



Appeal Decision

Site visit made on 3 March 2025

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 March 2025

Appeal Ref: APP/L3625/W/24/3355864

6 Wray Park Road, Reigate RH2 0DD

- 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 & Mrs Malagoni against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 23/02668/F.
 - The development proposed is the erection of 2 No. dwellings to the rear of 6 Wray Park Road, partial demolition of attached outbuilding and creation of associated access.
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was issued in December 2024. The Council's decision notice dated 20 September 2024 directly refers to paragraphs 205 and 208 of the 2023 version of the Framework. These paragraphs, relating to the consideration of the historic environment, are unchanged in the revised Framework but are now numbered as paragraphs 212 and 215. The date for submitting appeal statements postdated the publication of the revised Framework; therefore, the parties had the opportunity to provide any comments related to the Framework. As such, I am satisfied that there is no prejudice by the change to the national planning context. For clarity, any references in my decision to the Framework and its paragraph numbers are to the latest 2024 version.
3. As part of the appeal the appellant has provided a new topographical survey and vehicle swept path plans. The amendments were prompted by concerns raised by the Council and third parties, including the identification of inaccuracies in the plans. As they have only been provided at the latter stage of the appeal process, the other parties have not had the opportunity to review and comment on them. Therefore, in line with the guidance¹ and to ensure no prejudice I have considered the appeal on the basis of the scheme and the plans which were before the Council when it made its decision.

Main Issues

4. The main issues are: -

¹ The Procedural Guidance – Planning Appeals – England

- The effect of the development on the character and appearance of the area with particular regard to the size of the plots and the Wray Common Conservation Area; and
- Whether the development would provide suitable access for large vehicles and the effect on highway safety, including pedestrians.

Reasons

Background

5. The appeal site primarily forms the rear part of the garden to No.6 Wray Park Road. This property is part of a white stucco, detached Victorian mansion that has been subdivided. No.6 is formed of the rear wings and linked coach house with its own access drive from Wray Park Road and a lengthy rear garden.
6. The site is part of the Wray Common Conservation Area (WCCA), following a recent extension to the WCCA in 2023, and the building is locally listed.
7. Planning permission was granted in June 2021 for the partial demolition of an existing outbuilding and erection of a detached dwelling on the site (Council reference 21/00597/F), referred to as the extant consent.

Character and Appearance

8. Wray Park Road has a suburban character, comprising detached properties with landscaping to the front and rear gardens. The appeal site is accessed via an existing driveway adjacent to No. 8, which would be extended to create a turning head and parking for the proposed dwellings. Whilst occupying the same general position as the extant scheme, the two detached houses would extend across the full width of the site. The resultant width of each plot would be similar to that of its neighbours Nos. 8-14, although these gardens are longer with the properties fronting Wray Park Road.
9. A diversity of plot widths is found in the area. Moreover, a comparison of measurements does not fully portray the character and appearance of the area, and the plot widths are not directly discernible from the street or within the site. As a mature garden, the appeal site has a verdant appearance and, together with the surrounding gardens, provides a spaciousness to the rear of the residential properties. It also forms part of the setting of the Victorian mansion, as a whole, which is focused around the junction of Wray Park Road and Alma Road, and has less regularity of form and layout compared to the linear arrangement of properties along Wray Park Road.
10. Policy DES2 of the Reigate and Banstead Development Management Plan (DMP) – Adopted in 2019, supports residential garden land development where it would respect the local character. The appellant draws attention to other ‘backland’ developments, although the coach house at 43 Wray Park Road is very different to the proposed development, being a subservient building to the side, and the other developments referenced are some distance from the appeal site. From my observations, while there has clearly been development along Wray Park Road, with the creation of several apartment blocks and large buildings that extend back into their plots, there are no obvious developments of individual houses set directly behind the frontage development.

11. I acknowledge that there is capacity for change and that the extant consent would introduce a dwelling to the site. However, notwithstanding the similar design elements, the proposed two houses would be densely positioned and have a disparate appearance. The design and layout would have a relatively urban form, and the parking and access arrangements, which extend in front of the proposed houses, would be a formal and dominating element. It would also dissect the site, thereby creating a separation between the existing Victorian mansion and its former garden.
12. The fallback would not be as substantial as the proposal before me and does not incorporate the same extent and formal arrangement of access and parking. As such, while establishing the principle of development on the site, it does not provide support for the proposed form and an intensification of development. Additionally, since that scheme was approved, the site has become part of the WCCA.

Conservation Area

13. Section 72 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 the Conservation Area. As noted above the site forms part of the setting of the Victorian mansion (Nos. 2-6 Wray Park Road and 13 Alma Road), which is acknowledged in the appellant's Heritage Statement. It describes the site as a large garden plot within an early element of the Wray Park Estate, which makes a positive contribution to the character and appearance of the Conservation Area. I agree with that position, as well as the suggestion that the garden has somewhat declined since its heyday.
14. Nonetheless, the significance of the WCCA is derived from the period buildings and their mature landscaped setting. In extending the WCCA, the supporting committee report highlights that, despite fragmentation from modern infill, the Victorian mansions and villas, along with their spacious gardens, retain a cohesive character due to their scale and presence in the street.
15. Set to the rear, the proposed development would not be prominent from the street. Nonetheless, it would introduce some visual changes in terms of views along the access and create a distinctly different form of development. Through the presence of the built form to the rear and a reduction in the depth of the garden space, there would be a loss of openness and a decline in the verdant character.
16. The existing garden may be considered disproportionately large for the property. Yet, the generosity of the open and landscaped gardens contributes to the character of the WCCA. The proposal would further subdivide the garden, which has some historical value, with the intervisibility between the mansion and its former garden setting diminished. The harm would be of a low level, but it would also weaken the pattern of development and accordingly, impact the significance of the WCCA as a whole. The proposal would thereby fail to preserve the WCCA and the setting of the Mansion building. The Framework advises that great weight is to be given to the conservation of heritage assets, irrespective of the level of harm.
17. The harm would be less than substantial and, therefore, it falls to be assessed against the public benefits. The development would contribute to the housing stock in an existing residential area, and it would also generate associated economic benefits during construction. Additionally, occupiers are likely to support local

facilities and services. However, even affording these aspects moderate weight, as suggested by the appellant, the benefits of the net gain of one dwelling (having regard to the fallback) would not outweigh the identified harm.

18. I therefore conclude that the development would be of a scale and form which would be harmful to the appearance of the site and out of keeping with the character of the area, including its Conservation Area setting. Thus, the development would be contrary to policies DES1 and DES2 of the DMP, which together promote high-quality design for developments to reinforce local distinctiveness and to respect the character of the surrounding area. It would also conflict with DMP Policy NHE9 and Section 16 of the Framework, which seek to conserve and enhance the historic environment, giving particular regard to the elements that make a positive contribution to the character of the Conservation Area.

Access Arrangements

19. The development would utilise the existing access drive, which, as a result of the proposal, would serve three dwellings. The existing private, single driveway has a limited width with a narrower dropped kerb to the road. It does not have pedestrian visibility splays (2m x 2m) with trees within the neighbouring properties close to the back edge of the pavement. To warn pedestrians and users of the potential interaction, it is proposed to make the access more conspicuous by using bollards to mark the entrance and displaying signage. The highway authority's concerns are that large vehicles accessing the site would interfere with these features which in turn would affect highway safety.
20. Wray Park Road is a residential road with two schools nearby: Brooklands School to the east and Holmesdale Community Infant School just to the north along Alma Road. There are pavements to both sides of the road, and subject to some restrictions, parking is also permissible on both sides, including immediately adjacent to and opposite the access drive.
21. The extant consent does enable a dwelling on the site, which would utilise the existing driveway. However, that scheme was not designed to accommodate larger vehicles, with the officer's report explaining that servicing (refuse collection and fire appliance) would have to take place on the highway. As such, there would be no potential interaction between larger vehicles and pedestrians, and it also required modifications to the dropped kerb. There is no evidence before me that such a scheme has been secured nor any further details as part of this proposal.
22. The extant scheme, therefore, does not provide a fallback in terms of the type of access arrangements proposed, and the differences extend beyond the number of vehicles associated with the net gain of one additional property. Consequently, the highway consultee response to that previous (extant) scheme does not act to directly support this proposal.
23. Access by a fire engine may be infrequent, but delivery vehicles to three properties would be more regular and in line with DMP policy TAP1 b iii - access by service vehicles and emergency vehicles is sought at all times without restriction. While the swept path plans do show that the vehicles can enter/exit and manoeuvre within the site, there is a limited buffer. Vehicles would overrun the existing dropped kerb, and there would also be potential restrictions due to parked vehicles. Additionally,

the width of the access drive at the entrance is noted in various documents as ranging from 4.5m to 4.8m, and the extent of the site ownership in relation to the positioning of the bollards is unclear. There is, therefore, a lack of clarity, and based on the plans and details which formed part of the application, it has not been comprehensively shown that the proposed access arrangements can be accommodated.

24. I accept that retractable bollards, which would right themselves if clipped by a vehicle, are an option, and that vegetation overhanging the site could be cut back. However, these measures are insufficient to demonstrate that the access has been designed to accommodate large vehicles without interfering with other road users, especially since visibility splays for pedestrians are not achievable.
25. The development would, therefore, fail to accord with DMP policy TAP1, which seeks to ensure developments provide safe and convenient access for all road users, provide adequate access with regard to manoeuvring space and visibility splays and allow for access by service and emergency vehicles. There would also be a conflict with the Framework, which echoes the need for safe and suitable access to the site (paragraph 115), prioritises pedestrian and cycle movements and minimises the scope for conflict with vehicles (paragraph 117).

Conclusion

26. The proposed development conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons set out and having regard to all other matters raised the appeal is dismissed.

G Ellis

INSPECTOR