
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: 22nd January 2026

Appeal Ref: APP/L3625/W/25/3369454

171-173 Frenches Lodge, Frenches Road, Redhill, Surrey RH1 2HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Hopewell Housing Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 24/00374/OUT.
 - The development proposed is Outline application with all matters reserved for demolition of former rehabilitation centre and erection of new 3 storey supported housing block containing 11 self-contained C2 units, plus staff office.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs is made by Hopewell Housing Ltd against Reigate and Banstead Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application is made in outline with all matters reserved for future approval. Insofar as they provide indications of potential access, appearance, layout, scale and landscaping, I have considered the submitted plans as indicative only of how the appeal site could be developed.
4. The appellant submitted additional plans with its appeal evidence, indicating potential landscaping and a green roof to secure a BNG and drainage measures in accordance with appeal submissions. Given the scheme is in outline, the Council has had the opportunity to comment upon them in the appeal process, they would be indicative only of how the site could be developed, and that these appear to be very minor changes, I have had regard to them in determining this appeal.
5. The appellant also sought to submit a protected species survey and submissions past the final comments deadline, advancing that no party can be prejudiced by them. This is substantive new evidence, not relating to an amendment to the proposal. The timetable is clearly set out in the Start Letter, supported by the Procedural Guide¹. The evidence does not relate to a change in circumstances, and the appellant has not demonstrated exceptional circumstances to justify the submission over 8 months after the issue was clearly set out in the delegated report and decision notice. It would, therefore, be unjustifiable to accept the evidence.

¹ Procedural Guide: Planning appeals – England (2025).

6. Moreover, failing to abide by the time limits causes prejudice to the proper administration of the appeal system, and thus ultimately to other parties to the appeal. It is also not clear the appellant has consulted the Council or their ecological advisers upon it and interested parties who may wish to comment upon it, may be unaware of its existence. Therefore, I have not considered the evidence.
7. Following the submission of appeal evidence, the Council has confirmed it now has assurance that biodiversity net gain (BNG) referenced in reason for refusal No 6, and satisfactory levels of light referenced in reason for refusal No 3, could be achieved. I have had regard to these matters in setting out the main issues below.
8. The Government has commenced consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The proposed changes to the Framework are in draft form and therefore may be subject to change before the document is published. Consequently, whilst I have had regard to the consultation and the draft Framework, they carry limited weight, and it has therefore not been necessary to consult the parties on these.

Main Issues

9. The main issues are:
 - the effect of the proposal upon the character and appearance of the area;
 - the effect of the proposal upon the living conditions of the occupiers of Nos 167 and 167A with reference to outlook and privacy;
 - whether or not the proposal could provide satisfactory living conditions for its future occupiers with reference to outlook and outdoor space provision;
 - the effect of the proposal upon protected species; and,
 - whether or not the proposal could make adequate provision for surface water drainage and avoid increasing flood risk.

Reasons

Character and appearance

10. The Council's Local Character and Distinctiveness Design Guide SPD (2021) (the DGSPD) sets out characterisations and scheme guidance. Most of the surrounds can be characterised by Victorian Edwardian development and 1930s – 1950s suburban development. This part of Frenches Road includes several quite modest two storey typically brickwork dwellings under either gable or hipped roof forms, with varying size of front or rear garden areas, a two-storey community building under a gable roof form, and the long maturely wooded railway embankment.
11. The appeal site has a relatively wide frontage and a single storey building, which allow views over it and to the surrounding townscape. However, comprising a derelict building of limited design merit, and elevations and frontage area lacking maintenance, the appeal site makes a negative contribution to the character and appearance of the area in quite a wide and prominent frontage position.
12. Being in outline with all matters reserved, under the reserved matters (RMs) there is potential scope for changes to access, scale, layout, appearance and landscaping, and a future scheme may look little like that submitted. However,

given the description of this proposal, the use, number of storeys, provision of an office and the number of self-contained units are fixed by that description.

13. From the substantive evidence, as they are self-contained the units have similar floorspace needs to dwellings. Noting references to both minimum unit sizes and the NDSS², meeting its minimum standards would seem indicative of providing adequate internal space. The plans suggest only some limited reduction in building size may possible while securing a satisfactory amount of floorspace, and the appellant provides little substantiation in its case to lead me to an alternative view.
14. The indicative plans show a large three-storey building close to the boundaries. Even with some reduction, it would appear unavoidable that a proposal would result in a significant height, width, scale, bulk and mass of building with a sizeable frontage. The front building line and height may not be inconsistent with those nearby and the footprint not dissimilar to the current building. However, the neighbouring buildings are either narrower, or set further rear of the highway, and typically two storeys with pitched roof forms, giving relief. Whereas it would appear unavoidable the appeal proposal would require second floor similar to the extent of its footprint, which would relate poorly to surrounding buildings.
15. The indicative plans show a rather squat, bulky and strident design, with a large third storey with a short but extensive crown roof, seemingly necessary to accommodate the requisite accommodation. I have also had regard to quite a wide potential scope for what it might be possible to achieve through RMs submissions, such as scale, elevation details, proportions and roof forms. However, the appellant has advanced limited further supporting evidence to either suggest or demonstrate what may be achievable within the scope of this scheme.
16. Despite being for all matters reserved, the combination of what would be likely to be an unavoidable significant height, width, depth, overall scale, bulk and massing, and the likely proximity to site boundaries, would result in a highly dominant, incongruent and prominent building, on what would appear an overdeveloped site. Overall, I can only conclude that the scheme would be significantly out of keeping with the pattern and appearance of surrounding development, and significantly harmful to the character and appearance of the area.
17. Notwithstanding the scheme could secure a BNG, there is limited room around much of the building. Even allowing for features such as the green roof not materially increasing the building height, the hedgerows, and sustainable long-lasting new tree species, these would not fully or adequately mitigate the harm. Overall, I am not satisfied the significantly adverse effects could be adequately mitigated by high quality RMs submissions. The harm would be visible for a significant length of Frenches Road opposite, north and south of the appeal site, a number of neighbouring properties, and the footway to the south of the site.
18. Variety and difference by no means lead to harm. However, in other appeal decisions³ highlighted, the Inspector found the schemes not manifestly at odds with the street scene with a sufficiently sympathetic visual relationship with their surrounds so as to not result in overall harm. Upon the evidence before me, I cannot reach similar findings for this appeal scheme. I also fail to see how the scheme could help to raise the standard of design more generally in the area.

² Technical housing standards – nationally described space standard (2015).

³ Refs. APP/L3625/W/22/3305954 and APP/L3625/W/22/3311989.

19. Having regard to their consistency with National Planning Policy Framework (2024) (the Framework) objectives in respect of design, character and appearance matters, and while noting the presumption in favour of sustainable development may apply, I cannot agree with the appellant that development plan policies should attract no weight, so I have had regard to them. The weight given to the conflict in the planning balance is a matter I return to later.
20. For the reasons set out above, the proposal would be significantly harmful to the character and appearance of the area. It would conflict with Policies DES1 and DES7 of the Reigate & Banstead Borough Local Plan Development Management Plan (2019) (the DMP) which expect development to be of a high quality, promote and reinforce local distinctiveness, respect the character of the surrounding area, and with due regard to scale, massing, height and roofscape.
21. It would conflict with Framework paragraphs 135 and 139 insofar as they expect proposals should add to the overall quality of the area, be sympathetic to local character and history, including the surrounding built environment and landscape setting, maintain a strong sense of place, and development that is not well designed should be refused. It would also conflict with the advice in the National Design Guide (2019) which has similar objectives, and the advice in the DGSPD with in respect of building form and massing reflecting buildings in the vicinity.

Living conditions – neighbouring occupiers

22. Policy DES1 of the DMP states that proposals will be supported where they do not adversely impact upon the amenity of occupants of existing nearby buildings. The substantive evidence refers to distances of between 16 – 20m between a new building and habitable room windows in Nos 167 and 167A, and there might be some limited flexibility in footprint and siting. However, the scope for change is likely to be limited, and the proposal would considerably increase the amount of development on the site, when viewed from Nos 167 and 167A.
23. I have note references to various standards, distances and other schemes, which appear to be within another Council area for which the development plan policy is not provided. Notwithstanding the cross sections and illustrations for one scheme, the full details and circumstances of other cases⁴ are also not fully clear. Upon the evidence provided, the references simply to 15m or 18m standards in that Council area alone, do not automatically direct me to find an absence of harmful effect or policy conflict. A judgement of effects is also in relation to matters such as specific context, circumstances and the substantive evidence before a decision maker.
24. In this case the ground floor rooms would experience a greater change in outlook, but they are not the only windows serving those spaces. Whereas the affected first windows appear to be the only ones serving those rooms. Given the potential distances, heights, width, and scale, the appeal scheme would appear quite a large building that would be quite dominant in the outlook from Nos 167 and 167A. Though some might view it as a more pleasant view than currently exists, the size and scale would enclose and adversely affect their overall outlook. Having regard to the potential scope for scheme at the RMs stage, it would still be likely to be of a level that would result in moderately adverse effects upon outlook from the windows serving habitable spaces at Nos 167 and 167A.

⁴ Refs. P/01295/009, P/03678/018, P/00943/008, P/03157/008, P/00106/013.

25. From what I saw and the evidence before me, Nos 167 and 167A both seemed to have rear private outdoor amenity space, so the front garden area is not necessarily the main area private outdoor space provision, and as is typical for many front gardens in the area those front spaces are not typically private. Therefore, I consider the effects of the appeal scheme would be quite minor.
26. The potential distances to Nos 167 and 167A's facing windows would be of a distance that would still appear to afford good level of privacy, and it also appeared similar or greater than between front facing windows in the streets further to the south of the appeal site. While the addition of windows and balconies from the appeal scheme would result in some change to the privacy to the occupiers of Nos 167 and 167A, the effects would be very limited in nature.
27. Having regard to consistency with Framework objectives in respect of living conditions, and while noting the presumption in favour of sustainable development may apply, I do not agree with the appellant that development plan policies should attract no weight. The weight given to the conflict is a matter I return to later.
28. For the reasons set out above the proposal would result in adverse effects upon the living conditions of the occupiers of Nos 167 and 167A with reference to outlook and privacy. This conflicts with Policy DES1 of the DMP insofar as it seeks to support proposals that do not adversely affect the amenity of occupants of existing nearby buildings. As it sets a higher threshold, I conclude the proposal conflicts with Framework paragraph 135f), for outlook only, insofar as it expects proposals provide a high standard of amenity for existing users.

Living conditions – future occupiers

29. The indicative layout shows the ground floor southern facing unit as single aspect facing the access road beyond which is a footway and the sizeable largely blank flank elevation of No 165. Even with some alterations to window positions, given the likely levels, distances and extent of the flank, despite existing and proposed vegetation, this would provide a somewhat restricted, enclosed and oppressive outlook that would not provide satisfactory living conditions for future occupiers.
30. Due to the level of the adjacent land it would also appear that without some significant elevation of floor levels and associated increases in building height this could not be adequately remedied by reconfigurations under subsequent RM submissions. The likely necessary increase in floor levels would increase the magnitude of harm to the character and appearance of the area, and it is not demonstrated any such alternations would outweigh benefits to living conditions.
31. If the ground floor north facing unit is constructed as indicated, as administrative accommodation, it would not be habitable accommodation, and so not result in unsatisfactory living conditions. The layouts show north facing bedrooms on the first and second floors facing Battlebridge Hall at very close proximity. Given the Hall's height and width as I saw it on site, it would result in a poor outlook to the first-floor bedroom and though lower in its outlook, it would still result in not particularly satisfactory living conditions to the second-floor occupiers' bedroom.
32. I have had regard to the fact that a significant proportion of the two units would have west facing external walls and alternative configurations are possible. With some changes it would seem probable the second-floor unit could be designed to ensure satisfactory outlook. However, without significant increases in building

height and consequential harm, and on the basis of very little explanation of the scope of changes possible, I fail to see how any re-design could ensure the habitable accommodation for the first floor could avoid an obstructed, enclosed and oppressive overall outlook. Therefore, I am not satisfied that satisfactory living conditions could be provided for the occupiers of that first-floor unit.

33. From the details of a scheme⁵ in another Council area, where bedrooms seemed to have no external outlook, I cannot conclude it means that such arrangements would result in satisfactory living conditions, or are a widespread approach by decision makers in respect of outlook. It does not persuade me that satisfactory living conditions by way of outlook have been demonstrated for this scheme.
34. First and second floor occupiers could benefit from balconies, which, though they could be quite limited, the Council does not appear object to them as private outdoor space provision. Two ground floor units are shown with limited private space, and the third no private outdoor space. Communal space is also important, but does not have the same functionality, utility or element of private use, so having no outdoor space would generally not provide satisfactory living conditions.
35. Given the indicated refuse areas, the private space of the front facing units would feel very close and inescapable within what are modest spaces, so are unlikely to make them particularly pleasant or attractive spaces to be and so would not provide satisfactory living conditions. There would appear very limited scope to alter the footprint to provide alternative further private outdoor space or refuse storage. So, based upon the evidence before me, I am not persuaded that good quality private outdoor space can be provided for the future occupiers of the ground floor units.
36. The remaining communal outdoor spaces indicated are very narrow, would have little functionality for residents, and on the northern side would be dark, enclosed and oppressive. The amount, shape and usability of space indicated would not provide satisfactory living conditions for future occupiers. Given what appears to be very limited scope for alternative provision, I simply fail to see how this could be addressed within the scope of this appeal scheme. Noting the reference to the findings of an Inspector for a scheme elsewhere⁶, and the weight attributed in the overall planning balance, it is a matter of judgement, which I shall return to below.
37. For the reasons set out, the proposal would not provide satisfactory living conditions for the future occupiers with reference to outlook and outdoor space. This conflicts with DMP Policies DES5 and DES7, which require proposals should provide high quality accommodation and good living conditions for future occupiers including for outlook and outdoor space. It would also conflict with Framework paragraph 135f), the relevant provisions of which I have set out above.

Protected species

38. Circular 06/2005 referred to in Framework paragraph 192a) states that it is essential the presence or otherwise of protected species, and the extent that they may be affected is established before permission is granted, otherwise all relevant material considerations may not have been addressed. The need for surveys to be carried out should therefore only be left to coverage under conditions in exceptional

⁵ Ref. P/01049/021.

⁶ Ref. APP/J0350/W/22/3313789.

circumstances. However, surveys should not be required unless there is a reasonable likelihood of them being present and affected by the development.

39. The advice from the Council's professional ecological advisers sets out concerns that relate for the potential presence of bats and nesting birds in the building. It lies opposite a long maturely wooded railway embankment, and at my visit it was apparent the building had not been in use for some years, appeared to have some small openings, and so could potentially be suitable for supporting roosting bats. Therefore, from what I saw and the evidence before me, it would seem to me there is a reasonable likelihood of them being present and affected by the development.
40. No protected species survey by a suitably qualified ecologist was submitted with the application or with the appeal submission within the required deadlines. Exceptional circumstances for a survey not to have been submitted are not demonstrated. Therefore, I cannot be certain there would not be adverse effects upon protected species, that it would be possible to adequately mitigate any adverse effects, or, that any necessary duties under the Conservation of Habitats and Species Regulations 2017 (as amended) can be discharged. No exceptional circumstances are advanced for coverage by planning conditions, and future ecological enhancements do not mitigate or outweigh these matters.
41. Having regard to the consistency with Framework objectives in respect of biodiversity and protected species, and while noting the presumption in favour of sustainable development may apply, I cannot agree with the appellant that policies of the development plan attract no weight, and so I have had regard to them. The weight given to the conflict in the planning balance is a matter I return to later.
42. For the reasons set out above, I cannot be certain the proposal would not result in unacceptable harm to protected species, and would not conflict with Policy NHE2 of the DMP which seeks proposals retain and enhance features of biodiversity importance and is designed to mitigate or off-set effects upon protected species. I also cannot be certain the proposal would not conflict with Framework paragraph 193a) insofar as this states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Sustainable drainage

43. DMP Policy CCF2 states that proposals must not increase the existing and future risk of flooding and where possible should seek to reduce the causes and impacts. Surface water run-off should be reduced using Sustainable Drainage Systems (SuDS) where necessary, suitable to the scale and type of development. Framework paragraph 182 explains that applications which could affect drainage should incorporate SuDS to control flow rates and reduce volumes of runoff, proportionate to the proposal. SuDS for major development should take account of advice from the Lead Local Flood Authority (LLFA), have appropriate minimum operational standards, and lifetime maintenance arrangements.
44. The PPG states that where possible, preference should be given to multi-functional SuDS, and solutions that allow surface water to be discharged according to a specified hierarchy of drainage options⁷. Ground infiltration or discharge to a surface water body do not appear realistic options and the LLFA appeared satisfied

⁷ Paragraph: 056 Reference ID: 7-056-20220825.

by the reasoning for not pursuing an infiltration-based strategy. The proposal is to retain the existing drainage connection to sewers along Frenches Road, with run-off managed through permeable areas, an attenuation storage volume and controlled discharge, with calculations and a drainage layout plan included.

45. The LLFA and Council are concerned that discharge off-site is well over and above the pre-development greenfield run-off rate and has not been proven to be the lowest reasonably practicable and achievable, as per the Non-statutory technical standards for sustainable drainage systems (the NSTS). For previously developed sites, while achieving a greenfield run-off rate would be desirable, this does not appear to be a development plan or national planning policy requirement for proposals of this nature.
46. I also cannot find a Framework requirement that all major applications must include full drainage details. However, it is important to ensure flood risk is not increased elsewhere and ideally there be benefits to surface water drainage. Demonstrating a practical minimum discharge rate could be an attribute of achieving this important policy objective, however, it does appear to be a greater requirement than set out in Policy CCF2 and the Framework.
47. The PPG⁸ states that to reduce delays in the planning process, applicants need to submit a sustainable drainage strategy containing proportionate information on the proposed sustainable drainage systems as part of their application, including outline applications. Subject to the imposition of suitably worded planning conditions, the technical evidence strongly indicates the appeal scheme would result in a significant betterment in terms of run-off for all events and the necessary allowances for future climate change. It would also appear that conditions could secure a detailed scheme to potentially further limit run-off with other devices on the market, as well as policy compliant maintenance and adoption arrangements.
48. Having regard to the consistency with Framework objectives in respect of flood risk and drainage matters, and while noting the presumption in favour of sustainable development may apply, I do not agree with the appellant that policies of the development plan attract no weight, and so I have had regard to them.
49. For the reasons set out above the appeal scheme could make adequate provision for surface water drainage to avoid increasing flood risk, complying with Policy CCF2 of the DMP and paragraph 182 of the Framework, the relevant provisions of which I have set out above.

Other Matters

50. The Council refused the application because the proposal did not qualify for a BNG exemption and it appeared that unauthorised habitat degradation had occurred. Following further substantive evidence, the Council is satisfied the appellant's revised calculations meet the minimum statutory requirements, use the correct baseline, calculate the post-development habitats accurately, which are deliverable. On this basis the scheme is likely to be capable of meeting statutory BNG requirements. Given the baseline habitat values and the potential magnitude of gain, this is a matter that attracts moderate weight in favour of the appeal scheme.

⁸ Paragraph: 059 Reference ID: 7-059-20220825.

Planning Balance

51. The proposal would result in moderate temporary economic benefits during design and construction and once complete, on-going employment, spend in the local economy, and additional use of local services and facilities. I have considered the appellant's case for considering the scheme is 100% affordable housing. However, it is not demonstrated it meets the definition in terms of affordable rent, or being at least 20% below local market rents, or is for a registered landlord or Built to Rent scheme, or would remain at an affordable price for future eligible tenants, or there would be recycling of the subsidy. There is also no planning obligation or other suitably robust mechanism before me to secure the scheme in the terms set out.
52. Though not a ceiling, the Council considers it can demonstrate over a 5-year housing land supply (HLS) and its housing delivery test (HDT) measurement is above 75%. The appellant considers the current HLS position (2025-2030) is around 4.82 years, reducing to 3.75 years for 2026-2031, but from 1 July 2026, when the Council must adopt the Local Housing Need calculation, the position would be just 0.78 years. Were I to accept all of the appellant's assertions, supply is quickly diminishing, and accordance Framework paragraph 11d) the most important policies for determining the application are considered out of date.
53. All the evidence points towards the appeal site being well located for access to services, facilities, and wider transport links. It would make a more effective use of land, be a windfall site that contributes to the objective of significantly boosting housing supply, on under-utilised previously developed land, at a time of an acute and entrenched housing crisis where there are ambitious targets to deliver 1.5 million homes this Parliament. It would also support an opportunity to remediate previously developed land which is an important matter. Although it is not demonstrated this proposal is the only means by which these could be delivered.
54. I note observations in respect of various decision letters from the Appellant. However, the former Mersham Library⁹ was an allocated site for which the main conflict with policy was a single additional dwelling, and it secured three affordable homes. In other appeal decisions where matters of balance and weighting are highlighted¹⁰, the main issues at hand, circumstances, and balance of benefits and harms are not directly comparable to this proposal. The full evidence that led to Inspectors affording the weight they did to the delivery of housing is also not before me, and I have considered this appeal upon its own merits and evidence. Those appeals being allowed does not justify allowing this appeal scheme.
55. However, the proposal would provide 11 new residences by a not-for-profit housing provider to provide specialist accommodation. While the up-to-date position is not clear, at February 2024, there was estimated need for 185 to 210 units in Surrey by 2030¹¹. The design and access statement highlights the scheme would provide accommodation for residents with disabilities.
56. Under the Public Sector Equality Duty (PSED) under s149 of the Equality Act 2010 (the EA) occupiers of the appeal site would have protected characteristics. I must have due regard to the need to eliminate discrimination, harassment, victimisation

⁹ Ref. APP/L3625/W/24/3351990.

¹⁰ Refs. APP/L3625/W/21/3271384, APP/L3625/W/22/3305954, APP/L3625/W/22/3311989, APP/J0350/W/22/3313789, APP/L3625/W/23/3317469, APP/B1930/W/22/3313110, APP/B1930/W/22/3312277, APP/C1055/W/24/3356476, APP/V1505/W/23/3325933.

¹¹ Letter from Surrey County Council dated 24 February 2024.

and any other prohibited conduct; and, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. I must also have regard to the need to minimise the disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic. Allowing this appeal would advance equality for those with protected characteristics meeting the aims of the PSED and contribute to protecting those with protected characteristics from discrimination and reduce disadvantage. This is an important matter that carries significant weight.

57. Though it would be quite a modest contribution to supply, all of the benefits of the appeal scheme attract to supply and meeting the need for this type of accommodation is one that attracts very significant weight in favour of the appeal scheme. The appellant's evidence suggests the scheme would achieve reductions in carbon emissions compared to typical buildings regulations requirements. However, it is not demonstrated there would be any net benefits in terms of overall renewable energy generation, and I cannot conclude were the appeal allowed, it would raise the standard of design more generally in the area. Benefits in terms of BNG attract moderate weight in favour of the scheme.
58. Were I to agree the scheme is, or subject to the imposition of suitably worded conditions, could be made compliant with policies and standards in respect of matters such as the loss of a community facility, the living conditions of future and neighbouring occupiers not referenced above, security measures, refuse and recycling, access, accessibility, parking, and construction management, energy and resource efficient design and construction, these would all be neutral matters.
59. The benefits of the proposal attract very significant weight in its favour. However, the scheme would be significantly harmful to the character and appearance of the area, which I cannot conclude could be designed to comply with relevant design policies, and which the Framework states should be refused. It is also highlighted in a Written Ministerial Statement¹² from the Appellant, that the presumption in favour of sustainable development is not a green light for low quality development, and that it is not accepted there is a trade-off between supply and quality. The weight given to the harm and policy conflicts against the scheme, is of a high order.
60. The appeal scheme would harm the living conditions of neighbouring occupiers in respect of outlook and privacy, which would be of a magnitude that attracts moderate and limited weight respectively. Given the limited quality of some outdoor spaces and the seeming inability to design the scheme with any meaningful communal outdoor space, the harm to the living conditions of future occupiers in respect of overall outdoor space provision attracts significant weight against the scheme. The harm to the living conditions of future occupiers in respect of outlook attracts moderate weight for the ground floor unit and significant weight for the first-floor unit. That it has not been demonstrated the development would not result harmful effects to protected species, attracts very significant weight against the scheme.
61. Overall, the policy conflicts and harm from the proposal are such that these significantly and demonstrably outweigh its matters of policy compliance and all the scheme benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the appeal should not succeed.

¹² WMS by Matthew Pennycook (Ref. UIN HCWS308) dated 12 December 2024 and letter from Rt Hon Angela Rayner MP (Deputy Prime Minister) to Housing Industry Stakeholders dated 13 December 2024.

Conclusion

62. The proposal conflicts with the development plan read as a whole, and the Framework read as a whole. There are no material considerations, including the policies of the Framework, which 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