



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: 22 August 2025

Appeal Ref: APP/L3625/W/25/3363987

Whitecroft, Furze Grove, Kingswood KT20 6ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs S de Putron-Hill against the decision of Reigate and Banstead Borough Council.
 - The application Ref 24/01694/S73, dated 15 September 2024, was refused by notice dated 16 December 2024.
 - The application sought planning permission for 'demolition of existing and construction of two dwelling houses. As amended on 01/01/2021' without complying with conditions attached to planning permission Ref 21/02696/F, dated 13 December 2021.
 - The conditions in dispute are Nos 1 and 5 which state:
 - 1. *"The development hereby permitted shall be carried out in accordance with the following approved plans. Elevation Plan UNNUMBERED 13.10.2021. Floor Plan UNNUMBERED 13.10.2021. Elevation Plan UNNUMBERED 13.10.2021. Elevation Plan UNNUMBERED 13.10.2021. Elevation Plan UNNUMBERED 13.10.2021. Roof Plan UNNUMBERED 13.10.2021. Floor Plan UNNUMBERED 13.10.2021. Floor Plan UNNUMBERED 13.10.2021. Floor Plan UNNUMBERED 13.10.2021. Street Scene UNNUMBERED 18.10.2021. Site Layout Plan UNNUMBERED 18.10.2021. Location Plan UNNUMBERED 18.10.2021"*
 - 5. *"No development shall be occupied until a scheme for the landscaping of the site including the retention of existing landscape features has been submitted to and approved in writing by the local planning authority. Landscaping schemes shall include details of hard and soft landscaping, including any tree removal/retention, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation and management programme. All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to first occupation or within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing with the local planning authority. All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837. Trees in relation to construction. Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, and shrubs of the same size and species".*
 - The reasons given for the conditions are:
 - 1. *"To define the permission and ensure the development is carried out in accord with the approved plans and in accordance with National Planning Practice Guidance".*
 - 5. *"To ensure good arboricultural and landscape practice in the interests of the maintenance of the character and appearance of the area and to comply with Reigate and Banstead Borough Development Management Plan 2019 policies NHE3, DES1 and DES3, and the recommendations within British Standards including BS8545:2014 and British Standard 5837:2012".*
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing and construction of two dwelling houses, as amended on 01/12/2021, at Whitecroft, Furze Grove, Kingswood KT20 6ES in accordance with the application Ref 24/01694/S73,

without compliance with condition numbers 1 and 5 previously imposed on planning permission Ref 21/02696/F, dated 13 December 2021, and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application form states that the appellant wishes to vary Conditions 1 and 5 of planning permission 21/02696/F. However, the application did not specifically propose any changes to the approved list of plans specified by Condition 1. The appellant has since clarified that they sought to amend the front landscaping details shown on the approved Site Plan (drawing no 21/12/02 Rev A, referred to as Site Layout Plan on the decision notice). An amended Site Plan¹ has been submitted during the course of this appeal to align the annotations on this plan with those sought on the amended Landscaping Plan. This shows the front garden area surfaced with artificial turf and the parking and driveway area as a permeable surface.
3. This plan seeks to provide clarity and consistency with the plan originally submitted with this appeal. Therefore, I consider that this does not fundamentally change the proposed development upon which the Council made its decision. Furthermore, the Council has had the opportunity to review and comment on this matter and raised no concerns. I have therefore determined the appeal on the basis of the amended Site Plan.

Background and Main Issue

4. Planning permission was granted, subject to conditions, for the demolition of an existing dwelling and construction of two dwelling houses in December 2021² (the original permission). Condition 1 of the original permission specifies the approved plans. Condition 5 attached to that permission required the submission and approval of a hard and soft landscaping scheme prior to first occupation. This condition was discharged in June 2023³ and a landscaping plan (ref. 23/12/10, dated May 2023) was approved for the site which included the provision of turfed lawn areas to the front gardens and the driveway/parking areas to be surfaced with gravel.
5. The dwellings have been constructed without compliance with the approved landscaping plan because the front lawn areas have been surfaced with artificial grass and the driveway for Unit A (as labelled on the approved plans) has been surfaced with block paving. At the time of my site visit the driveway of Unit B had not been completed.
6. The appeal seeks permission for a revised landscaping scheme that would allow the retention of the artificial grass to the front gardens and to change the surface of the driveway and parking areas to block paving as an alternative to the previously approved gravel.
7. The main issue is therefore the effect of the revised landscaping scheme on the character and appearance of the area.

Reasons

8. The appeal site relates to two newly constructed dwellings located at the end of Furze Grove; a cul-de-sac containing several dwellings located behind properties on Furze Hill. There is some irregularity to the orientation of the dwellings along Furze Grove which results in a variety of front, side and rear garden areas adjacent to the highway. Where

¹ Site Plan Ref. 21/12/02 Rev. B

² Council Ref: 21/02696/F

³ Council Ref: 21/02696/DET05

front gardens are present, they contain parking areas of varying surfaces and areas of landscaping including grass and planting. The highway is generally bound by hedgerows or timber fences set behind grass verges and there are several established trees in the immediate vicinity. This, coupled with planting that can be glimpsed in surrounding gardens provides a green and verdant character and appearance to the immediate street scene.

9. Artificial grass with tree planting within it has been installed in broadly semi-circular areas behind the front boundary hedgerows of both plots within the appeal site. Whilst I acknowledge that artificial grass does not appear to feature in the immediate vicinity of the appeal site, it has been used over a relatively small and is discretely located behind the boundary hedgerows. This visually contains the artificial grass and lessens its prominence in the street scene.
10. Glimpsed views of the artificial grass areas are visible through the access gates. However, except in very close views, the artificial grass appears similar to natural grass and thus such views do not detract from the green, verdant nature of the area overall. Moreover, the incorporation of planting within the front gardens has a more prominent presence in the street scene and reinforces the green, leafy character of Furze Grove.
11. The proposed block paving is not dissimilar to other surface materials used in the surrounding area. I note that the Council has not raised any concerns with this element of the proposal, and I see no reason to come to a different conclusion. The front landscaping, including the artificial grass, therefore does not appear out of character or anomalous in the surrounding area and has not diminished the quality of the development as a whole.
12. Therefore, for the above reasons, I find that the revised landscaping scheme would not result in harm to the character and appearance of the area. The appeal scheme therefore complies with Policy DES1 of the Reigate & Banstead Local Plan Development Management Plan (2019) (the LP) which seeks, amongst other things, developments to be of a high-quality design, to use high-quality and complementary landscaping and to make a positive contribution to the character and appearance of the surrounding area.

Other Matters

13. There is no persuasive evidence before me to demonstrate that the use of artificial grass at the appeal site would have an adverse effect on local biodiversity, climate change or pose a risk to human health once recycled. I also note that the Council has not raised any objection to the proposal in these regards, and so I see no reason to come to a different conclusion on these matters.
14. During my site visit I observed that artificial grass and edging has been installed on land which appears to be outside of the appeal site boundary. This has also been raised by interested parties in their comments. However, as this falls outside of the appeal site boundary, it is beyond the remit of my consideration. This is therefore a matter for the respective parties to address separately and irrespective of the outcome of this appeal.

Conditions

15. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73⁴ should also restate the conditions imposed on earlier permissions that continue to have effect. As I have limited information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties. Where appropriate, I have also adjusted the wording of the conditions in the interest of precision and enforceability. The parties were consulted over a potential list of conditions and no concerns were raised.
16. I have not imposed the timescale for commencement condition given the development has already commenced. I have reworded the original plans condition (originally Condition 1) to take account of the amended Site Plan, which incorporates the revised landscape scheme. In the interest of clarity and for the avoidance of doubt, I have also updated the list of plans to reference the correct drawing titles and reference numbers. I have also reworded the landscaping condition (originally Condition 5) to account for the revised landscaping scheme.
17. As the dwellings have already been constructed it is not necessary to reimpose the condition regarding external materials. However, I note that these are stated on the approved plans for the avoidance of doubt in any event. As the development is not yet complete, I have reworded the condition relating to tree protection measures to ensure compliance throughout the remainder of the development, in the interest of the character and appearance of the area and ecology.
18. Conditions relating to the provision of fast charge sockets, an Energy and Water Efficiency Statement and high-speed broadband connectivity have been imposed in the interest of promoting sustainable travel, minimising carbon emissions and to ensure the development promotes access to a high-quality electronic communications network. A condition requiring the first-floor windows in the side elevations of the dwellings to be obscurely glazed, and partially non-opening, is also imposed to protect the living conditions of existing occupiers.

Conclusion

19. I have found the development to have an acceptable effect on the character and appearance of the area. In this regard, it is compliant with the above cited policies of the development plan. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan.
20. Accordingly, for the reasons given above, I conclude that the appeal should succeed. I will grant a new planning permission, rewording the disputed conditions to account for the changes to the landscaping scheme, and restating those undisputed conditions that are still subsisting and capable of taking effect.

H Whitfield

INSPECTOR

⁴ of the Town and Country Planning Act 1990

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with drawing nos:
 - Front Elevations Units A & B, Ref. 21/12/07
 - Rear and Side Elevations Unit A, Ref. 21/12/08
 - Rear and Side Elevations Unit B, Ref. 21/12/09
 - Roof Plans, Ref. 21/12/06
 - Ground Floor Plans, Ref. 21/12/03
 - First Floor Plans, Ref. 21/12/04
 - Second Floor/Loft Plans. Ref. 21/12/05
 - Existing and Proposed Street Scene, Ref. SK1
 - Site Plan, Ref. 21/12/02 Rev. B
 - Site Location Plan
- 2) The development hereby permitted shall be carried out in accordance with the arboricultural supervision, monitoring and tree protection measures detailed on the approved Tree Protection Plan no. TPP 01.
- 3) The development hereby permitted shall be carried out in accordance with the approved Landscaping Proposal plan no. 23/12/10 Rev. B. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and all hard landscaping works shall be completed prior to first occupation. All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837 Trees in relation to construction. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 4) The first-floor windows in the side elevations of the development hereby permitted shall be glazed with obscured glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall be maintained as such at all times.
- 5) The development hereby permitted shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter retained and maintained for their designated purpose.
- 6) The development hereby permitted shall not be first occupied unless and until an Energy and Water Efficiency Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how the development will:

- a) Ensure that the potential water consumption by occupants of each new dwelling does not exceed 110 litres per person per day,
- b) Achieve not less than a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the 2013 Building Regulations.

The development shall be carried out in accordance with the approved details and any measures specific to an individual dwelling(s) shall be implemented, installed and operational prior to its occupation.

- 7) All dwellings within the development hereby approved shall be provided with the necessary infrastructure to facilitate connection to a high-speed broadband. This shall include as a minimum:
 - a) A broadband connection accessed directly from the nearest exchange or cabinet,
 - b) Cabling and associated installations which enable easy access for future repair, replacement or upgrading.

**** END OF SCHEDULE ****