



Appeal Decision

Site visit made on 22 October 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/L3625/W/24/3341529

2 - 4 Station Approach, Tadworth KT20 5AE

- 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 Robert Billson (Airborne Properties Ltd) against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 23/02602/F.
 - The development proposed is the erection of one detached chalet house, with two parking spaces, together with alterations to access driveway, parking and location of bicycle store in respect of extension/conversion of former bank premises to provide seven flats as approved under Planning Reference 23/00663/F.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal before me follows a recent planning permission¹ for the extension and conversion of the existing building on site into seven flats with associated driveway, parking and bicycle storage. During my site visit I observed that works to the main building were taking place. I have considered the appeal based on the development applied for and have had regard to this planning permission only insofar as relevant to my assessment.
3. As a part of their appeal submission the appellant has provided an amended plan which show a repositioned bicycle store of smaller dimensions. The appeals procedural guide² makes it clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
4. In this case, the proposed change is minor, and the parties have had the opportunity to comment on this plan through the appeal process. As such, I am satisfied that no prejudice would occur to any party as a result of my consideration of their content. For the avoidance of doubt, my decision on this appeal is based on the revised plan.
5. The Council's second reason for refusal refers to Flat 6. However, the Council has since confirmed that this was a drafting error and should read as Flat 7. The appellant has had the opportunity to comment on this as a part of the appeal process however no additional comments were made in this regard.

¹ LPA Ref 23/00663/F

² Procedural Guide: Planning Appeals – England (2024)

Main Issues

6. The main issues are:

- whether acceptable living conditions would be created for future occupants of the chalet and of the flats with particular regard to light levels, outlook, privacy and quality of outdoor private space; and
- the effect of the proposed development on the character and appearance of the area, with reference to the Tadworth Conservation Area.

Reasons

Living conditions

Light levels

7. The proposed chalet would have its garden space located near the existing mature trees on site and there are existing trees sited close to the front of the proposed chalet. The position of these trees around the new plot would likely restrict light into the property, thereby creating dark and gloomy conditions within its rooms and garden. While the appellant intends to undertake tree management works, I have no compelling evidence before me to demonstrate that such works would result in acceptable light levels. As such, the proposal would fail to create adequate light levels for its future occupants.

Outlook and privacy

8. The proposed bicycle storage would sit directly adjacent to the private garden space to Flat 2 and it would be taller than the height of the boundary fence proposed to enclose this outdoor space. The windows of Flat 2 serving the bedroom and open plan living / dining and kitchen area would face onto the outdoor space. Given the modest size of this space, together with its limited depth, the height and massing of the bicycle storage would appear intrusive from the rear garden of, and rear facing windows in, Flat 2, thereby resulting in poor outlook.
9. The chalet would be sited facing the host building, and both buildings would have windows facing one another. Given the proximity between them, due to their height, bulk and mass, each building would appear conspicuous in views from the windows on the other building. Consequently, the proposal would create a poor outlook to its future residents, and to the future occupants of Flats 3 and 5.
10. The appellant advises that the distance between the windows on the proposed chalet and Flat 5 would range between approximately 16.3m and 19.5m. At this distance, the first-floor windows in the chalet, both serving bedrooms, would be uncomfortably close to the rear facing windows at Flat 5, which would serve an open plan kitchen / dining / living room. Whilst the chalet would sit on lower ground, the level of privacy would nevertheless be compromised for the occupants of Flat 5 and of the chalet, due to the closeness of the two buildings with windows facing each other.
11. Flat 3 is a ground floor flat which would have its private outdoor space. While the boundary treatment for this space would provide some privacy, the chalet would contain first floor windows facing Flat 3. Due to the proximity between

these buildings, this would create an impression of the space being closely overlooked and afford a lack of privacy to the future occupants of this flat.

12. The proposed chalet would be located near an existing block of flats in Kings Court. The chalet's garden would be enclosed by fencing, which would prevent views from the existing ground floor windows on the block of flats. However, the block of flats has a first-floor balcony and first floor windows facing the site.
13. Unlike in flats, the occupants of dwellings normally expect a better level of privacy while using their own garden. Whilst a degree of overlooking is to be expected in built-up areas, the siting of the proposal and the close relationship with the block of flats would create an unacceptable degree of overlooking and a loss of privacy, thereby harming the living conditions of the future residents of the chalet.
14. The roof terrace of Flat 7 would face towards the shared common outdoor space, so any views towards the chalet would be angled. This would create an acceptable relationship in terms of privacy and outlook for the future residents of the chalet and of Flat 7.

Outdoor private space

15. Policy DES5 of the Reigate & Banstead Local Plan Development Management Plan (2019) (DMP) requires development proposals to make adequate provision for outdoor amenity space. The proposed layout would reduce the area of private outdoor space for the future residents at Flat 2. Whilst not a large space, it would be appropriate in scale in relation to the size of Flat 2. Further, it would be functional and usable, with adequate space for typical garden activities such as sitting or dining outside, hanging washing and gardening.
16. In light of the above considerations, I am satisfied that the proposal would provide suitable living conditions for the future occupants of Flat 2 in terms of outdoor garden space and for the future occupants of Flat 7 with regard to privacy and outlook. However, the proposal would fail to provide acceptable living conditions for the future occupants of the chalet and of Flats 2, 3 and 5 with regard to outlook; in terms of privacy for the future occupants of the chalet and of Flats 3 and 5; and in terms of light levels for the future occupants of the chalet. Accordingly, the proposed development would conflict with DMP Policy DES5, which supports development that provides good living conditions for future occupants.

Character and appearance

17. The appeal site lies within the Tadworth Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
18. The CA includes a variety of historic buildings and their grounds around a number of thoroughfares and spaces. Its significance derives, in part, from the variety of attractive historic buildings, including Victorian, Edwardian, and arts and crafts, displaying a range of designs, materials and architectural features. Mature trees and other vegetation provide an attractive and leafy backdrop to the street scene. In terms of layout, whilst there is linear development fronting the road, back-land development is well established in the vicinity.

19. 2 - 4 Station Approach comprises a large, detached building with a shop front. The building is formed by two main elements which complement each other, with one section in tile hanging and stained glass old English style and the other section in arts and crafts style. The property is of a substantial size and accommodates a few mature trees, which are protected by a Tree Preservation Order. Collectively, these tall, mature trees provide an attractive and leafy backdrop to Station Approach and make a positive contribution to the visual quality of the road. As a distinctive historic building in a generous verdant plot, the site makes a positive contribution to the character of the CA.
20. The proposal seeks to construct a detached chalet to the rear of the host building. While the chalet would sit beyond the built extent of the properties to the south, this would not be the case in relation to the residential development at Kings Court immediately adjacent to the north of the site. While I understand that Kings Court was a comprehensive re-development, it nonetheless forms part of the local character. Therefore, an additional dwelling in this location would sit comfortably within the pattern of development of the area.
21. The chalet would leave reasonable gaps to all its boundaries, which would provide a degree of space around the building. Furthermore, the plot associated with the chalet would not occupy the full width of the appeal property, and a substantial part of the main plot would be provided as a shared outdoor area. As such, the proposed scale of development would not lead to a cramped appearance and would respect the spacious character of the site.
22. The proposal would result in changes to the previously approved parking layout. The parking spaces for the new chalet would be located to its side area, next to the side boundary of the site, an arrangement which is not unusual. The proposed layout plan shows that a hedge would be planted near the side boundary, and further planting would be provided within the parking court, which would soften the hardstanding. As such, the proposed parking arrangements would be acceptable.
23. The bicycle storage would be relocated from the approved location in order to accommodate the proposed development. However, it would be sited near the site's side boundary, so it would relate well with the wider development.
24. Therefore, the proposal would not have a harmful effect on the character and appearance of the area and would preserve the character or appearance of the CA, in accordance with DMP Policy DES1. This policy supports development of a high-quality design that makes a positive contribution to the character and appearance of its surroundings.

Other Matter

25. As the proposal would fail to create acceptable living conditions for its future occupants and for the future occupants of the flats for the reasons set out above, I do not find that the scheme would make optimum use of this land.

Planning Balance and Conclusion

26. I have found that the proposal would not be harmful in terms of its effect on the character of the area, however this is a neutral consideration in the context of this appeal.

27. The proposal would provide an additional residential unit on a small site that would contribute to the supply of housing within an accessible location. Further, it would support the Government's objective of significantly boosting the supply of homes, albeit the social and economic benefits associated with one single dwelling would be little. The scheme would deliver some ecological enhancements and the dwelling would be provided with solar panels and solar heat pump. Taken together, these benefits attract limited weight in favour of the appeal proposal and do not outweigh the harm that I have identified in relation to the living conditions of the future residents.
28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR