



Appeal Decision

Site visit made on 5 December 2025

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2025

Appeal Ref: APP/L3625/W/25/3373463

Jellyfish House, 31 London Road, Reigate RH2 9SS

- 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 Nowsad Gani of Ganco (Holdings) Limited against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 25/00816/F.
 - The development proposed is Infill extensions and elevation amendments to create additional window openings plus upward extension to create 9 flats on new 3rd and 4th floors.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following appeal evidence upon trees the Council states it considers trees to be removed of a low category and contribution to the area, and not worthy of retention, implying it no longer objects in respect of reason for refusal No. 5, regarding information upon loss of trees, which I have had regard to in my assessment.
3. The Council's first reason for refusal refers to the character and setting of the Reigate Town Centre Conservation Area (the CA). However, the site is within, not outside of it within its setting. Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 (LBCAA) requires in the exercise, with respect to any buildings or other land in a conservation area, of any functions..., special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The appellant has approached their case according with these statutory duties, and I have considered the appeal on this basis.
4. The Council's second, third and fourth reasons for refusal make general reference to properties at Yorke Gardens. I have had regard to what I saw at my visit and the substantive evidence before me in setting out the main issues below.

Main Issues

5. The main issues are the effect of the proposed development upon:
 - the setting and significance of designated and non-designated heritage assets;
 - the character and appearance of the area, including the CA as a designated heritage asset;

- the living conditions of the occupiers of Nos 15 – 27 (odds only) Yorke Gardens and No 29 London Road with particular reference to outlook; and,
- the living conditions of the occupiers of Nos 15 – 27 (odds only) Yorke Gardens and Nos 29 and 29A London Road with particular reference to privacy, light and overshadowing.

Reasons

Setting of heritage assets

6. Paragraph 202 of the National Planning Policy Framework (2024) (the Framework) explains that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Paragraphs 207 and 208 expect that in determining applications, the significance of heritage assets affected should be described and assessed, including any contribution made by their setting. Paragraph 207 explains the detail should be proportionate to the assets' importance and no more than sufficient to understand potential impacts upon significance. As a minimum the relevant historic environment record should be consulted and assets assessed using appropriate expertise as necessary.
7. Annex 2 of the Framework confirms that Scheduled Monuments (SMs) are a designated heritage asset. Framework paragraph 212 requires that when considering the impact upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to the significance of a designated heritage asset, including as a result of development within its setting, should require clear and convincing justification (213).
8. The appeal site is a short distance from the SM of Reigate Castle. The designation covers an extensive area including various large legible vegetated earthworks, some building remnants, and water bodies. There is little within the listing description. The Draft Conservation Area Appraisal (2015) (the DCA) may have little weight as a policy document. It does provide some basic factual points but very little in terms of heritage values and significance of the SM. It states the castle was built around 1090, with historic maps from which some of its site layout is still discernible today. Much of the remains were cleared in 1777 and it became a public park in 1873, planted with ornamental plants by William Wilson Saunders.
9. The appeal site and building is visible from parts of the path around part of one of the moats close to the London Road, a small section of path southeast of Castle Keep, and with some intervisibility with the SM along London Road. So, the appeal site is within the SM's setting. However, neither party appears to have sought further information from Historic England, substantively explained the significance of the SM, the contribution of its setting to significance, or any effects of the proposed development upon that significance. In the absence of such views and evidence, I am unable to fully assess any effects of the appeal scheme.
10. Therefore, for the reasons set out above, it has not been established whether or not the proposed development would adversely affect the setting and significance of the SM as a designated heritage asset. This conflicts with paragraphs 207 and 208 of the Framework, the relevant provisions of which I have set out above. It also conflicts with Policy NHE9 of the Reigate and Banstead Local Plan Core Strategy (2014) (the CS) which expects all applications affecting heritage assets to be supported by a clear understanding of significance, character and setting of the

asset, and demonstrate how this understanding has informed the proposed development, any effects upon significance, and, any necessary justification proportionate to the development's effects and asset's importance.

11. The site is adjacent to No 29 London Road, which is attached to No 29A, which is a locally listed building and non-designated heritage asset (NDHA). It is what I understand to be a Victorian stonework building, under gable roof forms, with large historic chimneys, a bay window, scalloped fascia boards, and differentiated stone window surrounds. They are traditional quite attractive dwellings, with some moderate historic and architectural interest, and significance from the construction, decorative design, and forms, in generous well vegetated plots.
12. The setting includes the appeal site, historic buildings to the west, London Road and the Castle grounds. The relatively spacious part open surrounds, and historic buildings in proximity contribute positively to its setting and significance, as the historic setting in it was and is viewed reflecting the evolution of this part of the town. The appeal site contributes to this by virtue of its proximity and plot pattern. Though due to the building's appearance, height, scale, massing, and the parking layout, it makes a negative contribution to the setting of No 29/29A.
13. The proposed increased building scale, massing and height from the development would result in a larger, unsympathetic, dominant modern looking building very close to the asset, adversely affecting its setting and its contribution to significance. Though it would have some seasonally variable filtering from vegetation to remain, the effects of the appeal scheme would be visible from limited sections of London Road due east and west of the appeal site, parts of the plots of No 29/29A, and parts of the castle grounds. I am not satisfied suitably worded conditions in respect of matters such as materials and landscaping could adequately mitigate the harmful effects.
14. Therefore, the proposed development would be harmful to the setting and significance of Nos 29/29A as a NDHA. This conflicts with Policies DES1 and NHE9 of the CS, insofar as these state that permission will be granted for development that respects the surrounding character, has due regard to the scale, massing and height of the surrounds, and will be required to protect, preserve, and wherever possible enhance, the Borough's NDHAs and historic environment.

Character and appearance including the CA

15. The wider area is characterised by quite a variance of historic and more modern buildings, including a contrast between the historic buildings with well-vegetated plots west along London Road, larger more modern buildings to the east, residential areas due north and castle grounds to the south. The appeal site is one of a couple of seemingly redeveloped plots on London Road within the CA. However, the more limited scale of the two buildings, the walling and vegetation cover, means there is a perceptible difference between them, and the plots and buildings outside the CA to the east. With the appeal building in its current form, there is some broadly graduated scale of buildings from the west to the east.
16. The character, appearance, and significance of the CA derives from the interrelationship between the format of a traditional historic market town with High Street, former Castle, former priory and deer park, complemented by the late Georgian Victorian expansion of the town. The predominant character of CA buildings is vernacular and Georgian, with Victorian and early 20th century

redevelopment and expansion. Within the vicinity of the appeal site, its character, appearance and significance derives from the well-vegetated castle grounds, and the well-spaced mostly historic buildings in well-vegetated plots.

17. The appeal site building is of a greater scale and differing appearance than the buildings to the west within the CA, and more developed with hardstanding. However, despite its scale and modern appearance, its shallow pitched roof form, frontage and side boundary vegetation and retained wall are reflective of buildings to the west, and its scale means it is not unduly prominent in the street scene. On balance, while it might be regarded as a negative contributor to the character, appearance and significance of the CA, the negative contribution is quite limited.
18. That there might not be a desirability to retain the building, does not mean its contribution to or effect upon the CA would not be changed by this scheme. Despite the set-back fourth floor, the proposed development would still increase the height, scale and massing of the elevations, and add a flat roof form. The development would result in the building being more prominent and at greater odds with the generally more modestly scaled historic buildings within the CA, be particularly jarring next to No 29/29A, and from the plans before me, it would also become noticeably higher than Chapter House due east.
19. The proposed development would be harmful both to the area, and it would be harmful to and neither preserve or enhance the character or appearance of CA. Having regard to the scope of suitably worded conditions in respect of matters such as materials and landscaping, I am not satisfied that the harm could be adequately mitigated. Though it would have some seasonally variable filtering, the adverse effects would be visible from limited sections of London Road due east and west, parts of No 29/29A London Road and parts of the former castle grounds. The harm would be, on-balance, a moderate level of less than substantial harm.
20. For the reasons set out, the proposed development would be harmful to the character and appearance of the area, and it would have a harmful effect upon the character, appearance and significance of the CA. It would conflict with the aims of section 72 of the LBCAA. It would also conflict with the aims of Policies DES1 and NHE9 of the CS, insofar as these state that permission will be granted for development that respects and has due regard to the character of the surrounding area, and development shall protect, preserve, and wherever possible enhance, the Borough's heritage assets and historic environment.

Outlook

21. Nos 15 – 27 Yorke Gardens are three storey dwellings with relatively modest rear gardens, separated by varying distances, from the rear of the building by the car parking area. Between them is quite a mature but topped Cypress Hedge within the appeal site, which appears to provide fairly comprehensive screening from the gardens to the appeal building. However, some tops have died back more than the others. So there is more variable intervisibility at first floor level and at least some of the current rear elevation and overhanging eaves roof form are visible from the second-floor dwelling windows, and the appeal building now can be quite prominent in the outlook of some of those properties.
22. The proposed new third floor would be a limited amount higher than the existing ridge, and the proposed fourth floor would be significantly set back from the rear of the rear elevation. On the assumption the hedge were not to be further reduced,

removed, or die, it may be that the perceptibility of the increased height, scale and massing would be fairly limited from the lower floors and garden areas.

23. However, from the second floor, it would become markedly more prominent. Even if it would only be largely visible in upward views, does not mean there would be no effects. Having noted the distances involved and the height, I consider the effect would be a moderately adverse one to the living conditions of Nos. 15 – 19 and reducing with distance at properties to the west. Having regard to the scope of suitably worded conditions in respect of matters such as materials and landscaping, I am not satisfied the harm could be adequately mitigated.
24. I can see no specific reference cited to outlook from any internal living spaces at No 29 London Road, and could not discern any direct facing windows serving such spaces. The degree of separation and angles at which the elevations would be viewed would be quite oblique. As a whole, the tree-lined rear garden space and the front garden area areas are wide and generously sized and the rear has a good degree of mature tree cover. Noting the proximities and angles, on balance, despite the loss of some trees, were other boundary trees on both sides to remain, the effects upon outlook, on balance, would be limited to No 29.
25. The wording of Policy DES1 of the CS sets a modest bar in terms of the thresholds for effects. For the reasons set out above the proposed development would result in some adverse effects upon the living conditions of Nos 15 – 27 Yorke Gardens and No 29 London Road with particular reference to outlook. It would conflict with the aims of Policy DES1 which seeks to support development, where it does not adversely impact upon the amenity of occupants of existing nearby buildings. Specifically in respect of Nos 15 – 21 the proposed development would also conflict with Framework paragraph 135f) insofar as it states that proposals should ensure a high standard of amenity for existing and future users.

Privacy, daylight and overshadowing

26. There is already intervisibility between the appeal site building office windows and some nearby properties, and some overlooking and effects upon privacy are not uncommon in residential environments. I see no reason to believe the previous approvals for residential dwellings and alterations would not be implemented even were this appeal to fail, resulting in residential windows on the building. The new appeal scheme windows and terrace would be no closer than existing windows, and the angles it would mean in practice, they are possibly a small distance further from surrounding properties.
27. Therefore, the appeal scheme would not materially increase the distances for overlooking and privacy. However, it would increase the number of properties, windows and terraces, at the appeal site building. Were the Cypress conifers to remain, it appears to me the effects of the appeal scheme on the gardens and ground floors at Yorke Gardens are unlikely to be changed much. The distances and angles to other floors at Yorke Gardens would mean, overall, that there would be limited effects upon privacy within the dwellings.
28. The arboricultural assessment indicates T18 is likely to be lost due to Ash Dieback irrespective of the proposal. However, G17 would be removed to accommodate parking spaces, thereby reducing the privacy screening to the front areas of Nos 29 and 29A. Effects would be very small to the rear garden where there is a good degree of tree cover, but more notably in the front garden spaces. From what are

probably very minor changes to rear garden visibility, and noting there would be rather oblique views between habitable room windows, I cannot conclude there would be adverse effects to the rear gardens and windows of Nos 29 and 29A.

29. There would be likely to be close proximity overlooking into the front garden of No 29 which has quite a good degree of privacy, reducing with distance to No 29A. While overlooking effects would be changed, front gardens are typically less private than rear garden spaces which provide a good level of private outdoor space. Therefore, as a whole there would on-balance, be some only limited adverse effects upon Nos 29 and 29A in the front garden areas.
30. Overlooking from the terrace could be mitigated by the Council's suggested condition. The suggested condition in respect of obscure glazing windows on the third and fourth floors like the Council has set out, could mitigate any effects upon privacy from those windows. However, I do have concerns as to the effects to the living conditions to the future occupiers in respect of outlook.
31. The appellant's assessment considers the effects of the proposal upon daylight and sunlight with and without the existing trees. It applies modelling based upon Building Research Establishment guidelines in BR209 (2022) to measure the vertical sky component (VSC) at the centre of a main window. If the VSC is no less than 27% or no less than 0.8 of its former value, and the area of the working plane which can receive direct sunlight is no less than 0.8 no significant loss is deemed to have occurred. Although a VSC of 27% is ideal, I am told that in most urban situations it is unlikely to be achieved, so if the VSC is below 27%, and if any reduction is within 0.8 of the original value, the reduction which is deemed to be of no consequence, not readily identifiable, and no significant loss will occur.
32. In respect of sunlight, the appellant states that sunlight is considered important for living rooms, but less so for bedrooms and kitchens. A window should receive at least 25% of annual probable sunlight hours (APSH) with at least 5% of winter probable sunlight hours (WPSH), but no less than 0.8 times the former if the sunlight is originally below, as well as a reduction in sunlight received over the whole year is no greater than 4% of APSH.
33. The assessment confirms that in relation to daylight and sunlight impacts of the proposed development all windows in Yorke Gardens meet the BRE criteria without the trees. Assessing the daylight effects with trees the VSC values are lower, but the effects of the building upon the VSC are correspondingly smaller. Values range from 0.96 – 1.00, the with greater influence being on second floors where the VSC values are above 27%. Similar patterns of change are set out in respect of sunlight, with the maximum change being 0.84, and the changes most pronounced in winter. Therefore, in accordance with BRE209, there would be some limited change, but levels are not deemed to be adversely affected.
34. It is recommended that for a garden to appear adequately sunlit throughout the year, at least half of it should receive at least two hours of sunlight on 21 March. If the garden or amenity area does not meet this, and the area that can receive two hours of sun on 21 March is 0.8 times its former value, then the loss of sunlight is unlikely to be noticeable. Shadowing analysis diagrams for 21 March show from 08:00am – 13:00hrs the shadow from Jellyfish House does not traverse over the adjoining houses at 29/29A London Road and 15-27 York Gardens. It does indicate the shadow traversing over the gardens, but the effects would be limited.

35. However, I have noted interested party concerns in respect of the assessment being based upon full and no tree cover, but not the topped trees as they currently are. From what I saw and the evidence before me, the trees do vary in form to those as indicated in the appellant's technical assessment, and the levels of the tree top measurements are not set out. Though the appellant has confirmed the evidence has been prepared using standard method of calculating daylight and sunlight by professional and qualified consultants, this does not fully address this matter. Therefore, the effects of the appeal scheme upon sunlight and overshadowing are not fully demonstrated on the properties at Yorke Gardens.
36. For the reasons set out above the proposed development would result in some adverse effects upon the living conditions of Nos 15 – 27 Yorke Gardens and Nos 29 and 29A London Road with reference to privacy, and the effects upon light and overshadowing and have not been fully and adequately substantiated. This would conflict with the aims of Policy DES1 of the CS and Framework paragraph 135f), the relevant provisions of which I have set out above.

Heritage and Planning Balance

The proposed development would result in less than substantial harm to the character, appearance and significance of the CA. Framework paragraph 215 states where a development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits. However, great weight should be given to an asset's conservation, and less than substantial harm should not be equated with a less than substantial planning objection.

37. The appeal site is previously developed land in a town centre location where the LP states the delivery of such development is prioritised and a town centre's multi-purpose role is sought to be maintained and enhanced, and their vitality and viability promoted. The proposal would result in moderate temporary economic benefits during construction, and benefits from on-going spend in the local economy and support to local services and facilities upon completion.
38. Up-to-date evidence in respect of housing land supply and housing delivery results are not fully clear. Were the local situation to be regarded as acute, the benefits from the provision of 9 dwellings towards supply and meeting local need would attract significant weight in favour of the proposal. Additional landscaping and potentially some net biodiversity benefits could be secured by the imposition of suitably worded planning conditions. However, there is nothing to demonstrate these would be anything other than limited overall benefits.
39. The Highway Authority recommends a Grampian planning condition to secure an uncontrolled crossing across the A25 south of the island that separates the A217 from the A25, south of the existing traffic island. Were I to be of the view the condition met the relevant Framework tests, it would be a benefit attracting moderate weight.
40. Were I to agree the appeal scheme would, or subject to the imposition of suitably worded conditions, could be made compliant with policies and standards in respect of matters such as the living conditions of neighbouring occupiers not referenced above, and the future occupiers, arboricultural works, communications, highway safety, parking standards, energy and resource efficient design and construction,

sustainability of location, drainage matters, protection of protected species, crime and safety, these would be neutral matters in the balance.

41. Overall, the policy compliance and benefits of the development attract significant weight. Even were I fully convinced, when giving considerable importance and weight to the special regard I must have to the desirability of preserving or enhancing the character or appearance of the CA, the heritage policies of the Framework have been met in that respect, establishing the significance and effects of the proposed development upon the setting and significance of the SM is a very important matter. The absence of substantive assessment and analysis in respect of the SM means the heritage policies of the Framework have not been met and provides a strong reason for refusing the development. Therefore, the appeal should not succeed on the basis of this matter alone.
42. There would also be harm to the setting and significance of No 29/29A as a NHDA which would be of a magnitude that attracts moderate weight against the scheme. The harm to the living conditions of neighbouring occupiers attracts moderate weight against the appeal scheme in respect of outlook, and limited weight in respect of privacy and overlooking. That the full effects of the appeal scheme upon daylight and sunlight are unclear, also attracts significant weight against the scheme. Overall, the harms and policy conflicts from the appeal scheme, significantly outweighs its benefits. Therefore, the appeal should not succeed.

Conclusion

43. For the reasons set out above, the proposed development is contrary to the development plan read as a whole, the Framework read as a whole, and section 72 of the LBCAA. There are no material considerations advanced that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Mr D Szymanski

INSPECTOR