
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/25/3373644

4 The Drive, Banstead, Surrey SM7 1DB

- 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 Mr Dean Bowie (on behalf of Nuro Homes Limited) against the decision of Reigate and Banstead Borough Council.
 - The application Ref. is 25/00276/F.
 - The development proposed is for the demolition of detached 5-bedroom dwelling with the erection of a part 2 storey, part 3 storey building comprising 8 flats together with parking, landscaping and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of detached 5-bedroom dwelling with the erection of a part 2 storey, part 3 storey building comprising 8 flats together with parking, landscaping and associated works at 4 The Drive, Banstead, Surrey SM7 1DB in accordance with the terms of the application Ref. 25/00276/F, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of 4a The Drive in respect of outlook and overbearing impact.

Reasons

3. The appeal site is a two-storey, detached dwelling on The Drive in a predominantly residential area, albeit with a church and some nursery schools in the immediate environs. The neighbourhood is characterised by buildings of different scale, design and detailing.
4. My attention is drawn to a previous appeal at the site for a block of flats, which was dismissed in April 2024 (Inspectorate reference APP/L3625/W/23/3325914). I have been provided with a copy of the plans pursuant to this scheme, they are a useful visual tool in comparing what has been dismissed against what is now proposed.
5. In broad terms, the scheme before me comprises two sections, joined either side of the front entrance and communal stairwell. The first is a three-storey element to the western part of the site, close to the common boundary with the Methodist Church. The second is a smaller, two-storey wing that is set further forward, with the extent of its eastern wall aligning with the facing flank elevation of the adjacent dwelling known as 4a The Drive.

6. I acknowledge that the western section would extend significantly beyond the rear elevation of 4a The Drive. However, the built form has been staggered such that the projecting three-storey element would lie between 7.4 and 9 metres from the nearest elevation of the adjacent residence. To my mind this separation distance, taken together with intervening boundary treatment and planting, would ensure that the outlook from the garden and internal accommodation of no.4a would not be materially affected. For similar reasons, I find that there would be no adverse overbearing impact.
7. In design terms, the plans demonstrate that the east-facing flank elevation of the three-storey section would be a mixture of materials, which would provide some visual relief and interest and prevent any sense of oppression when viewed from no.4a. The eastern wall of the two-storey wing would not project further to the front or rear of the facing flank elevation of the neighbouring dwelling, and as such no detriment would arise in outlook or overbearing respects.
8. I therefore conclude that there would be no deleterious effects with regard to the living conditions of the occupants of 4a The Drive. The proposal would be compliant with Policy DES1 of the Reigate & Banstead Local Plan Development Management Plan 2019, insofar as it relates to the amenity of occupants of existing nearby buildings, including by way of overbearing, obtrusiveness, overshadowing, overlooking and loss of privacy.

Other Matters

9. The Council's statement advises that the Planning Committee expressed concern in regard to the proposed parking provision. Nevertheless, this issue does not form a reason for refusal; I note the comments of the previous Inspector to this end and am aware that the County Highways Authority raised no objections in its response to the planning application. I am satisfied that the level of parking would be appropriate taking account of this context.

Conditions

10. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. I have altered some of the Council's suggested conditions for clarity and conciseness. In addition to the standard implementation condition, the approved plans are listed for certainty. Conditions requiring external materials, boundary treatments, hard and soft landscaping details and site contours/levels to be submitted would provide for a satisfactory appearance.
11. A management plan would minimise the effect of construction on local amenity. A condition in relation to trees would ensure protection of existing specimens and visual enhancements to the development. Works in accordance with ecological recommendations and mitigation measures would prevent adverse impacts upon biodiversity. It is necessary to impose a condition concerning potential contamination to minimise the impact on the local environment. Conditions relating to vehicular access, car parking, cycle storage, electric vehicle charging points and refuse and recycling stores would ensure the provision and retention of such facilities on site.
12. A sustainable urban drainage system would prevent flooding and ensure surface water is disposed of appropriately, whilst a condition to limit water consumption rates for the dwelling would be necessary to protect the environment and ensure

the efficient use of resources. A condition relating to the installation of broadband is necessary to support social well-being. Obscure glazing to the windows in the side elevations below 1.7m cill height, would protect the living conditions of the occupants of the adjacent dwellings. A condition relating to accessibility within the dwellings would be unnecessary as this is addressed by the requirements of Approved Document M of The Building Regulations.

Conclusion

13. Having regard to the above and all other matters raised, I allow the appeal.

C Hall

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4TR P1, 4TR P2D, 4TR P3G, 4TR P4G, CWLD-NH-TD-2466-01B.
- 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.
- 4) No development shall commence on site 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 LPA. Landscaping schemes shall include details of hard and soft landscaping, boundary treatments, 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 occupation or within the first planting season following completion of the development hereby approved. 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, shrubs of the same size and species.

- 5) No development shall take place until the developer obtains the Local Planning Authority's written approval of details of both existing and proposed ground levels and the proposed finished ground floor levels of the buildings. The development shall be carried out in accordance with the approved levels.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding;
 - e) wheel washing facilities;
 - f) measures to control the emission of noise, dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) delivery, demolition and construction working hours; and
 - i) site contact details in case of incident.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) No development shall commence until a detailed, scaled finalised Tree Protection Plan (TPP) and the related finalized Arboricultural Method Statement (AMS) is submitted to and approved in writing by the Local Planning Authority (LPA). These shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Areas of trees (RPA) shown to scale on the TPP, including the installation of service routings, type of surfacing for the entrance drive and location of site offices. The AMS shall also include a pre commencement meeting, supervisory regime for their implementation & monitoring with an agreed reporting process to the LPA. All works shall be carried out in strict accordance with these details when approved.
- 8) The development shall be carried out in accordance with the mitigation measures set out within the submitted Preliminary Ecological Appraisal by Arbtech dated 6th February 2025.
- 9) If during development, any visible contaminated material (for example, asbestos) is found to be present at the site, no further development shall be carried out until it has been investigated. The local planning authority shall be informed immediately of the nature and degree of any contamination present, and a method statement outlining how it will be dealt with shall be submitted to and approved in writing by the local planning authority before being implemented.
- 10) No part of the development shall be first occupied unless and until the proposed vehicular access to Woodgavil has been constructed in accordance with the approved plan numbered CWLD-NH-TD-2466-01B.

- 11) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plan numbered CWLD-NH-TD-2466-01B for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.
- 12) Notwithstanding the submitted plan numbered CWLD-NH-TD-2466-01B, the development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with a revised scheme for the proposed bike storage stands (to include the storage of a minimum of 8 bikes) and the provision of two charging points with timers for e-bikes in said facility, to be located in a covered, and well-lit location. Thereafter the bike storage area shall be retained and maintained for its designated purpose.
- 13) The development hereby approved shall not be occupied unless and until each of the proposed parking spaces are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained.
- 14) Prior to occupation of the development hereby approved, full details of a refuse and recycling area shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation of the development and retained thereafter.
- 15) No development (apart from demolition) shall commence until a strategy for the disposal of surface and foul water is submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDs, NPPF and Ministerial Statement on SuDs. Details of drainage management responsibilities and maintenance regimes for the drainage system must also be included. The works shall be carried out in accordance with the approved details.
- 16) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved by the Local Planning Authority. This shall demonstrate that the surface water drainage system has been constructed as per the agreed scheme.
- 17) The development hereby approved shall not be first occupied until a Water Efficiency Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how the development shall be designed such that internal water usage shall not exceed 110 litres per person per day. The development shall be carried out in accordance with the approved details and any measures specific to individual dwellings shall be implemented, installed and operational prior to their occupation.
- 18) All dwellings within the development hereby approved shall be provided with the necessary infrastructure to facilitate connection to a high-speed broadband. Unless otherwise agreed in writing with the Local Planning Authority, this shall include as a minimum:

- a) A broadband connection accessed directly from the nearest exchange or cabinet;
and
- b) Cabling and associated installations which enable easy access for future repair, replacement or upgrading.

19) The first and second floor windows in the east and west side elevations of the development hereby permitted shall be glazed with obscured glass which shall be fixed shut, apart from a top hung opening fanlight whose cill height shall not be less than 1.7 metres above internal floor level, and shall be maintained as such at all times.