



Appeal Decision

Site visit made on 9 February 2026

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th May 2026

Appeal Ref: APP/L3625/W/25/3376257

Little Thatches, Forest Drive, Kingswood, Surrey KT20 6LN

- 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 and Mrs Darren and Julie Waterer against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 25/00524/F.
 - The development proposed is conversion/repurposing of existing garage/outbuildings for residential purposes with vehicular/pedestrian access.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant submitted late evidence in the form of an 'audit of local planning applications', an enhanced Arboriculture Audit and reference to Biodiversity Net Gain (BNG). The Council has had the opportunity to comment on the implications for the appeal. I have therefore taken account of this late evidence.

Main Issues

3. The main issues in consideration of this appeal are:
 - The effect of the proposal on the character and appearance of the area with specific regard to the Kingswood Warren and the Glade Residential Areas Special Character (RASC);
 - The effect of the proposal on the setting of the Grade II listed Cast Iron Electricity Substation;
 - The effect of the proposal on trees protected by a Tree Preservation Order; and
 - Whether the proposed development can meet the requirements for Biodiversity Net Gain (BNG).

Reasons

4. The site is a triangular plot within the RASC which is host to an existing dwelling and detached garage. The site is screened from the road by mature hedging and boundary planting. The RASC is characterised by large dwellings in large, spacious plots.

5. The proposal is to convert the garage into a two bedroom dwelling with alterations to the roof including three dormer windows, the creation of a private garden area and new vehicular/pedestrian access for the proposed dwelling.

Character and appearance

6. Policy DES1 of the Reigate and Banstead Development Management Plan 2019 (DMP) expects proposals to have due regard to the layout, density, plot sizes, building, siting, scale, massing, height and roofscapes of the surrounding area, the relationship to neighbouring buildings and important views into and out of the site.
7. Policy DES3 of the DMP sets out considerations for development within the RASC which includes (amongst other considerations) the consideration of the height, depth, elevations, scale and massing of the proposed development in relation to neighbouring buildings; the consideration of spacing between buildings and dominance of built form on the plot; soft and hard landscaping and avoiding the inappropriate sub division of existing curtilages to a size below that prevailing in the area.
8. The proposed development would create a small dwelling on a small plot in comparison to the grain of surrounding properties which are typically large dwellings on large plots. The Council has suggested the plot size for the proposed dwelling would be approximately half the size of prevailing plots. The figures put forward by the Council are not disputed by the appellant.
9. The proposed dwelling would have the appearance of a chalet bungalow with a footprint of approximately 80sqm which would be approximately half the size of surrounding development. The proposed development would therefore appear out of character with the size and scale of the prevailing development.
10. In terms of design, the proposed alterations to the garage would include the provision of three new dormers which would not accord with the Councils Householder Extensions and Alterations Supplementary Planning Guidance (SPG) due to their size. As a result of the overly large dormers on a compact footprint, the proposed development would appear top heavy and out of proportion which would harm the character of the RASC.
11. The proposed development would also reduce the size of the plot for the host dwelling, although this would not appear out of scale and character with the prevailing grain of development.
12. The amount of hardstanding proposed for the new dwelling would be substantial in comparison to the size of the proposed dwelling, incorporating areas for parking and turning. The hardstanding for the proposed dwelling would also span the full depth of the plot. There is also substantial hardstanding to the front of the host dwelling which would be extended further, significantly increasing the amount of hardstanding across the two sites in combination. The presence of retained soft landscaping would not be sufficient to outweigh the dominance of the hardstanding on the sites when taken as a whole, in contrast to the character and appearance of RASC where properties typically have a verdant, landscaped appearance.
13. In conclusion, for the reasons set out above, the proposed development would be harmful to the character and appearance of the area with specific regard to the

Kingswood Warren and the Glade RASC and would therefore be contrary to policies DES1 and DES3 of the DMP.

Grade II listed Cast Iron Electricity Substation

14. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that for development which affects a listed building, special regard is had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
15. The site lies within the setting of the Grade II listed Electric Transformer Pillar. Constructed around 1914 of cast iron, its significance derives from the historic interest from its industrial design and a good example of infrastructure that survives intact from the early period of mass electricity supply.
16. It is visible from a wide area and its presence within the residential area explains its purpose contributing to its significance. There would be the loss of hedging and an increase in hardstanding on the site. However, due to the separation distance between the proposed development and the listed building, including a road, I consider the proposed development would still allow the listed building to be appreciated in the streetscene within a largely residential area thereby preserving its setting and significance. The proposed development would accord with policy NHE9 of the DMP which requires development to protect, preserve and where possible enhance the Borough's designated heritage assets and historic environment.

Tree Preservation Order

17. Policy NHE3 of the DMP requires proposals to include an assessment of existing trees and landscaping features on the site, including their suitability for retention and to retain unprotected but important hedgerows.
18. The site contains trees protected by Tree Preservation Orders and substantial hedgerows. No arboricultural report was submitted with the application that was compliant with BS5837:2012. This was because there was no detailed arboricultural impact assessment, arboricultural method statement or tree protection plan which are required to enable an assessment of the effect of the proposal on the protected trees.
19. The appellant submitted an enhanced arboriculture audit with their final comments which the Council has had the opportunity to comment on. The additional information submitted consists of a basic level of information, however, further information is required to enable a full assessment of the proposal and the information provided does not take into account post development pressures on the trees, especially T1 which would be particularly vulnerable to frequent applications to address issues such as leaf litter, shading and having an overbearing nature given its proximity to the parking area and the only private outdoor space available for future occupiers.
20. In light of the above, the proposal conflicts with policies NHE3 and DES3 of the DMP. The Council tree officer has also identified conflict with policy DES1 of the DMP which requires development to protect natural features during the course of development and incorporate existing landscaping into the scheme. I have not been provided with substantive reason to take a different view.

BNG

21. BNG became mandatory in England under schedule 7A of the Town and Country Planning Act and applies to 'small sites' from 02 April 2024 onwards. The Act introduces a national requirement for development to deliver a BNG of 10%. The application was submitted after 2nd April 2024 and is therefore subject to the latest legislation on BNG.
22. There is dispute between the two main parties as to whether the appeal is exempt from BNG. However, the appellant has not provided sufficient evidence to support their justification for the exemption from the requirement to provide BNG. In order to assess the suitability of the proposal for BNG exemption the appellant would need to supply a plan showing on site habitat existing on the date of application (or earlier) and any replaceable habitat and a statement in support of exemption including dimensions of the habitat lost to hardstanding for the parking in line with the Government's minimum information requirements.
23. If the appeal were not exempt from BNG, insufficient information has been provided to demonstrate a BNG would be achieved.
24. The proposal would therefore be contrary to schedule 7A of the Town and Country Planning Act.

Other Matters

25. Third party representations in support of the proposal have been received highlighting the economic and community benefits of the proposal. I will take these into account in my planning balance. The visual amenity benefits of the proposal are a neutral factor in my consideration of the appeal as the condition of the site as a whole is not in need of visual enhancement.
26. The appellants have submitted planning application references for their 'audit of local planning applications' with their final comments which the Council has commented on. I have not been provided with full details of the applications to enable an assessment of the applications against the appeal scheme. However, the majority concern extensions and alterations to existing houses rather than the creation of a new dwelling through the subdivision of an existing plot. These are unlikely therefore to be directly comparable to the proposal before me. In any case I have determined the appeal on the specific factors of the plot before me. These therefore attract limited weight in the balance.

Planning Balance and Conclusion

27. The proposed development conflicts with the Development Plan as a whole as I have identified harm in respect of its effects on the character and appearance of the area and it has not been demonstrated the proposal would be acceptable in relation to its effect on trees protected by TPOs. It would also fail to meet the requirements of BNG.
28. I have taken account of the schemes contribution to housing delivery and the economic benefit to the local community during construction and thereafter during occupation. However, due to the scale of the proposed development, I give these benefits modest weight. The proposed development conflicts with the development plan taken as a whole and material considerations do not indicate that the decision should be taken other than in accordance with the development plan.

29. Consequently, for the reasons given above the appeal should be dismissed.

C Coles

INSPECTOR