



Appeal Decision

Site visit made on 15 July 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th August 2025

Appeal Ref: APP/L3625/W/25/3360968

30 Sandcross Lane, Reigate, Surrey RH2 8EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr V Agarwal of G&V Homes UK Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 24/02156/S73.
 - The application sought planning permission for the construction of a new attached 3 bedroom dwelling to side of 30 Sandcross Lane without complying with a condition attached to planning permission Ref 19/02222/F, dated 13 January 2020.
 - The condition in dispute is No 4 which states that: *"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions permitted by Class B of the Second Schedule of the 2015 Order shall be constructed."*
 - The reasons given for the condition is: *"To control any subsequent enlargements in the interests of the visual and residential amenities of the locality with regard to Reigate and Banstead Borough Local Plan 2005 policy DES1 of the Development Management Plan 2019."*
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a new attached 3 bedroom dwelling to the side of 30 Sandcross Lane at 30 Sandcross Lane, Reigate, Surrey RH2 8EL in accordance with the terms of the application Ref 24/02156/S73, without compliance with condition No 4 previously imposed on planning permission Ref 19/02222/F, dated 13 January 2020, and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Floor Plan, Ref. SL/001/A, received 04.11.2019
 - Location Plan, UNNUMBERED, received 04.11.2019
 - Combined Plan, Ref. SL/002/A, received 04.11.2019
 - Elevation Plan, Ref. SL/003/A, received 04.11.2019
 - Section Plan, Ref. SL/004, received 04.11.2019
 - Roof Plan, Ref. SL/005, received 04.11.2019
 - 2) The vehicle parking areas shown on the approved plans shall be retained and maintained for their designated purpose.

Background and Main Issue

2. Planning permission was originally granted in 2016 at appeal¹, for the construction of a new dwelling to the side of 30 Sandcross Lane (No 30). This was subject to a condition which removed permitted development (PD) rights for the enlargement of the dwellinghouse consisting of an addition or alteration to its roof, under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO). The reason given by the Inspector for imposing the original condition was due to the proximity of the proposed house to the side boundary and the flank of 32 Sandcross Lane (No 32) and the potential effect of any enlargement of the roof on the character and appearance of the area.
3. Permission was subsequently granted in 2020 for a re-submission of the 2016 permission and this dwelling has been constructed. In granting permission, the Council imposed the same condition restricting PD rights. The reason given for the condition was to enable the Local Planning Authority to control any subsequent enlargements in the interests of the visual and residential amenities of the locality.
4. Whilst reference is made to 'residential amenities of the locality', based on my reading of the Council's case and the reason for refusal, this relates to the character and appearance of the area rather than the living conditions of any existing or future occupiers, and so I have considered the appeal accordingly. The appellant is seeking the removal of the condition on the grounds that it is not reasonable or necessary.
5. Taking the above background into account, the main issue is whether the disputed condition is reasonable and necessary in the interests of the character and appearance of the area.

Reasons

6. The appeal site comprises a two-storey end of terrace dwelling that has been constructed relatively recently on the side of a pair of semi-detached dwellings. The surrounding area is predominantly characterised by semi-detached houses which are neatly laid out in an orderly manner fronting the highway. Due to its positioning on the bend of the road, the appeal dwelling is set slightly further back than its neighbour, No 32, and consequently, the gap between the properties is larger at the front than it is at the rear. Whilst different to the relationship between other properties in the street scene, this is not overly prominent and does not result in a cramped arrangement.
7. The design of the appeal dwelling is similar to other properties on the street, some of which have hipped roofs and central chimney stacks. Where hipped roofs have been retained, they provide a sense of spaciousness between properties. However, many properties on the street have been extended and altered over time and there are several examples in the surrounding area where gable roof extensions and dormer windows have been added. This has resulted in a more varied roofscape, altering the overall character and appearance of the area.
8. The Council explains that Condition No 4 was imposed for the same reason given by the Inspector in 2016. At that time, the Inspector was of the view that the potential to enlarge the roof of the house without adversely affecting the character and appearance of the area would be limited, due to the proximity of the appeal dwelling to the side boundary and the flank of No 32. The hipped roof form of the dwelling was also cited as

¹ LPA Ref. 15/01777/F, Appeal Ref. APP/L3625/W/16/3151612

helping to retain the characteristic spaciousness in the street scene and assisting its visual compatibility with surrounding houses. The Council's Officer Report sets out that this reasoning still applies, and the condition is necessary in the interests of preserving the visual character of the street scene. There is no evidence to suggest that surrounding properties have had their PD rights restricted for such extensions and I observed one property in relatively close proximity to the appeal site appeared to be undergoing construction works to its roof at my site visit.

9. Paragraph 55 of the National Planning Policy Framework (the Framework) states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance (PPG) reinforces this, adding that area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. Therefore, in accordance with the Framework and PPG, clear justification for removing PD rights, based on the circumstances and individual merits of the particular case, is necessary.
10. From my observations during the site visit, there are several examples on the same side of the street, and in the immediate vicinity of the appeal site, where dwellings have been enlarged via alterations to their roofs. Examples can be seen where gable roof extensions have been carried out to just one half of the semi-detached pair as well as where they have been completed on both sides. I do not have any information as to when these roof extensions were undertaken, and I note the Inspector in 2016 observed that there were some limited roof and side extensions in the area. However, from my own more recent observations, there are multiple examples of roof extensions close to the appeal site. I do not have details of whether these extensions were carried out using PD rights, however, such developments have nevertheless eroded the uniformity of roof design and reduced the sense of spaciousness in the street scene. While this has resulted in a change to the character and appearance of the area, it has not been harmful or detrimental.
11. I note that the juxtaposition of the appeal dwelling with the side boundary and flank elevation of No 32 differs from the relationship between surrounding properties. However, as also acknowledged by the previous Inspector, the gap between the properties is little different to the gap between similar houses on the same side of the street where there are also examples of properties that are set on a slightly staggered alignment. The tapered gap between the appeal dwelling and No 32 has resulted in a wider separation distance at the front than other properties in the area, and thus a greater distance between the roofs. However, this variation is not particularly prominent when travelling along the street and even if the roof was extended or altered, there would remain spacing between the houses. As such, I do not consider the relationship between the appeal dwelling and No 32 to be so significantly different than surrounding properties to warrant a more restrictive approach.
12. I am also mindful that development carried out under the specified class of the GPDO is subject to certain limitations and conditions, which would provide some control over the size and appearance of development carried out. Any such development would also be viewed within the context of the surrounding area, where there are multiple examples of roof alterations.
13. Therefore, whilst acknowledging the intentions of the Inspector in 2016, it is clear that the visual compatibility between houses that the Inspector was trying to preserve has

been lost. Consequently, on the evidence before me and taking all of the above matters into consideration, clear justification for removing the PD rights, based on the circumstances and merits of this particular case, has not been demonstrated.

14. For the above reasons, I conclude that the disputed condition is not reasonable or necessary in the interests of the character and appearance of the area. Therefore, the proposal would comply with Policy DES1 of the Reigate & Banstead Local Plan Development Management Plan (2019) which, amongst other things, supports high quality design and development that promotes and reinforces local distinctiveness and respects the character and appearance of the surrounding area.

Conditions

15. The PPG makes clear that decision notices for the grant of planning permission under section 73 of the Town and Country Planning Act 1990 should also restate the conditions imposed on earlier permissions that continue to have effect. Whilst I have not been provided with a list of conditions in the event that the appeal is to succeed, the Council has advised that all relevant conditions from the original permission were discharged or otherwise complied with. Nevertheless, I shall impose all those that I consider to remain relevant from the original permission.
16. In this case, the development has been constructed and appears to be occupied. As such, the standard commencement condition is no longer necessary and nor is the condition relating to the materials to be used during construction. Vehicular accesses have been installed for both properties in accordance with the approved plans, so it is not necessary for me to reimpose a condition requiring such details to be submitted. I have however reworded the condition that secures on-site parking provision to a compliance condition to reflect the fact the properties are now occupied and to ensure that the vehicle parking areas are retained in the interests of highway safety.

Conclusion

17. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Accordingly, for the reasons given above, I conclude that the appeal should succeed.
18. I will therefore allow the appeal and grant a new planning permission without the disputed condition and restating those undisputed conditions that are still subsisting and capable of taking effect.

H Whitfield

INSPECTOR