
Appeal Decision

Site visit made on 27 November 2024

by **C Rafferty LLB(Hons), Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2025

Appeal Ref: APP/L3625/W/24/3342550

Land rear of 353 and 355 Reigate Road, Epsom Downs, Surrey, KT17 3LT

- 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 Steven Doel (Denton Homes Ltd) against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 23/01700/F.
 - The development proposed is the construction of two detached dwellings with detached garages, access road, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published during the appeal. The main parties were given the opportunity to comment and I have considered the revised Framework in my decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is a gently sloping plot of land that previously formed part of the rear gardens of Nos. 353-355 Reigate Road. It is a mix of grass and hardstanding, with elements of boundary planting and, at the time of my visit, housed a modest cabin structure on wheels.
5. The immediate area is residential in nature, and the site is bounded by such development on all sides. In addition to the Reigate Road properties to the west, the dwellings of Juniper Place, Linnet Close, and Bridgefield Close are to the south, north, and east, respectively. This results in a tight grain of built-up development surrounding the site, among which the appeal site provides an important element of openness and visual relief that separates these clusters of properties, adding to the legibility of the surrounds and contributing positively to the character and appearance of the area.
6. The proposal seeks to erect two detached dwellings at the site. The scale, form, plot coverage, and external materials would be comparable to other dwellings within the immediate surrounds. It would continue the backland building line of the Linnet Close properties behind those of Reigate Road. Although the site sits on

higher ground than Reigate Road, the separation distance and intervening built form would ensure that visibility of the proposed dwellings would be limited from this direction. Similarly, the placement of the proposal relative to properties on Bridgefield Close, in addition to the lower land level of the site from this direction, would also limit visibility of the dwellings from this street.

7. However, I observed that much clearer views of the appeal site are possible from Juniper Place, both close to the junction with Reigate Road and at the turning area further along the street, and from Linnet Close. From here, its current open nature and lack of permanent, vertical built form is evident, providing visual relief among the range of development and lending a notable demarcation between the properties on the various surrounding streets. It adds an element of spaciousness to an otherwise tightly developed part of the immediate area.
8. The proposal would result in the built form to the north and east of Juniper Place and to the south and east of Linnet Close being brought much closer than the present situation, resulting in the dwellings and garages of the scheme appearing much more prominent than the current arrangement of development. Viewed from these directions, it would notably disrupt the openness of the appeal site and the contribution this makes to the vicinity. While boundary treatments would be in place and, in the case of Juniper Place, the site sits much lower, the proposal would remain visible and would appear highly constrained among surrounding dwellings.
9. From a visual perspective, the proposed dwellings and garages would fail to successfully take account of the relationship to neighbouring dwellings and result in the placement of built form appearing cramped and contrived. Overall, this would create an undue sense of overdevelopment, resulting in visual harm. Given the importance of the contribution I observed the open site to make to the surrounds at present, I find that such harm would be substantial.
10. My attention has been drawn to previously refused applications and appeals for residential development at the site. The appellant asserts that circumstances have since changed, citing the development of Linnets Close and additional dwellings to the rear of Bridgefield Close. I observed the current situation during my visit, and have considered the cited development. Nevertheless, it remains that I have found the proposal to result in visual harm as outlined above. I further observed the current condition of the appeal site. While I noted that other than the grass and boundary planting it is not heavily landscaped, it remains that its open nature makes a positive contribution to the surrounding character which, as explained above, would be unduly impacted by this proposal.
11. For the reasons given, the proposal would result in substantial harm to the character and appearance of the area. It would fail to comply with Policies DES1 and DES2 of the Reigate and Banstead Local Plan Development Management Plan 2019, the Reigate and Banstead Local Character and Distinctiveness Design Guide SPD, and the Framework insofar as they seek to ensure high quality design that makes a positive contribution to the character and appearance of the surroundings.

Other Matters

12. The Government's objective is to significantly boost the supply of housing. The proposal would result in the creation of two, five-bed dwellings, adding to housing mix and choice in a sustainable location among established residential uses, where

evidence before me suggests there is a demand for houses of four-bed or more. It would make efficient use of space and optimise the use of the site. However, even noting the important role small and medium sized sites can play in housing delivery, and the fact that the development of the scheme would be undertaken by a small and medium enterprise housebuilder, due to the two-dwelling nature of the proposal this benefit carries moderate weight.

13. The proposal would have benefits linked to biodiversity enhancements in addition to socio-economic benefits due to employment during construction and contribution to the local economy by future occupiers. However, each of these benefits would be modest in scale and thus attract limited weight. The appellant has drawn my attention to other examples of backland development. However, each application is decided on its own site-specific circumstances and merits, and reference to development elsewhere carries limited weight. The main parties agree the proposal would not result in harm to the living conditions of occupiers of surrounding dwellings. This is a separate consideration to character and appearance and, in this instance, represents a lack of harm which is neutral in the planning balance.
14. The appellant asserts that the appeal site is brownfield land. The Framework states that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused.
15. The above benefits and matters are acknowledged. However, it remains that I have found that the proposal would result in substantial harm to the character and appearance of the area, contrary to the development plan. The Framework is also clear that the creation of high quality and beautiful places is fundamental to what the planning process should achieve. It states that decisions should ensure developments add to the overall quality of the area and are sympathetic to local character, including the surrounding built environment. Given my finding of substantial harm, even if I were to find the site to be brownfield land and attach substantial weight to its use for the proposal, when taken together the other matters raised would not outweigh the harm identified.

Conclusion

16. The proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. The appeal should therefore be dismissed.

C Rafferty

INSPECTOR