



Appeal Decision

Site visit made on 22 October 2018

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31st October 2018

Appeal Ref: APP/L3625/W/18/3201189

8 Brighton Road, Hooley CR5 3EB

- 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 Chouhan against the decision of Reigate & Banstead Borough Council.
 - The application Ref 17/02060/F, dated 1 September 2017, was refused by notice dated 31 January 2018.
 - The development proposed is demolition of existing building, redevelopment to provide 22 self-contained flats with basement parking, associated landscaping, refuse and cycle stores.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appellant's name from the planning application form although I note a Christian name is included on the planning appeal form.
3. Notwithstanding the description of development set out in the banner heading above, which is taken from the planning application form, prior to the Council's determination of the application amended plans were submitted which reduced the number of dwellings proposed to 21 self-contained flats. I note that interested parties were given the opportunity to comment on amendments, and the Council based its decision upon the revised scheme. I have therefore considered the appeal on the basis of the revised scheme shown on the amended plans as no party would be prejudiced or caused any injustice by me taking this course of action.
4. In relation to the Council's second reason for refusal, the appellant has provided a Surface Water Drainage Strategy (by UNDA dated November 2017) to support his appeal. The Strategy indicates that acceptable surface water drainage could be put in place to serve the proposed development without increasing flood risk within the locality. The Council, in association with Surrey County Council as lead local flood authority, has confirmed that this information is sufficient to remove its drainage objection to the proposal, subject to the imposition of appropriate conditions. On this basis the Council has withdrawn its second reason for refusal. For the purposes of clarity I have treated refusal reason two as having been withdrawn.

5. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

Main Issues

6. The main issues raised in respect of the appeal are: -
- (a) The effect of the proposed development on the character and appearance of the area; and
 - (b) Whether the proposed development makes adequate provision for and can deliver affordable housing.

Reasons

Character and appearance

7. The appeal site relates to a residential property situated on the western side of Brighton Road (A23). The existing chalet bungalow on site appears to be vacant and was in some disrepair at the time of my visit. The topography of the land, including that of the long rear garden, slopes upward toward the rear of the plot and away from the road frontage. The appeal site is located at the edge of the built up area of Hooley and abuts open countryside that has Area of Great Landscape Value (AGLV) and Metropolitan Green Belt designations in place.
8. The area is predominantly residential, although there is a small commercial core south of the appeal site further along Brighton Road. I saw that the properties fronting Brighton Road are predominately two-storey and comprise both detached and semi-detached properties. I note some properties contain flats. There are also a small number of 2.5 or 3 storey developments within the commercial area, although the top storeys of these are mainly contained within the roofscape.
9. I observed that there is no one single prevailing architectural style that characterises the residential development in the area. The development along this part of Brighton Road is of an overall domestic size and of traditional appearance with gaps between properties. To the north of the appeal site the land has a verdant open character with trees and vegetation running adjacent to the northern boundary of the appeal site and the western road frontage leading to Hooley. To the west beyond the rear boundary of the appeal site is a gas utility compound.
10. The proposal is to redevelop the site with a single apartment block comprising a 4 storey frontage building that would reduce to 3 storeys to its rear. The projection of built development deeper into the rear of the site would create a significantly larger more substantial development than that of the existing chalet bungalow at the site. The development would require considerable land regrading to provide basement parking and to recess the development into the existing slope of the site.
11. When viewed from Brighton Road the roof height of the proposed development would be slightly lower than that of the existing adjoining property at 10

Brighton Road. Nonetheless, the proposal would have a 4 storey frontage and would appear as large 4 storey building. Its frontage width and limited separation with the side boundaries of the site, along with the steep sided mansard roof design of the top storey with its large flat roof dormers in the front roof plane, would contribute to the visual scale and massing of the proposed development. These, along with the excavated ground floor level, would accentuate the visual size of the building's frontage.

12. The frontage of the proposed scheme would appear substantially out of keeping with the size and scale of the adjacent 2 storey property, as well as that of other 2 storey properties along this part of Brighton Road. It would not reflect the modest domestic size and appearance of the existing development in the area or that of the gaps between buildings. The proposal would, therefore, visually and markedly contrast with the development in the area and would appear incongruous for this reason.
13. The appellant has directed me to an example of a wide fronted property opposite the appeal site and contends that other properties in the area host small gaps between properties and their side boundaries. Whilst this may be so, from my observations wide frontages and limited gaps relate only to a relatively small number of existing developments. I do not consider these would justify the width of the proposed development and limited separation at the side boundaries or the visual harm that this development would create to the streetscene.
14. In addition, the proposed development would have a substantial depth. This depth of development would not reflect the domestic footprint of the existing prevailing pattern of development in the area. In this respect the uncharacteristically large footprint and projection of built development to the rear of the site would also be markedly different to that of the existing development in the area. For this reason also the proposed development would be out of keeping with the development in the area.
15. I observed that the existing vegetation to the north of the site would reduce the visibility of the extensive side elevation of the proposed development in views on the approach to Hooley from the public highway. However, the visual harm of the proposal's frontage would be clearly visible in public views from Brighton Road, as well as to existing neighbouring occupiers. Whilst the large side elevation would be visible to a lesser extent in views from Brighton Road, the extensive development proposed at the rear of the site would be clear in the outlook of those neighbouring occupiers that have outlook toward the rear of the appeal site.
16. The Council is also concerned that the long side elevation would be visually harsh and incongruous when viewed in the context of the more rural environment on the approach to Hooley. I accept that the proposed development to the rear would to some extent be recessed into the contours of the land. This, along with the existing vegetation to the north, as noted above, would lessen the potential visibility of the long side elevation in views from Brighton Road. However, the overall depth and large size of the proposed development would create a development of substantial size and scale adjacent to the countryside and the designated AGLV. The development would create a consolidation of built development on the edge of Hooley. From my observations, this would not create a development that would sensitively

transition from an area of built development to one of open verdant countryside. Consequently, I find that this would be a further harm of the proposed development.

17. The appellant points out that the AGLV designation provides no status or protection beyond local level. Whilst this may be so it forms part of the adopted development plan policy and as such, has status at a local level as a valued landscape.
18. The Council contends that aspects of the design do not reflect local distinctiveness. A modern design approach has been taken to the proposal and a range of local materials would be utilised within the scheme. As noted above there is no one single prevailing architectural style that characterises the development in this area. That said, aspects of the proposed design, such as the mansard roof that would incorporate large roof dormers to the front roof plane, along with the clustering of windows in the frontage with other parts of the frontage lacking fenestration, would create a development of distinctly different appearance to that of the existing properties in the area. This would further contribute to the discordant appearance of the proposed development within this streetscene that is of generally more traditional domestic appearance. I do not consider the design approach would visually and positively contribute to the existing mix of existing development in the area.
19. Taken these matters collectively, the proposed development would be out of keeping with the existing development in the area and, despite not impacting upon neighbouring occupiers living conditions, would be a visually harmful development that would represent an overdevelopment of the site.
20. My attention has been drawn to a development known as Pinnacle Court. That development is a 3 storey building and relates to a site further north along Brighton Road that falls within a different London Borough. The development in that location is very different to that of the development within the vicinity of this appeal site. Therefore, I can and should consider the proposed development before me on its own merits, particularly as the circumstances of this site differ, as do the applicable development plan policies.
21. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore, conflict with Policies Ho9, Ho13 and Ho16 of the Reigate and Banstead Local Plan 2005 and Policies CS1 and CS4 of the Reigate and Banstead Core Strategy 2014. These policies seek, amongst other matters, development to be of a high quality design that takes direction from the existing character of the area. Paragraphs 124 and 127 of the Framework also seek development to create high quality buildings and places.

Provision for affordable housing

22. I do not dispute the findings demonstrated by the Council's Development Management Plan Affordable Housing evidence base paper produced in 2017 that indicates that there is a lack of housing affordability in the Borough and that provision has fallen below that of other parts of England over the past 15 or so years. The Inspector's Report on the Reigate and Banstead 2014 Local Plan highlighted difficulties with on-site delivery within the Borough. This is reinforced by the Council's Annual Monitoring Report 2017. The preamble to Policy CS15 of the Core Strategy aims to enable the provision of an average of

100 affordable dwelling per annum. The appellant provides information that indicates the provision has fallen below this during 2016 and 2017, as well as since the Core Strategy has been adopted. In light of this the appellant expresses concern over the likelihood of securing effective delivery of affordable housing within the Borough.

23. The Council comments that there is a clear local need for affordable housing provision. All units proposed would be affordable housing and the appellant indicates that the development would secure in excess of 20% of the Council's yearly housing target. The proposal would offer a mix of studio, 1, 2 and 3 bed units with rear garden and 26 parking spaces for residents. The proposal would clearly assist the Council in meeting its affordable housing targets. This is a clear social benefit of the proposed scheme and holds moderate weight in favour of the proposal.
24. The appellant has referred to appeal cases where the delivery of affordable housing was a consideration. However, I have not been directed to any particular appeal decisions that might enable me to determine what similarity, if any, those schemes would have to that of this proposal before me.
25. The appellant has also directed me to a Written Ministerial Statement (WMS) that refers to a disproportionate policy burden being placed on small development. However, the publication of the revised Framework has superseded any pre-existing WMSs and is now the Government's statement on national planning policy, therefore, the WMS should be disregarded.
26. The appellant has provided a completed Unilateral Undertaking to secure affordable housing. The Council has advised that in the event that these matters are secured by an appropriate legal agreement it will withdraw this reason for refusal. Although the Council has been given the opportunity it has not commented upon the acceptability of the obligation. Nonetheless, it appears to me that the undertaking would secure affordable housing. However, given that I am dismissing this appeal for other reasons it has not been necessary for me to consider this matter in any further detail.

Other Considerations

27. The existing building on site is not of such notable design or other merit to resist its replacement. The proposed development would make optimal use of available land and make use of a previously developed site where residential development for flats at the site has already been established. It would not impact upon any designated landscapes or upon the living conditions of adjoining occupiers. I have no doubt that a high quality development that could incorporate sustainable design techniques, such as, solar panels, rainwater harvesting, sedum roofing tree planting and a 35% reduction in CO2 levels could be achieved. The proposal could also provide a high standard of living environment for future occupiers. Employment during building would provide employment supporting the economy, as would the provision of new housing in the area. These other environmental and economic factors would be moderate benefits of the proposed development.

Planning Balance

28. I have found that the proposal would be harmful to the character and appearance of the area and would conflict with Policies Ho9, Ho13 and Ho16 of

the Reigate and Banstead Local Plan and Policies CS1 and CS4 of the Reigate and Banstead Core Strategy. Furthermore, the proposed development would not create a high quality building and place as required by the Framework. Any moderate benefits, such as the provision of affordable housing, along with those other moderate merits of the proposal, would not in my view be sufficient to outweigh the conflict with the development plan. The proposal would therefore not constitute sustainable development and would thus also conflict with the Framework.

Other Matters

29. Some concerns have been raised about the comments provided by Surrey Hills Area of Outstanding Natural Beauty Planning Advisor to the Council as the comments may have been made without the benefit of a site visit. However, this is not a matter that is primarily before me in respect of this appeal, but is an issue for the local planning authority in the first instance. In any event, these concerns would not lead me to alter my findings above.

Conclusion

30. For the reasons given above, and having taken into consideration all matters raised, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR