



Appeal Decision

Site visit made on 2 April 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 02 May 2025

Appeal Ref: APP/L3625/W/24/3356075

30 Chipstead Road, Banstead, Surrey SM7 2HH

- 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 Barnfield Homes Limited against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 24/01565/F.
 - The development proposed is the demolition of existing garage and erection of a pair of two semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal process, the appellant has submitted amended plans which they say are provided under the Wheatcroft Principle. The Council object to me considering the appeal on the basis of the amended plans. The Planning appeals: procedural guide (the procedural guide) makes it clear that the appeal process should not be used to evolve a scheme. However, it sets out that where amendments are proposed despite the general principle it will be necessary to decide whether exceptionally to accept them.
3. There are two tests to consider which are the substantive and the procedural tests. The proposed amendments would result in a change in the layout to increase the separation distance between the proposed dwellings and the rear boundary. It would also result in unit two being reduced from a 3-bedroom, 5 person dwelling to a 3 bedroom, 4 person dwelling and the amended layout would enable the incorporation of additional landscaping along the front boundary. The Council do not consider that the proposed amendments would be substantive. However, I do not agree. To my mind, changes to the position of the dwellings on the plot would result in a substantive and material amendment to the proposal.
4. Further, although I acknowledge that the appellant has sent a letter to residents and consultees, this may well have been very confusing for any of the recipients of this letter. The formal procedure that needs to be followed by the parties is set out in the procedural guide. This requires the local planning authority to contact interested parties within a certain period to explain the appeal process including how to make further representations to the Planning Inspectorate.
5. I cannot be sure that interested parties would have understood why they had received a further letter from the appellant and ultimately which scheme they were meant to be commenting on. As a result, I am concerned that some interested

parties who may have wanted to comment on the amended scheme may not have done so as they were unclear about the procedure, which plans were the correct plans and the status of the letters from the Council and the appellant, and which should take precedence. As a result, I consider that to accept the amended plans as part of the appeal process could lead to procedural unfairness. Consequently, I have found that the proposed amendments fail both the substantive and the procedural tests and therefore it would not be appropriate for me to determine the appeal on the basis of the amended plans.

Main Issues

6. The main issues are:

- The effect of the proposal on the character and appearance of the area; and
- Whether or not the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of private amenity space and internal space.

Reasons

Character and appearance

7. The appeal site is located within an established residential area where there is a mix of detached and semi-detached dwellings and flats with different architectural styles and from different periods. For example, the appeal property is in a row of semi-detached period properties, on the opposite side of the road there is a cul-de-sac of more modern houses and on the corner of Chipstead Road and Pound Road to the north-east of the appeal site there is a three-storey block of flats.
8. There is a verge on both sides of Chipstead Road and many of the houses are set back on their plots with front gardens, hedges and low walls. Parking to the front of properties is not an uncommon feature, although due to the existence of existing vegetation and front lawns this does not dominate the street scene.
9. The general arrangement of the houses, many set back on their plots with front gardens, hedges and the verge on either side of the road creates a sense of spaciousness which makes a significant contribution to the character and appearance of the area.
10. The appeal site forms part of the existing side garden of 30 Chipstead Road (No 30). Although there is an existing garage and a small shed within this area, because of the modest scale and height of these structures there is a sense of openness to the side of No 30.
11. The proposal would involve the removal of the garage and the shed and introduce a pair of semi-detached dwellings onto the existing side garden. The architectural design and the proposed materials would be compatible with this setting. However, the proposed development would immediately abut the new common boundary with No 30. Although the side elevation of Unit 1 would be set some distance away from the side elevation of No 30 and there would be intervening paving and lawn at No 30, nevertheless due to the lack of set in from the newly created common boundary, the proposed development would appear unacceptably cramped on the plot.

12. Moreover, unlike many other properties along the road, the proposal would have two sets of parking bays arranged parallel to Chipstead Road so that the sides of vehicles parked in the spaces would face towards the road. This arrangement would result in these parking bays unacceptably dominating the front of the appeal site undermining the existing sense of spaciousness. Although the sets of parking bays would be separated by grasscrete and there would be some limited landscaping this would not satisfactorily ameliorate the harm caused.
13. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area. As a result, the proposal would conflict with Policies DES1 and DES2 of the Reigate & Banstead Local Plan Development Management Plan adopted September 2019 (R&BLPDMP) which among other things seek to ensure that new development respects the character of the surrounding area, and that development of residential garden land will be required to respect local distinctiveness and to ensure that it is in keeping with the existing streetscene.
14. The proposed development would also be at odds with the guidance contained within the National Planning Policy Framework (the Framework) which seeks to ensure development is sympathetic to local character.

Living Conditions

15. In their reasons for refusal the Council set out that in terms of the internal space the proposal would not meet national space standards. However, they accept this was a mistake and no longer want to defend this element of their refusal. Having considered the submitted plans, I am satisfied that the internal room sizes would be sufficient to ensure that the living conditions of future occupants would be acceptable.
16. Further, although the garden areas of the proposed dwellings would be smaller than other properties within the area and the proposed garden to serve unit 2 would be an unconventional shape, the external amenity areas would not be so constrained as to unacceptably impact the living conditions of future residents. Moreover, they would be adequately private and being south facing they would receive adequate daylight and sunlight.
17. I therefore conclude that the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of private amenity space and internal space. Consequently, the proposal would accord with Policies DES1 and DES 5 of the R&BLPDMP which among other things seeks to ensure that new development provides an appropriate environment and good living conditions for future occupants.

Other Matters

18. I accept that the proposal would make efficient use of land in an appropriate location and would contribute to the housing needs of the Borough including providing much needed smaller family homes. However, these matters do not outweigh the harm the proposal would have on the character and appearance of the area.
19. I have had regard to the other developments including one granted planning permission on appeal at Brighton Road, Tadworth¹ that have been brought to my

¹ APP/L3625/W/20/3256945

attention. However, although I accept these do demonstrate that other schemes have been allowed that increase the density of development, they are materially different from the proposal before me. None involve the development of a side garden, and many involve much larger plots for a significantly greater number of dwellings. For example, the previous appeal decision mentioned above involved a comprehensive proposal for one detached bungalow, two terraced houses and six maisonettes on a much larger plot than proposed here.

20. Moreover, the sites that do involve two dwellings at 22 Chipstead Road, Banstead (No 22) and land to the rear of 17-23 The Drive, Banstead (Nos 17-23) are materially different from the scheme before me. In the case of No 22 this involves the partial conversion and extension of an existing dwelling in the middle of a row of semi-detached properties, and so the circumstances and the impact of the proposal on the character and appearance of the area is materially different. Similarly, the development at Nos 17-23 involves the development of the rear gardens of four properties to create two detached houses with the retention of mature trees to the front. Again, that scheme and its impact on its surroundings are materially different.
21. Consequently, due to the material differences of all the other schemes that have been brought to my attention and the different impact they have on their surroundings they do justify harmful development at the appeal site.

Conclusion

22. 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. Consequently, the appeal should be dismissed.

S Rawle

INSPECTOR