



Appeal Decision

Site visit made on 11 May 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 JULY 2023

Appeal Ref: APP/L3625/W/23/3317469

Clarence Lodge, Pendleton Road, Redhill, Surrey RH1 6LB

- 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 Steve Kempton, Modric Developments Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref 22/00595/F, dated 10 March 2023, was refused by notice dated 4 November 2022.
 - The development proposed is demolition of existing buildings, erection of 10x dwellings with associated parking and landscaping
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings, erection of 10x dwellings with associated parking and landscaping at Clarence Lodge, Pendleton Road, Redhill, Surrey RH1 6LB in accordance with the terms of the application, Ref 22/00595/F, dated 10 March 2022, subject to the conditions set out in the attached schedule of conditions.

Preliminary Matters

2. The appellant's final comments on the Council's statement includes an amended drawing which was not before the Council at the time of its decision. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
3. In this case, the drawing does not involve amendments to the proposal, but instead rectifies an error relating to the depiction of the ground levels within the proposed street elevations drawing. As no amendments to the proposal are proposed I consider that there would be no prejudice to any party by determining the appeal on the basis of the amended drawing.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of the occupiers of 60, 62 and 64 Clarence Walk with particular reference to loss of outlook.

Reasons

Character and appearance

5. The appeal site contains a two-storey building which was previously in use as a golf clubhouse at ground floor level, and as single dwelling at first floor level. A large proportion of the site is a tarmacked parking area, and there are also a number of single-storey outbuildings located to the rear of the site. On the opposite side of Pendleton Road is open space which was formerly a golf course.
6. Residential development is located on three sides of the site, with larger detached properties to the east along Pendleton Road, and a row of two-storey terraced dwellings to the west on The Crescent. Clarence Walk which spans to the west and north of the site boundary features a mix of primarily two storey detached and semi-detached properties.
7. The proposed dwellings are also two storeys in height and are a mix of detached and semi-detached properties, similar in size to the existing properties in the area. As a result, they would not appear bulky or overly tall in comparison to neighbouring properties. Furthermore, the proposed dwellings would have a traditional design with gabled and hipped roofs, and they would be constructed using a mixture of traditional materials. Consequently, I find that the new dwellings would be finished in a style that would complement the existing housing nearby and which would ensure that the proposal would not be out of keeping with the residential character of the area.
8. The proposed redevelopment would involve buildings spread across the site, and the houses within Plots 1, 2, 9 and 10 would be positioned closer to Pendleton Road than the existing buildings. However, as they would be set approximately 20 metres back from the highway they would maintain the open nature of the street scene. The existing building line on Pendleton Road loosely follows the curve of the road. The proposed dwellings would be positioned slightly forward of the front of the adjoining property to the east of the appeal site, but to the rear of the front of the terraced properties to the west. Consequently, they would not project prominently forward of an established building line.
9. Replacing the main area of hardstanding at the front of the site with houses would inevitably give the site a more developed and built-up appearance compared to the existing situation. The main parties agree that the proposal's density would be 22 dwellings per hectare. The appellant has provided a statistical comparison of the density of the proposed development and existing adjoining developments. This illustrates that, whilst the densities in the area vary, the density of The Crescent and the nearest section of Clarence Walk are the same or greater than the appeal proposal. Whilst there may be lower density housing to the east of the site, I find that the appeal proposal allows a transition in density from dwellings to the east, to the terrace properties on The Crescent. Accordingly, the proposal's density would not be at odds to the character of the area.
10. Similarly, there is variation in the size of plot and garden areas between the larger properties to the east, and the terraced properties at The Crescent,

which have smaller gardens than those of the proposal. Variety and difference do not necessarily lead to harm. Whilst the gardens and plots may be slightly smaller than some nearby properties they would not appear manifestly at odds with the prevailing form of development and would not create an awkward juxtaposition within the wider street scene. Equally, the spacing between properties within the proposal, and to adjoining existing properties, would not appear unusually tight or cramped. The dwellings within Plots 10 and 8 would be on land that is higher than the adjoining property. However, the height difference would not be significant and the staggered position of the dwellings within the appeal site, combined with the separation distance to the site boundary would prevent them from looming over the adjoining property.

11. The submitted drawings demonstrate that the separation to the boundaries would enable sufficient space for soft landscaping. Overall, given the mixed grain of the properties within the surrounding area, the proposed dwellings would have a sufficiently sympathetic visual relationship with their surroundings that they would not harm the overall character and appearance of the area.
12. Accordingly, the proposal would accord with Policy DES1 of the Reigate and Banstead Development Management Plan (2019) (DMP) which, amongst other things, requires development proposals to respect the character and appearance of the surrounding area. The proposal would also accord with the National Planning Policy Framework (2021) (the Framework) which requires developments to be sympathetic to the local context.

Living conditions

13. No's 60 and 62 Clarence Walk are single storey dwellings which both have rear elevations constructed along the shared boundary with the appeal site. They both have windows in their rear elevations which look directly onto the existing car park at the appeal site. Each property has a non-habitable bathroom window, and a second habitable window to a bedroom within the elevation. At present, there are car parking spaces abutting the neighbouring properties' elevation. As a result, vehicles can park immediately outside the habitable windows, creating temporary impacts on outlook for the neighbouring occupiers.
14. Whilst there is no formal test identified to assess the impact on outlook and a subjective assessment is required, during my site visit I was able to view the proposals from immediately outside the windows at No's 60 and 62. Although the proposal would create additional built form which would be visible from these neighbouring residential properties, a generous proportion of the site would not have buildings on. In particular, views from the habitable window at No. 60 would look straight down the access road within the appeal site, rather than towards the houses within Plots 5 and 6. Consequently, the proposal would not have a harmful impact on the outlook of the neighbouring occupiers of No. 60.
15. The submitted drawings and measurements provided by the appellant show that the closest part of the dwelling within Plot 5 would be almost 9 metres from No. 62's rear elevation. No. 62 does not have windows along the first few metres of its rear elevation, meaning that only the front gable of the new dwelling would be directly in front of the window. The area immediately outside the affected habitable window would be landscaped, with further details

controlled by a planning condition. This represents somewhat of an improvement over the existing situation whereby the window looks immediately onto car parking spaces. Due to the separation distance and orientation of the dwelling within Plot 5 it would not be overly oppressive to the extent that it would significantly harm the level of outlook for occupiers of No. 62.

16. As the bathroom windows at both properties have obscured glazing, the proposal would not have a harmful impact on the occupier's outlook from these rooms.
17. Due to its positioning within its plot, the windows within No 64 Clarence Walk's rear elevation are further from the appeal site boundary than those at No's 60 and 62. The windows would look primarily towards the garden area within Plot 5, which would not have any significant built form within it. Whilst the dwelling within Plot 5 would be visible from No. 64, given its orientation and separation distance it would not have a harmful impact on the outlook of the neighbouring occupiers.
18. For the reasons outlined above, I conclude that the proposed dwelling would not have an unacceptable impact on the living conditions of neighbouring occupiers. Accordingly, I find no conflict with Policy DES1 of the DMP which, amongst other things, requires development proposals to provide an appropriate environment for future occupants whilst not adversely impacting upon the amenity of occupants of existing nearby buildings. The proposal would also comply with the principles of the Framework which require that planning decisions ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

19. Although the Council can demonstrate a 5-year supply of housing land and has passed the 2021 Housing Delivery Test, this is not a reason to reject what I have found to be acceptable proposals for the site. One of the Government's objectives is to significantly boost the supply of housing and the proposal would provide ten dwellings reasonably located for local services and facilities. The proposal would also accord with the broad support for windfall sites and would represent an efficient use of previously developed land.
20. In addition to the living conditions I have addressed above, interested parties have raised concerns about the potential loss of natural light and privacy for occupiers of neighbouring properties. Given the separation distances involved, and as the first floor windows in the north (side) elevations of plots 5 and 6 and the east (side) elevation window of plot 10 would be obscure glazed and conditioned to remain as such, I do not find that there would be harm to the living conditions of neighbouring occupiers.
21. Interested parties have raised concerns about traffic congestion, health impacts and future crime. I have imposed the Council's suggested condition requiring a scheme demonstrating compliance with the principles of 'Secured by Design'. Given that the most recent use of the site accommodates parking for over 70 cars, I do not consider that the proposal would result in an increase in noise, light pollution or car fumes. Similarly, I consider that the amount of traffic and vehicle movements associated with the proposal are likely to be reduced compared to the previous use of the site as a golf club car park and club house.

22. Concerns have been raised about the proposal having insufficient car parking. However, each dwelling would provide two off-street car parking spaces which I consider sufficient to reduce the likelihood of future occupiers choosing to park on the surrounding highways.
23. Concerns in relation to construction traffic and noise have also been raised. I have sympathy for existing occupiers as development of this nature would inevitably give rise to some disruption. However, the works would be time limited and it would not be reasonable to withhold consent on this basis alone. In terms of future traffic and noise related to the completed development, the addition of ten dwellings within a residential area is unlikely to cause harmful noise and disturbance as a result of the additional comings and goings of future occupiers and visitors.
24. Interested parties have raised concerns about the proposal's impact on flood risk, wildlife and trees. I have included a condition requiring details of the design of a surface water drainage scheme, in order to manage flood risk on and off the site. For the same reason, I have imposed a condition requiring the submission of a verification report carried out by a qualified drainage engineer. To prevent damage to trees I have included a condition requiring that all protection measures are undertaken as outlined in the submitted arboricultural documents. To ensure the impact on protected species is mitigated I have included a condition requiring the development to be carried out in accordance with the Bat Preliminary Roost Assessment report and emergence and re-entry report. Furthermore, a condition requiring details of biodiversity measures is imposed to ensure that biodiversity enhancements are achieved on site.
25. Objections have also been raised about the impact of the proposal on the Green Belt and on a conservation area. However, as the site is not located within a conservation area or the Green Belt, there would be no harmful impact in this regard.
26. A number of other matters have been raised by interested parties and I have taken them all into account. These include the impact on private views, public rights of way, the impact on local services and drainage and sewerage capacity. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.
27. I acknowledge the appellant's concerns regarding the Council's conduct during the processing of the application. However, I can confirm I have determined the appeal on its planning merits.

Conditions

28. I have had regard to the planning conditions that have been suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
29. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty.
30. I have included a condition requiring further details of the finished floor levels of the dwellings in the interests of character and appearance and living

conditions of neighbouring occupiers. In order to minimise disruption to surrounding highways and residents it is necessary to approve a Construction Management Statement and Construction Transport Management Plan.

31. I have included conditions relating to the provision of refuse storage, cycle storage, electric vehicle charging points and the provision and retention of off-street parking and Travel Information Packs. These are required in the interests of visual amenity, highway safety and to promote low emission vehicles.
32. A condition requiring details of the external materials is necessary in the interests of the character and appearance of the area. Likewise, conditions related to the approval of hard and soft landscaping and boundary treatments are also necessary in the interests of the character and appearance of the area. However, I have modified the suggested wording of the boundary treatment condition to remove the requirement for the original gates and brick and pillar wall on the western part of the northern boundary to be retained on site. This is because it has not been demonstrated that this aspect of the condition is necessary or reasonable to protect the character and appearance of the area or living conditions of neighbouring occupiers.
33. I have imposed a condition requiring all dwellings to be provided with the infrastructure to facilitate a connection to high speed broadband. However, I have modified the condition to require the provision of infrastructure prior to the occupation of the dwellings.

Conclusion

34. For the above reasons, and having had regard to all other matters raised, I conclude that the development accords with the development plan and the Framework. The appeal is therefore allowed.

B Pattison

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 strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

21201 - E001; 21201-E002A; SP-025A-01 Sheet 1 of 5; SP-025A-01 Sheet 2 of 5; SP-025A-01 Sheet 3 of 5; SP-025A-01 Sheet 4 of 5; SP-025A-01 Sheet 5 of 5; SP-025A-02; SP-025A-03; SP-025A-04; SP-025A-05; SP-025A-07 Sheet 1 of 2; SP-025A-07 Sheet 2 of 2; SP-025A-08; SP-025A-09; SP-025A-10; SP-025-11; 21201-P492; 21201-P454 Rev P3; 21201-P453 Rev P3; 21201-P452 Rev P3; 21201-P203 Rev P1; 21201-P202 Rev P3; 21201-P201 Rev P2; 21201-P150 Rev P11; 21201-P490 Rev P6; 21201-P480 Rev P3; 21201-P455 Rev P1; 21201-P456; 21201-P205; 21201-P451 Rev P5; 21201-P200 Rev P3; 21201-P204; 21201-P450 Rev P5.
- 3) No development shall take place until a Construction Management Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CMS shall be implemented and adhered to throughout the entire construction period. The CMS shall include the following details:
 - a) Prediction of potential impacts with regard to water, waste, noise and vibration, dust, emissions and odours. Where potential impacts are identified, mitigation measures should be identified to address these impacts.
 - b) Information about the measures that will be used to protect privacy and the amenity of surrounding sensitive uses; including provision of appropriate boundary protection.
 - c) Means of communication and liaison with neighbouring residents and businesses.
 - d) Hours of work.
- 4) No development shall take place until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be implemented and adhered to throughout the entire construction period. The CTMP shall include the following details:
 - (a) parking for vehicles of site personnel, operatives and visitors.
 - (b) loading and unloading of plant and materials.
 - (c) storage of plant and materials.
 - (d) programme of works (including measures for traffic management).
 - (e) provision of boundary hoarding behind any visibility zones.
 - (f) HGV deliveries and hours of operation.
 - (g) vehicle routing.

- (h) measures to prevent the deposit of materials on the highway.
 - (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused.
 - (k) on-site turning for construction vehicles.
- 5) Prior to the commencement of any development works, including demolition and all construction activities, all tree protection measures shall be undertaken in strict accordance with the approved details contained in the 'BS 5837 Arboricultural Report & Impact Assessment' and the 'Arboricultural Method Statement Rev 2' and 'Tree Protection Plan Rev 2' from Crown Tree Consultancy. All arboricultural matters will then follow that described in these approved details.
- 6) No development, other than demolition and site clearance, shall take place until the developer obtains the Local Planning Authority's written approval of details of proposed ground levels and the proposed finished floor levels of the dwellings. The development shall be carried out in accordance with the approved levels.
- 7) No development, other than demolition and site clearance, shall take place until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved surface water drainage scheme. 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. The required drainage details shall include:
- a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 + 40% (allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2 l/s.
 - b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
 - c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
 - d) Details of drainage management responsibilities and maintenance regimes or the drainage system.
 - e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
- 8) The development shall not be occupied until a verification report carried out by a qualified drainage engineer has been submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme

(or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

- 9) The development shall be carried out in accordance with the mitigation measures set out within the submitted Bat Preliminary Roost Assessment report (Arbtech, 2021) and The Bat Survey - Emergence and re-entry report (Arbtech, 2021).
- 10) The development shall not progress above the damp proof course of the new houses until full details of both hard and soft landscaping and tree planting have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented prior to the occupation of the development, or in accordance with a programme agreed in writing with the Local Planning Authority, and maintained thereafter. If, within a period of 5 years from the completion of development, any of the trees or plants that form part of the approved details of landscaping, die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of a similar size and species. All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837 Trees in relation to construction.

The landscaping scheme shall include details of hard landscaping, 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 programme.

- 11) The development shall not progress above the damp proof course of the new houses until a finalised scheme to provide biodiversity net gain, informed by the submitted Biodiversity Net Gain (BNG) note, Bat Preliminary Roost Assessment and emergence and re-entry report, has been submitted to and approved in writing by the Local Planning Authority. This should be designed alongside the soft landscaping proposals for the site. The approved biodiversity enhancement measures shall be installed in accordance with the finalised scheme prior to occupation of the development and shall be maintained as such thereafter.
- 12) The development shall not be occupied until details of bin storage for each dwelling, including the location and type of storage and design of any proposed outdoor storage units, has been submitted to and agreed by the Local Planning Authority.

The bin storage for each dwelling and the refuse collection area adjacent to Plot 9 shall be installed in accordance with the approved details and made ready for use prior to occupation of the development and thereafter maintained in accordance with the approved details.

- 13) The development shall not be occupied until details of covered and secure cycle storage for each dwelling, including the location and type of storage (including the design of any proposed outdoor storage units), has been submitted to and agreed by the Local Planning Authority.

The cycle storage shall be installed in accordance with the approved details and made ready for use prior to occupation of the development and thereafter maintained in accordance with the approved details.

- 14) The development shall not be occupied until space for vehicles to be parked, and for vehicles to turn so that they may enter and leave the site in a forward gear, has been laid out within the site in accordance with the approved plans. Thereafter, the parking and turning areas shall be retained and maintained for their designated purpose.
- 15) The development shall not be occupied until a Travel Information Pack containing information on education, employment, retail and leisure uses within 2 km walking distance and 5km cycling distance of the site and by public transport has been submitted to and agreed by the Local Planning Authority. The Information Pack shall accord with the sustainable development aims and objectives of the National Planning Policy Framework, and Surrey County Council's "Travel Plans Good Practice Guide". The Information Pack shall be distributed to each house upon first occupation of each unit.
- 16) The development shall not be occupied until details of electrical vehicle charging points for each of the houses have been submitted to and approved by the Local Planning Authority. The charging points shall provide fast charge sockets (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply). The development shall not be occupied until the charging points have been installed and they shall be maintained in an operable condition thereafter.
- 17) The development shall not progress above the damp proof course of the new houses until written details of the materials to be used in the construction of the external surfaces, including walls, fenestration and roof, have been submitted to and approved by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved details.
- 18) The development shall not be occupied until a plan and details indicating the positions, design, materials and type of boundary treatment to be retained and erected, both around and within the site, has been submitted to and approved by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved details prior to the occupation of the development and maintained and retained thereafter.
- 19) No external lighting shall be installed on the buildings hereby approved or within the site until an external lighting scheme, which shall include indication of the location, height, direction, angle and cowling of lights, and the strength of illumination, accompanied by a light coverage diagram, has been submitted to and agreed by the Local Planning Authority. The lighting strategy shall also consider the potential impacts on bats.

The external lighting shall be implemented in accordance with the approved scheme and be retained thereafter and maintained in accordance with the manufacturer's instructions.

- 20) The development shall not progress above the damp proof course of the new houses until details setting out how the applicant will ensure that at least 20% of the homes meet the Building Regulations requirements for 'accessible and adaptable dwellings' (Part M4(2)) have been submitted to and agreed by the Local Planning Authority. The development shall be implemented in accordance with the agreed details prior to the occupation of the development.
- 21) The development shall not be occupied until a scheme demonstrating compliance with the principles of 'Secured by Design' has been submitted to and approved by the Local Planning Authority. The approved details shall be completed before the occupation of the development and shall be maintained thereafter.
- 22) The development shall not be occupied until a Water Efficiency Statement has been submitted to and approved by the Local Planning Authority. The Statement shall detail how the development will ensure that the potential water consumption by occupants of each new dwelling does 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 its occupation.
- 23) The development shall not be occupied until all houses within the development have been provided with the necessary infrastructure to facilitate connection to 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
 - b) Cabling and associated installations which enable easy access for future repair, replacement or upgrading
- 24) The first floor windows in the north (side) elevations of plots 5 and 6 and east (side) elevation of plot 10 of the development shall be glazed with obscured glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Once installed the obscured glazing shall be retained thereafter.

END OF SCHEDULE