



Appeal Decision

Site visit made on 13 August 2025

by **David Wyborn BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2025

Appeal Ref: APP/L3625/W/25/3362321

32 Nork Way and part of the rear gardens of 34-40 Nork Way, Banstead, Surrey SM7 1HW

- 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 Steven Doel of Denton Homes Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 24/01263/F.
 - The development proposed is the construction of six dwellings following demolition of 32 Nork Way with access road, parking and landscaping at 32-40 Nork Way, Banstead.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the appeal stage, revised plans have been submitted, including amendments to the site entrance, a vehicle tracking overlay, and a drawing illustrating off-site works to improve a nearby pedestrian crossing point. At the final comments stage, an updated plan showing additional annotations to the access onto Nork Way has also been provided. These revisions represent minor alterations and clarifications to the scheme. I am satisfied that they do not constitute substantive changes and, procedurally, would not result in any unfairness to interested or affected parties. Accordingly, I have taken these revised plans into account in reaching my decision.
3. The planning history lists several residential schemes on the appeal site and, until a recent application, all the schemes have been refused, including some at appeal. These refused schemes include proposals for 7, 8, 9 and 11 dwellings. Of particular relevance to this proposal are the appeal decisions for the 8 dwellings (application 16/02298/F) which was dismissed at appeal in April 2017¹ and the scheme for 7 dwellings (application 17/01985/F) which was dismissed at appeal in October 2018².
4. More recently, a proposal for 6 dwellings (application 24/01555/F) was permitted on 7 March 2025 (the 2025 approval). The approved dwellings are generally in similar locations as the present proposal, although there are some variations including to the position and size of the footprints and the related spaces between buildings. This permission forms a fallback against which the present appeal scheme can be compared.

¹ APP/L3625/W/16/3166361

² APP/L3625/W/16/3193276

5. The appeal scheme was refused for four reasons. The Council has confirmed that the fourth reason, concerning protected species information, has been resolved. I have found no reason to disagree.

Main Issues

6. The main issues are:
- the effect of the proposal on the character and appearance of the area,
 - the effect of the proposal on highway safety, and
 - whether or not the proposal would be acceptable in terms of Biodiversity Net Gain requirements.

Reasons

Character and appearance

7. The appeal proposal would include the demolition of 32 Nork Way to allow for the construction of a new road to provide access to the rear gardens of 34-40 Nork Way, where 6 dwellings are proposed. This backland development would have a boundary with some of the properties in Green Curve. The surrounding roads are characterised by generally detached properties, individually designed, in fairly sizeable plots with frontage space. There have been a number of backland sites developed in the past which are mainly accessed off Nork Way and Warren Road. This type of backland development now contributes to the established character and pattern of development in the area.
8. The 2025 approval for 6 units shows a fairly spacious layout. With this scheme the three detached dwellings at the end of the cul-de-sac would have some front garden space, with these new buildings separated in each case by about 3.3m. The other permitted dwellings, the semi-detached units and the other detached property, would be spaced about 3.7m apart. This detached unit would again have some frontage space that would contribute to a more open route into that part of the site. The Council concluded that the scheme was acceptable, taking into account the elements of previous schemes that were judged satisfactory and those elements that led to dismissals at appeal.
9. The present scheme seeks the same number of units in similar locations as the 2025 approval. However, the dwellings are generally larger and the precise positioning has been amended. The design and appearance of the individual buildings are well designed in themselves and would be sympathetic to the general character and appearance of the area. The crown roofs would not, as a matter of principle and as part of the individual design of each dwelling, appear out of place.
10. However, the increased bulk and reduction in spacing between buildings would be a noticeable change compared with the scheme that has been approved. The three units along the far end of the cul-de-sac would now have a greater mass of built form, project forward in their plot resulting in a limited area of front garden and have a reduced space between buildings of about 2.3m in each case. This combination of changes would result in this row of dwellings appearing unduly cramped, and would give the appearance at the end of the cul-de-sac of a development that was unnecessarily and overly tight, dominated by built development within its setting.

11. With the other part of the scheme, the semi-detached dwellings would be set back further in their plots and this would provide a more spacious feel to the street scene at that point. However, the detached unit would be moved forward, have greater bulk than the permitted unit and there would be a reduction in the spacing between these buildings to about 2.5m. Again, this combination of bulk of building, spacing between the buildings and pinched landscaping area, notwithstanding the benefits of moving the semi-detached units back, would result in an overly prominent section of the scheme. It would be dominated by the built form to the detriment of an appropriate balance between buildings and landscaping.
12. The entrance way from Nork Way, along a landscaped access road, would provide a pleasant route into this backland site. However, the 6 units would, for the reasons explained, appear as an overdevelopment and not provide a suitable scheme that was sympathetic to the more agreeable aspects of the character of the area. I would stress that it is not the space between buildings in isolation that is the issue, but the combination of factors that I have examined that come together that would produce an overly intense development that would not be a suitable addition to the area. I make this assessment based on the merits of the appeal scheme, and I would have come to this conclusion in the absence of the 2025 approval and not just by way of a comparison.
13. The proposal would, therefore, not meet with the National Planning Policy Framework (the Framework) expectations that development should be sympathetic to local character, including the surrounding built environment and landscape setting.
14. In coming to this judgement, I have taken into consideration the extract from the SPG Householder Extensions & Alterations (March 2004) regarding the Council's advice on two storey side extensions. I agree with the Inspector in the 2017 appeal decision, who was also presented with this guidance, and commented that in this area the distances between dwellings may reasonably be expected to be more than the minimum envisaged by the Council in this document. Furthermore, in the appeal before me it is not just the spacing, but the combination of the bulk of building and limited frontage space that lead to the conclusion that the scheme would be unacceptably cramped.
15. The appellant has highlighted a series of other backland cul-de-sac developments³ in support of the present appeal and identified spacing between some of these new dwellings as less than that proposed in this case. I visited all these examples and other cul-de-sac developments as part of my site visit.
16. Nork Gardens, with the two terraces, is close to more densely packed adjoining development and for this reason is not a comparable example. Other highlighted examples are similar types of backland development as the appeal scheme but the circumstances, position and bulk of buildings are all individual to their layout. For instance, the line of dwellings at Kingfisher Close have fairly reasonably sized and open front gardens that add a spacious feel to that development.
17. I have had regard to the appeal decision at 118 Nork Way⁴, which subsequently became Brambling Close, and the Inspector's assessment of that layout and the

³ Nork Gardens, Hawthorne Close, Kingfisher Close (referred to as Linnett Close in the appellant's appendix), Ash Close, Acorn Close, Brambling Close and Rowan Close.

⁴ Appeal Ref: APP/L3625/W/16/3158269 - 118 Nork Way, Banstead, Surrey SM7 1HP – 28 April 2017

spacing between dwellings. It does appear that the Inspector gave weight to the extension guide, however, she also took into account the form of the proposed buildings and that the arrangement of some units would break up the massing and rhythm of the dwellings to help prevent a terracing effect, in coming to her conclusions.

18. In the main and having viewed various cul-de-sacs of new housing, these developments generally display reasonable combinations of spacing between buildings, landscaping and a bulk of building that combine to be form an acceptable character and form to the housing estates. I do acknowledge that in some of the backland developments, including Brambling Close, it does appear that there are some limited cases where buildings are reasonably close together. However, having seen these examples and compared them to the character and spacing of buildings more generally, I am not convinced that these highlighted examples are ones that always demonstrate best practice such that they should form the basis for the layout of the new development. Consequently, I attribute these highlighted examples limited weight in support of the proposal.
19. It follows from the above analysis, that I conclude that the scheme would, in the way that I have identified on this backland site, unduly harm the character and appearance of the area. As a consequence, the proposal would conflict with Policies DES1 and DES2 of the Reigate and Banstead Local Plan Development Management Plan 2019 (the DM Plan) which, amongst other things, seeks all new development to promote and reinforce local distinctiveness and respect the character of the surrounding area.

Highway safety

20. The Council refused the application because it was considered that the proposed development would not be compatible with the surrounding highway at a point in the highway network where the proposed bellmouth access would create a discontinuous footway and where there are no dropped kerbs and tactile paving for vulnerable highway users.
21. The appellant has submitted amended plans during the appeal process to show a similar highway proposal to that which was agreed as part of the 2025 approval. As this was for the same number of dwellings, using the same proposed access and was permitted very recently, the submitted details would now adequately address highway issues at the new access. This could be confirmed by a suitably worded condition in any approval. In this way the scheme would comply with Policies TAP1 and DES1 of the DM Plan and Healthy Streets for Surrey.

Biodiversity Net Gain

22. The 2025 approval met the requirements for Biodiversity Net Gain (BNG). There is evidence from the County Council's Ecologist, following further details, that the present scheme would also meet the BNG requirements, with acceptable levels of net gain. This BNG could be secured by condition in any approval and, consequently, I conclude that there would be no conflict with Policy NHE2 of the DM Plan and the related legislation.

Other Matters

23. I have had regard to the considerable number of objections as well as the representations in support. I have examined the main issues in this appeal above. Planning permission has already been granted for the residential development of the land for the same number of units as now proposed. Consequently, most of the issues which have been raised are matters that have already been accepted and the 2025 forms a fallback that could go ahead in the event of the dismissal of this appeal. It is not, therefore, necessary for me to consider these wider range of matters further.

Conclusion

24. The scheme would deliver 6 units of accommodation (5 net) on land within the built up area of Banstead making efficient use of the land. The site should be considered a windfall scheme boosting the supply of housing. Occupants would have ready access to services and facilities by foot, bicycle and public transport without the need to use the private vehicle on all occasions. There would BNG, the houses could be built to a high and sustainable standard and there would be economic and social benefits during construction and in subsequent occupation.
25. I have had regard to the Housing Delivery Monitor (position as at 31 March 2025) which shows the Council's housing supply position is expected to fall below 5 years in April 2026. The proposals would provide a worthwhile addition to the supply and delivery of housing land. However, as only 5 net units would be provided, and planning permission already exists for a development of the same number, I attribute the collective benefits of the scheme limited weight.
26. On the other hand, the scheme would harm the character and appearance of the area, contrary to policies of the development plan and the Framework. While this harm may be restricted to a backland site, this would not justify development that would not meet the appropriate policy requirements. I attach this harm moderate weight against the proposal and this harm and policy conflict would not be outweighed by the limited weight attached to the benefits.
27. Accordingly, I conclude that the scheme would conflict with the development plan when considered as a whole and material considerations do not indicate that a decision should be made other than in accordance with the development plan. It follows, that the appeal should be dismissed.

David Wyborn

INSPECTOR