal before me.
23. The effect on property values, loss of a private view and conflict with covenants are not planning considerations and are therefore outside the scope of this appeal.

Conditions

24. I have considered the Council's suggested list of conditions in the event the appeal is allowed.
25. The approved plans condition is added for clarity. Conditions relating to materials, tree protection and landscaping are necessary to protect the character and appearance of the area. The provision of measures to encourage and protect wildlife are in the interests of biodiversity.
26. Conditions relating to the construction of the access, parking and refuse collection are in the interest of highway and pedestrian safety.
27. The implementation of water efficiency, cycle storage, and the provision of vehicle charging points are necessary to support the efficient use of resources and minimise carbon emissions. The provision of broadband infrastructure is justified for a high quality electronic communications network.

Conclusion

28. For the reasons given above and taking into account the development plan as a whole and having regard to all other matters raised, I conclude that the appeal should be allowed.

J Davis

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: O-O-22-30-001; : O-O-22-30-002; O-O-22-30-100 R7; O-O-22-30-101 R4; O-O-22-30-102 R1; O-O-22-30-103 R4; : O-O-22-30-111 R2 and O-O-22-30-113 R2.
- 3) No development shall take place above slab level until written details of the materials to be used in the construction of the external surfaces, including fenestration and roof, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall commence including groundworks preparation and demolition until all related arboricultural matters, including arboricultural supervision, monitoring and tree protection measures are implemented in strict accordance with the approved details contained in the Tree Protection Plan compiled by SJA trees reference TPP 22442 – 042 b Rev 042b, dated October 2023.
- 5) The development shall not be occupied until a scheme for the landscaping of the site including the retention of existing landscape features has been submitted to and approved in writing by the local planning authority. Landscaping schemes shall include details of hard and soft landscaping, including any tree removal/retention, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation and management program.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to first occupation or within the first planting season following completion of the development hereby approved or in accordance with a program agreed in writing with the local planning authority.

All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837: Trees in relation to construction.

Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, and shrubs of the same size and species.
- 6) Notwithstanding the submitted plan (Drawing No. 0-0-22-30-113 Rev R2) no part of the development shall be first occupied unless and until the proposed vehicular access has been constructed with pedestrian sight lines measuring 2 metres by 2 metres and replacement on street parking bays in accordance with a revised scheme to be submitted to and approved in writing with the Local Planning Authority and thereafter the

- visibility zones shall be kept permanently clear of any obstruction over 600mm high to satisfaction of the Local Planning Authority.
- 7) The development hereby approved shall not be first occupied unless and until space for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear has been constructed and provided in accordance with the approved plan (Drawing No. 0-0-22-30-100 Rev R7). Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
 - 8) The development hereby approved shall not be first occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter retained and maintained for their designated purpose.
 - 9) The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point with timer for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
 - 10) The development hereby approved shall not be first occupied unless and until facilities for refuse collection have been provided in accordance with the approved plan (Drawing No.0-0-22-30-101 rev R4) all to be permanently retained.
 - 11) No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The LEMP shall be based on the submitted Jomas Engineering Environmental Biodiversity Net Gain Assessment dated February 2024 and shall set out how the scheme will meet the biodiversity net gain as detailed in the assessment and also species specific enhancements. The LEMP shall include, but not limited to, the following:
 - a) A description and evaluation of net gain and species specific enhancement features to be installed/created and managed
 - b) An assessment of ecological trends and constraints on site that might influence management
 - c) Aims and objectives of the LEMP
 - d) Appropriate management options for achieving aims and objectives
 - e) Management actions and strategies to be implemented, together with a plan of management compartments
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period)
 - g) Details of the body or organisation responsible for implementation of the plan

h) Ongoing monitoring and remedial measures

i) Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery.

j) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme

The agreed details shall be implemented before occupation of this development, unless otherwise agreed in writing by the LPA, and maintained/monitored in accordance with the agreed details.

12) Prior to first occupation, all dwellings within the development hereby approved shall be provided with the necessary infrastructure to facilitate connection to a high speed broadband. Unless otherwise agreed in writing with the Local Planning Authority, this shall include as a minimum:

a) A broadband connection accessed directly from the nearest exchange or cabinet,

b) Cabling and associated installations which enable easy access for future repair, replacement or upgrading.

13) The development hereby approved shall not be first occupied unless and until a Water Efficiency Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how the development will ensure that the potential water consumption by occupants of each new dwelling does not exceed 110 litres per person per day.

The development shall be carried out in accordance with the approved details and any measures specific to an individual dwelling(s) shall be implemented, installed and operational prior to its occupation.

[End of Schedule]