



Appeal Decision

Site visit made on 14 April 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th April 2025

Appeal Ref: APP/L3625/D/24/3352168

Moors Farm, Flanchford Road, Reigate Heath, Reigate, Surrey RH2 8AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Rory Evans against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 24/01236/PAP1AA.
 - The development proposed is described as an additional floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. However, I have removed any wording which is not an act of development.
3. Under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), planning permission is granted for the enlargement of a dwellinghouse by construction of additional storeys subject to limitations and conditions.
4. Where an application is made for prior approval for development, paragraph AA.3(3) provides that the local planning authority may refuse an application where it considers the proposed development does not comply or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations, or restrictions that are applicable to such permitted development.
5. Development plan policies and the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis. Since the application was determined, a revised Framework was published on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views, and the revised version has been taken into account in this decision.

Main Issue

6. There is no dispute regarding the limitations set out in paragraph AA.1. Consequently, the main issue is whether prior approval should be granted having regard to the external appearance of the dwellinghouse.

Reasons

7. Paragraph AA.2(3)(a)(ii) requires the developer to apply for prior approval as to the external appearance of the dwellinghouse, including the design and architectural features of (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway.
8. The appeal property is a two-storey detached dwelling which, despite its substantial size, is relatively low-rise in height because of its shallow hipped roof. The dwelling is set within spacious grounds and the site lies behind a row of attractive Victorian properties which face Flanchford Road. These properties, which lie within the Flanchford Road and Colley Lane Conservation Area (CA) are two storey in height, have a similar scale and are accommodated within narrow plots. The dwelling is located outside but immediately on the edge of the CA, while its access lies within the CA. There are open and undeveloped fields to the rear of the property. Reigate Heath is located on the opposite side of Flanchford Road, and the area has a predominantly rural character. The site lies within an Area of Great Landscape Value (AGLV).
9. In terms of design, the proposal would replicate the existing elevation upwards, thereby failing to adjust the proportions of the building. The windows would reflect those below and result in a monotonous front elevation that would lack hierarchy. The excessive use of rooflights would compound this harm.
10. The evidence indicates that the site is not one subject to any Directions Related to Protected Vistas issued by the Secretary of State. However, in assessing the external appearance of the building, consideration must also be given to its context¹. In this case, the context of the site also includes the adjacent CA and the AGLV. The proposed additional storey would significantly add to the height and bulk of the host dwelling and would introduce a full three-storey building into an area which is characterised by two-storey dwellings. The resulting scale and massing of the building would be at odds with the more modest scale of the surrounding properties close by.
11. The proposal would therefore appear unduly large and render the appeal property more conspicuous in the setting of the CA and local landscape. It would visually appear more intrusive and prominent than the current situation, thereby failing to preserve the setting of the CA.
12. For these reasons, the proposed dwelling would harm the significance of the CA as a whole through development within its setting. In accordance with the Framework, this harm would be less than substantial. Nevertheless, any harm attracts considerable weight and importance. In such circumstances, the Framework provides that the harm should be weighed against the public benefits of the proposal.

¹ CAB Housing Ltd v SSLUHC and Broxbourne BC [2023] EWCA Civ 194.

13. The proposed extension would enhance the accommodation within the dwelling and some economic benefits would be accrued during the construction phase. However, these public benefits would be relatively small given the scale of the proposed development and therefore carry limited weight in its favour. As such, these public benefits would be insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage asset.
14. I accept that prior approval is a light-touch process which applies where the principle of the development has already been established. However, for the reasons given above, the external appearance of the dwellinghouse would be unacceptable and the proposal would be contrary to paragraph AA.2.(3)(a)(ii) of Schedule 2, Part 1, Class AA of the GPDO.
15. The development plan is not determinative for prior approval. However, Policies DES1, NHE1 and NHE9 of the Reigate & Banstead Local Plan Development Management Plan 2019 seek to ensure that new development is of a high-quality design, makes a positive contribution to the character and appearance of its surroundings, is complementary to the landscape, and protects, preserves, and wherever possible enhances the Borough's designated heritage assets and historic environment. The Framework supports development that is sympathetic to local character and seeks to conserve and enhance the historic environment. As such, the local and national policy context would support the conclusions reached above.

Other Matters

16. The appellant has referred to a number of examples of other developments in support of their case. However, Southside² is located on another road and does not lie within the Flanchford Road and Colley Lane CA. Therefore, the characteristics of this area are unlikely to be directly comparable to the case before me. Consequently, I do not find that this case provides compelling evidence to support this appeal.
17. I do not have full details of the other schemes referred to by the appellant and therefore I cannot be certain that these cases would be comparable with the proposal before me. Therefore, these examples attract limited weight and do not alter my assessment of this scheme, which I have considered on its specific planning merits.
18. The appeal site lies within the Green Belt. The matters set out within paragraph AA.2(3)(a) of Class AA of Part 1 do not include the effect of the development on a Green Belt, including any impact on openness. That said, I am required to consider the impact of the proposed development on the external appearance of the dwelling. This is the approach that I have taken in determining the appeal.

Conclusion

19. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR

² APP/L3625/D/23/3323063