



Appeal Decision

Site visit made on 29 April 2025

By Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

Appeal Ref: APP/L3625/D/25/3361733

Nirvana, 15C Lilley Drive, Kingswood KT20 6JA

- 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 and Mrs George against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 24/01912/HHOLD.
 - The development proposed is described on the planning application form as erection of annexe ancillary to main dwelling house.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of an annexe ancillary to main dwelling house, at Nirvana, 15C Lilley Drive, Kingswood KT20 6JA, in accordance with the terms of the application, Ref 24/01912/HHOLD and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01 Rev A, 02 Rev C, 03 Rev D and 04 Rev C.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
 - 4) No development shall take place until details of the existing and proposed ground levels and the finished floor levels of the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 5) The development hereby permitted shall not be occupied until the vehicle parking spaces and turning area have been provided in accordance with drawing 04 Rev C. Thereafter those spaces shall be retained for the parking and turning of vehicles only.
 - 6) No development shall take place, including groundworks, until a detailed Tree Protection Plan(TPP) has been submitted to and approved in writing by the local planning authority. The TPP shall contain details of the specification and location of tree protection (barriers and/or ground protection) and any construction activity that may take place within the protected root areas of

trees/hedges shown, where retained on the TPP. The tree protection measures shall be installed prior to any development works and will remain in place for the duration of all construction works. The tree protection barriers/ground protection shall only be removed on the completion of all construction activity, including hard landscaping. All works shall be carried out in accordance with the approved details.

Main Issue

2. The main issue in this appeal is whether the proposal would result in the creation of an independent dwelling.

Reasons

3. The proposal comprises the erection of a detached building that would be used as a residential annexe. The Council is concerned that it would include facilities such as bedrooms, a kitchen, lounge, bathroom and utility room so that it could be used as an independent dwelling. However, these are the type of facilities that would tend to be found in an annexe and are not necessarily indicative of a separate dwelling. It is necessary to consider how the annexe would function.
4. The building would be occupied by a relative of the Appellant so that there would be likely to be meaningful interaction between the occupiers of the host dwelling and annexe with significant comings and goings. The existing house is a fairly large four bedroom property set over two floors. The new building would have only a ground floor and two bedrooms. It would therefore be significantly more modest in size. Moreover, matters such as services, car parking and the garden would be shared. Together with the particularly close proximity of the two buildings these factors would further increase the degree of interaction likely to take place, resulting in a significant functional relationship.
5. In these circumstances the proposed development would not result in the creation of an independent dwelling. Moreover, it would constitute ordinary living accommodation that is normally to be expected as part and parcel of a dwelling. In any event, there is no separate dwelling before me. If the structure is not built or used as proposed, the plot is subdivided, or if there is a material change of use in the future to create an independent dwelling, then a separate grant of planning permission would be required. In these circumstances the building would be at risk of enforcement action if such permission is not granted. Concerns that the development would result in a separate dwelling with an uncharacteristically small plot size are not therefore justified.
6. The development would be of a high quality design in compliance with Reigate & Banstead Local Plan Development Management Plan 2019, Policy DES1. Taking account of all other matters raised, given the absence of any harm it is determined that the appeal succeeds.
7. A condition specifying the approved plans is necessary to provide certainty. On the application form it is indicated that the facing materials used in the development would match those of the existing dwelling. A condition to this effect would adequately protect the appearance of the locality, so that it is not necessary to require details of the proposed materials. For the same reason ground levels on this sloping site should be controlled. A TPP was provided with the appeal but this shows the new building in a significantly different

position to that now proposed. As a result, to ensure that the visual amenity of the locality is safeguarded a new TPP is needed. In the interest of highway safety the proposed car parking and turning areas should be provided and retained.

M Evans

INSPECTOR