
Appeal Decision

Site visit made on 27 November 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

Appeal Ref: APP/L3625/W/25/3373417

Laurelea, Grange Drive, Merstham, Surrey RH1 3DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Olivia Turner against the decision of Reigate and Banstead Borough Council.
 - The application Ref. is 25/01124/F.
 - The development proposed is for the erection of a two bedroomed dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on a) the character and appearance of the surrounds, including the Merstham Village Conservation Area (CA); b) the living conditions of the occupants of the host dwelling with regard to privacy; and c) trees.

Reasons

Character and appearance

3. The appeal site relates to the rear garden area of Laurelea, a detached dwelling on the edge of Merstham Village. The northern border of the land marks the boundary between the residential curtilage and open fields directly adjacent.
4. The special architectural and historic interest of the CA derives from the traditional village layout with, amongst other things, a church, tavern, cottages, roadways and farms. Arts and crafts design predominantly characterises later buildings. Being situated in the CA, I have applied the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paid special attention to the desirability of preserving or enhancing the character or appearance of the CA by attaching considerable importance and weight to that desirability.
5. When seen along Grange Drive from near the A23, the absence of development within the rear garden of the appeal property makes a positive contribution to spaciousness in the immediate environs. Local landscaping, for example in the form of hedgerows and trees, form part of a green expanse and a view through to the countryside beyond, which is an attractive natural backdrop to Grange Drive.
6. The appeal scheme would be one of the first structures noticeable from such medium-range views and would be clearly observed when emerging from the

footpath between Grange Drive and the A23 (as broadly demonstrated by photo A in the appellant's statement). The built form and parking space on the site would occupy a little under half of the gap between the side elevation of Laurelea and the flank wall of the garage belonging to Grange Cottage.

7. The proposed site plan demonstrates that the principal front gable of the dwelling and porch would project further forward than the facade of Grange Cottage, and closer to Grange Drive than the building line formed by Grange Cottage next to it. Combined with its scale and massing, the development would substantially erode the most significant central pocket and open part of the garden to Laurelea.
8. While the residual plot of Laurelea and the site would remain quite large, the proposal would fundamentally alter the elongated nature of the existing plot and significantly reduce it in size. Subdivision of the plot of Laurelea in this way would reduce appreciation of the dwelling and garden as one of the larger remaining amenity spaces in this part of the neighbourhood. The scheme's presence would diminish the extent of the view of the distant landscape I observed at my visit, and would formalise and urbanise the site. Taken in the round, the development would detract from the spacious and pleasant verdant setting that contributes to the significance and special interest of the CA.
9. I appreciate that Grange Cottage forms a component of the CA. However, I am of the view that it neither represents a benchmark for future development therein, nor does it condone the disruption and subdivision of sites that make a positive contribution to local context. The two dwellings approved at appeal in 2006 to the south of the Grange are tucked away in a less visible location, surrounded by other curtilages, and consequently are not comparable to the proposal before me. I am also aware that the existing laurel hedge could be removed and replaced with an access and hardscaping; whilst this would be regrettable again this would not justify the construction of a new dwelling, which would be of substantially greater harm for the reasons I have explained previously.
10. I acknowledge that the site is not a World Heritage Site, and neither The Grange nor its entrance drive are mentioned in the Council's published Conservation Area Appraisal. Moreover, the current use of the appeal site is as a residential garden and would be subject to the siting of domestic paraphernalia in the same way as the appeal scheme would, and the front of The Grange further along the driveway contains utility boxes, parked cars and so on. Although some comments within the Council's pre-application advice alluded to compliance with certain policies, the summary identifies an "in-principle" objection to the siting of a dwelling within the plot of Laurelea by virtue of its harm to character of the Conservation Area. Overall, these matters do not counterbalance the detriment I have identified above.
11. The harm that would arise would be localised and therefore the impact on the CA as a whole is less than substantial within the meaning of the National Planning Policy Framework (the Framework). In weighing the public benefits of the proposal against the harm identified, the appellant has pointed out that the proposal would represent an additional dwelling to help maintain the Council's five year housing supply, and result in the delivery of a smaller unit (two bedrooms), of which there is an identified need within the Borough. However, the provision of a single dwelling is of limited weight in the overall planning balance, and does not outweigh the harm identified. This results in a conflict with the Framework because the harm to the CA does not have a clear and convincing justification, and the Framework requires great weight to be given to the conservation of designated heritage assets.

12. I am therefore drawn to conclude on this matter that the development would be injurious to the character and appearance of the surrounds, including the CA. This would run contrary to Policies DES1, DES2 and NHE9 of the Reigate and Banstead Local Plan Development Management Plan 2019 (DMP) and the Council's Local Character and Distinctiveness Design Guide Supplementary Planning Document (2021). Taken together, these seek to ensure development of an acceptable scale and appearance that would reflect and respect the surrounding context. It would also be inconsistent with the advice in the Framework, which states that good design is a key aspect of sustainable development.

Living conditions

13. The rear garden of Laurelea can presently be seen over the boundary hedge from the driveway leading to Grange Cottage and Grange Court. Taken together with the separation distance between the new house and the host property, I am of the opinion that there would be no harmful loss of privacy above and beyond that which is currently experienced with regard to the first floor window serving bedroom 2.
14. The proposed balcony would have the potential for more regular use and impact due to its size and function. This notwithstanding, the Council appears to accept that a planning condition could be imposed to require details of a privacy screen along the east flank of the feature. I am satisfied that this would overcome any harmful overlooking to the resultant rear garden of Laurelea had the appeal been successful.
15. In conclusion, the appeal scheme would not harm the living conditions of the occupants of the host dwelling with regard to privacy. Accordingly, it would comply with Policy DES1 of the DMP, which requires development that it is designed and located to not adversely impact upon the amenity of occupants of existing nearby buildings.

Trees

16. The Council's concerns appear to relate to the proximity of the new house to two local trees, taking into account shading, future pressure for removal and seasonal nuisance. I am told that the scheme would result in a small incursion (approximately 5%) into the root protection area (RPA) of a category B Turkey Oak. However, there is no suggestion that this would impact upon the long term health of the specimen provided ground protection measures are installed to facilitate safe and suitable access within the RPA and excavation works are carried out under the supervision of a qualified arboriculturalist.
17. The proposed layout plan shows the dwelling would be positioned sufficiently far from the trees on the land, and I am satisfied that there would be no harmful effect on internal living conditions that might justify removal at a later date. It is not unusual to have gardens with trees within them, and it is not automatic that future occupants would wish to remove them. Indeed, it is likely that retaining trees in and around the site would enhance the quality of the environment to an extent.
18. I am cognisant seasonal leaf drop can be a source of inconvenience. However, the management of such matters in the appeal proposal would be no different to that of many other developments or dwellings that are located close to trees. I see nothing unusual in this case that would suggest seasonal leaf drop or other perceived

nuisance would give rise to a sustainable reason to heavily, or unacceptably, prune or fell the trees. Moreover, no robust evidence has been provided to suggest that such issues have led to any harm to other trees within the local authority area.

19. Consequently, there would be no adverse effects upon trees as a result of the development. This would meet with Policies NHE3 and NHE9 of the DMP insofar as they relate to the retention and protection of trees that contribute to a local setting.

Conclusion

20. Having regard to the above and all other points advanced, the appeal is dismissed.

C Hall

INSPECTOR