



Appeal Decision

Site visit made on 7 January 2025

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

Appeal Ref: APP/L3625/W/24/3349456

Parcel of land at E526050 N156678, North east of Greenhaven, Outwood Lane, Kingswood, Surrey KT20 6JD

- 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 Timothy Blackman of Blacksand Asset Management against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 24/00587/F.
 - The development proposed is a detached house and garage, access, parking and turning area.
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Decision

1. The appeal is allowed and planning permission is granted for a detached house and garage, access, parking and turning area, at the Parcel of land at E526050 N156678, North east of Greenhaven, Outwood Lane, Kingswood, Surrey KT20 6JD, in accordance with the terms of the application, Ref 24/00587/F, subject to the conditions in the attached schedule.

Preliminary Matter

2. Amended tree protection and shading plans, and an amended arboricultural impact assessment and method statement, have been submitted as part of the appeal. The proposed amendments include the retention of an additional tree ref:T1, and measures to protect this tree during and post the construction stages of the development. The changes do not substantially alter the scheme. Interested parties have had the opportunity to comment on the proposed amendments at the appeal stage. No parties would therefore be prejudiced by my decision to accept the amended documents.

Main Issue

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

Reasons

4. The appeal site forms part of a larger area of land subject of Tree Preservation Order (TPO) ref RE 516. Notwithstanding this, much of the site is clear of trees and shrubbery, and those remaining trees and hedgerows are largely towards its peripheries. Sections of tall close-boarded fencing within the site, are visible from both Outwood Lane (the Lane) and the section of bridleway adjacent to the southwest site boundary.

5. The appeal site is within the Kingswood Warren & The Glade Residential Area of Special Character (RASC), as identified within policy DES3 of the Council's Reigate & Banstead Local Plan Development Management Plan – adopted September 2019 (the Local Plan). Distinctive characteristics of RASCs are set out within the Council's Local Character & Distinctiveness Design Guide Supplementary Planning Document¹ (the SPD). They include estates where much arcadian development is within large plots, and unified in character, and, where dwellings are frequently set back and not visible from roads. It is also indicated that development is often of a low density and set within heavily wooded areas.
6. The neighbouring dwellings on the generously sized plots to the southwest of the bridleway, are generally set well back and separated from the Lane by gardens and a mixture of well-established hedgerows, trees, and shrubs. Even though associated boundary walls, fencing, driveways, and occasional modestly sized garage-type structures are close to the Lane, neither these nor the dwellings behind them, are prominent when travelling along the adjacent section of the Lane. Instead, this part of the Lane retains a strong sylvian and semi-rural character. When passing these houses in a north-easterly direction, more woodland and less built development is evident from the lane. Nevertheless, up to the Lane's junction with the Glade, I found the character and appearance of the land to the north-west side of the Lane, to conform well with the distinctive characteristics of the RASC set out within the SPD.
7. In determining an appeal for residential development on the appeal site in 2011², the Inspector found that the bridleway adjacent to the southwestern boundary of the site marked a change in the character of the Lane. To the northeast of the bridleway, the Inspector found the Lane to have a rural undeveloped quality, whereas to its southwest, the Lane was found to be more built-up. However, the appeal site is now more open and less sylvian than it previously was, and development both within and beyond the site boundaries is now clearly visible from both the bridleway and the Lane. As such, the appeal site now provides a gentle transition between the more developed land to the southwest of the bridleway and the more wooded land to the northeast of the site. Given that the planning policy context, and the facts on the ground, have materially changed since the previous appeal, a different decision is therefore justified.
8. The siting of the proposed house would conform to the general alignment of those residential properties to the southwest of the bridleway. Also like these neighbouring properties, it would be within a sizable plot. Moreover, large portions of laurel hedging and several well-established trees close to the roadside boundary of the site would be retained. These trees and hedges, together with the proposed native hedging would create a substantial green buffer between the house and the Lane. Albeit the proposed house would be fairly large and elevated above the road, this green buffer, together with the curved access driveway and the retained close-boarded fencing, would mean that it would not be prominent from the Lane. Rather, and in common with land to the southwest of the bridleway, the roadside trees and hedges would remain the most prominent feature when passing the site along the Lane. As such, and subject to the implementation of the proposed soft landscaping scheme, the development would not reduce the quality

¹ Reigate & Banstead Borough Council - Local Character & Distinctiveness Design Guide Supplementary Planning Document – June 2021

² APP/L3625/A/11/2152435

of the RASC. Furthermore, even after the implementation of the development, the appeal site would continue to act as a bridge between the more built-up land adjacent to Chase road, and the more rural land on the opposite side of the Lane from the appeal site.

9. For these reasons, the development would not cause harm to the character and appearance of the area. Consequently, it would comply with policies DES1 and DES3 of the Local Plan. Collectively, and amongst other things, these policies require development to be of a high quality of design, to promote local distinctiveness, and to ensure that plot frontages and boundary treatments reflect the existing street context.

Other Matters

10. The proposed development and associated works would encroach within the identified root protection areas of a small number of onsite trees that are proposed to be retained. However, the amount of encroachment would be slight, and any harm to the health of the affected trees could be prevented by the implementation of appropriate tree protection measures during the site clearance, excavation and construction phases of the development. This could be secured via a planning condition.
11. Each proposal for development should be assessed on its own merits, having regard to the site context and any bespoke considerations. In this case, I have found that the development would not cause harm to the character and appearance of the area. As such, I see no reason why the allowance of this appeal would set a precedent for harmful development elsewhere.
12. In the decision letter associated with the previously cited appeal, it was noted that no alteration was proposed to the existing vehicular access to the site. However, in this case a new vehicular access is proposed. Furthermore, the highways sightline plan shows that 120m visibility splays could be provided from the proposed access onto Outwood Lane. The provision of such splays would enable good intervisibility between those travelling along Outwood Lane and those using the proposed access. As such, and subject to a condition being imposed requiring the provision and retention of the proposed visibility splays, then the development would not cause harm to highway safety.
13. Even if sections of the Lane close to the appeal site are at risk of surface water flooding, and subject to measures preventing any increase in water run-off rates from the site, the development would not increase flood risk in the area.

Conditions

14. The Council's suggested conditions have been altered where appropriate. This is for clarity, to keep the number of conditions to a minimum, and, to meet the six tests within paragraph 57 of the Framework.
15. The statutory condition which specifies the time-period for the implementation of the permission, is imposed. For clarity, a plans condition is also added which identifies the plans to which the permission relates.
16. Parking, access, and construction transport management plan conditions are also necessary. This is to ensure that the development does not cause harm to highway safety. The construction management plan needs to be agreed by the

Council before the development is commenced. This is to prevent harm to highway safety during the development works.

17. To ensure that the development does not lead to increased flood risk or environmental pollution, conditions are needed to secure details of the proposed foul water drainage, and the implementation of an appropriate surface water drainage scheme. These need to be pre-commencement conditions, as groundworks are likely to influence how the rest of the development is delivered.
18. To protect the character and appearance of the area, and to protect and enhance the biodiversity value of the site, it is necessary for materials, waste disposal, arboricultural, and biodiversity conditions to be imposed. To prevent/minimise harm to biodiversity during site clearance and excavation works, the biodiversity condition should require details to be agreed prior to the commencement of the development or any associated site clearance.
19. The development plan has specific policies to ensure new homes have a good standard of digital connectivity; support the efficient use of resources; and minimise carbon emissions arising from developments. Associated conditions are therefore justified.
20. However, as building regulations ordinarily require the provision of an electric vehicle charging point, the need for an associated condition has not been demonstrated. Nor is a condition needed requiring the provision of details of existing and proposed ground levels and the proposed ground floor levels of the buildings. This is because satisfactory details in respect of these matters have already been provided.
21. The neighbouring residential properties have fences and/or well-established planting either along or close to their boundaries with the appeal site. These would prevent any harmful loss of privacy for the occupiers of these dwellings, following the occupation of the proposed dwelling. A condition requiring the provision of the proposed boundary fencing is not therefore necessary to protect the living conditions of the occupiers of neighbouring properties.

Conclusion

22. For the reasons given above, and having regard to the development plan as a whole and any other material considerations, I conclude that this appeal should be allowed.

V Simpson

INSPECTOR

Cont.

Schedule of conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos; OWL/SD/002/03, LB480_D01 rev B, OWL/SD/001/01, OWL/SD/001/02, OWL/SD/001/03, OWL/SD/001/04, OWL/SD/002/02 rev A, OWL/SD/002/07, OWL/SD/002/04, OL-PP-501/1 v4.0, 22-1456-SP-C, 22-1456-TPP-02-D, and LB480_D02 rev A.
- 2) The development hereby permitted shall begin not later than three years from the date of this decision.
- 3) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.
 - a. The submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and,
 - iii. provide, a management and maintenance plan for the lifetime of the development.
 - b. The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
- 4) No development shall take place until a foul water disposal/drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme, and the dwelling hereby permitted shall not be occupied until the foul water drainage scheme has been completed.
- 5) No development shall take place until a Construction Transport Management Plan has been submitted to and approved in writing by the Local Planning Authority.

This shall include measures/details for:

- i) parking for vehicles of site personnel, operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials;
- iv) programme of works (including measures for traffic management);
- v) provision of boundary hoarding behind any visibility zones;
- vi) measures to prevent the deposit of materials on the highway; and, on-site turning for construction vehicles.

The development shall subsequently be undertaken in accordance with the approved scheme.

- 6) No development shall take place, and no site clearance in preparation for the development hereby permitted shall be undertaken, until a biodiversity mitigation

and enhancement strategy and method statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved scheme.

- 7) The dwelling hereby permitted shall not be occupied until space has been laid out within the site, in accordance with drawing no. OWL/SD/002 rev A, for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter, the spaces so created, shall be kept available at all times for these purposes.
- 8) The dwelling hereby permitted shall not be occupied until the visibility splays shown on plan no. OL-PP-501/1 v4.0 have been provided. Thereafter these splays shall be kept free of any obstruction exceeding 1.05m in height.
- 9) The dwelling hereby permitted shall not be occupied until facilities for the secure covered parking of bicycles have been provided on the site, in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter these facilities shall be retained for the parking of bicycles.
- 10) The dwelling hereby permitted shall not be occupied prior to details of a refuse collection strategy being submitted to and approved by the Local Planning Authority. The development shall subsequently be carried out in accordance with the approved strategy.
- 11) The dwelling hereby permitted shall not be occupied prior to the completion of the garage. Thereafter the garage shall be kept available for the parking of vehicles.
- 12) The development shall be undertaken in accordance with the measures set out in the Arboricultural Impact Assessment and Method Statement ref 22-1456-Report-02-D and the Tree Protection Plan ref 22-1456-TTP-02-D, both of which were produced by Canopy Consultancy and dated June 2024.
- 13) The development shall be undertaken in accordance with the soft landscape specifications & tree pit details identified on drawing number LB480_D02 Rev A, and all such soft landscaping works shall be completed before whichever comes first between, the occupation of the dwelling, and, the first planting season following the completion of the construction works. If any trees or plants which within a period of 5 years from the occupation of the dwelling, die, are removed or become seriously damaged or diseased, these shall be replaced in the next planting season with others of the same or a similar species.
- 14) The dwelling hereby permitted shall not be occupied until a scheme of energy efficiency measures, together with an implementation programme, has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be carried out and retained in accordance with the approved details.
- 15) The dwelling hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.
- 16) The dwelling hereby permitted shall not be occupied until the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service, has been provided.

- 17) The external surfaces of the development hereby permitted shall be constructed in the materials identified on plan no. OWL/SD/001/04.

End of conditions.