



Appeal Decision

Site visit made on 17 July 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th August 2025

Appeal Ref: APP/L3625/W/25/3363645

Land at 2 Underhill Park Road, Reigate, Surrey RH2 9LX

- 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 David Baty against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 24/01655/F.
 - The development proposed is sub division of existing plot and erection of detached dwelling with new access onto Beech Road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the protected trees on site and consequential effect on the character and appearance of the area.

Reasons

3. The appeal site comprises part of the garden to 2 Underhill Park Road, a large detached dwelling which sits within a sizable plot. The garden, and in particular the appeal site, contain a number of protected trees. These trees contribute positively to the verdant and spacious character of the area and the property as a whole reflects the identity and character of the Residential Area of Special Character in which it is located.
4. The appellant's submissions set out the approach to constructing the driveway and dwelling. These are designed to avoid harm to the trees and thus the character of the area. The submission includes details of matters such as foundations, construction techniques, gradients etc.
5. Cellular confinement systems can be a low impact means of installing a new surface in close proximity to trees, such as a driveway. Such an approach in this case would not be without some risk, either during the initial levelling works or in excavating to allow the drive to connect to Beech Road. There is no evidence to suggest that the works would be harmful, but I have some concerns that the approach seems to have been advocated without the input of an engineer.
6. Of greater concern is that the raft foundations for the house are proposed without the input of a structural engineer. While such a foundation is often used in sensitive locations in preference to a traditional strip or trench fill approach, they are not suitable in all cases. Therefore, they would usually need to be designed by

a qualified structural engineer or at least the suitability of the approach confirmed by one.

7. The absence of this information means that I cannot reach any firm conclusions as to whether the proposed approach to developing the site is achievable or what the implications might be of an alternative approach. The absence of this detail therefore weighs against the proposal.
8. The proposed building would be sited centrally within the new plot. An area to the side/rear of the house would be largely free from shade and usable as garden area. Although not shown on the submitted drawings a modest patio area immediately to the rear of the dwelling would also seem achievable without there being implications for nearby trees.
9. Nevertheless, the garden area to the north-east of the dwelling would be heavily shaded by the existing trees, as would much of the south western area near to the new access. Parts of the driveway would also be within the canopy of the retained trees. While this would not unduly impact upon the internal accommodation, given the proximity of the trees to the house/driveway and the extent of the coverage of the plot from tree canopies, future occupiers would be likely to experience certain inconveniences.
10. Aside from limiting the usability of large parts of the garden, future occupants would have to contend with leaf fall as well as fallen branches and other detritus associated with the trees. While some of this would be an inevitable consequence of being in a verdant location, the proximity of the trees to the dwelling/driveway and the extent of the coverage would intensify the effect and inconvenience.
11. I have no reason to believe that the property is only likely to attract purchasers that are inclined towards shade and tree retention. Even if future purchasers were inclined towards such features, the inconvenience associated with the proximity and coverage of the trees would, over time, likely become disbenefits of the plot.
12. Consequently, while I note that the appellants are trying to be respectful of the trees, the adverse effects arising from the proximity of the house and extent of coverage, could see pressure from future occupiers to lop, top or carry out other works to the trees. The loss of, or work detrimental to, the appearance of the protected trees, which make a substantial positive contribution to the wider area, would be harmful.
13. In view of the above I am unable to conclude that the proposal could be accommodated without causing unacceptable adverse harm to the long-term longevity and well-being of the protected trees on site. Their loss would cause harm to the character and appearance of the area.
14. The proposal would therefore be inconsistent with Policies NHE3, DES1, DES2 and DES3 of the Reigate and Banstead Development Management Plan 2019 which, amongst other things, require developments to respect local character, particularly within the Residential Areas of Special Character and retain protected trees.

Other Matters

15. The proposal would provide a new dwelling, within an existing urban area. This is a matter which weighs in favour of the proposal, commensurate with the scale of the provision provided.

Conclusion

16. The proposal has not been shown to protect the character and appearance of the area and so would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan.
17. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR