 <b>Reigate &amp; Banstead</b> BOROUGH COUNCIL Banstead   Horley   Redhill   Reigate	<b>TO:</b>	PLANNING COMMITTEE
	<b>DATE:</b>	19 December 2012
	<b>REPORT OF:</b>	HEAD OF POLICY, DEVELOPMENT AND PROPERTY
	<b>AUTHOR:</b>	Alan Ward
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<b>AGENDA ITEM:</b>	11	<b>WARD:</b> Nork


<b>APPLICATION NUMBER:</b>	12/01641/F	<b>VALID:</b>	3 October 2012
<b>APPLICANT:</b>	Shanly Homes Ltd	<b>AGENT:</b>	N/A
<b>LOCATION:</b>	<b>27 &amp; LAND TO THE REAR OF 25 YEW TREE BOTTOM ROAD, EPSOM DOWNS, KT17 3NE</b>		
<b>DESCRIPTION:</b>	<b>Demolition of 27 Yew Tree Bottom Road and the erection of a pair of semi-detached chalet bungalows and two detached chalet bungalows with associated access</b>		
<b>All plans in this report have been reproduced, are not to scale, and are for illustrative purposes only. The original plans should be viewed/referenced for detail.</b>			

Consideration of this application was deferred at the previous Committee meeting held on 21 November 2012. This was to enable an accompanied site inspection to take place.

Further officer commentary on any issues arising from the site inspection will be reported at the Committee meeting.

The previous officer report with any relevant updates (in italics), recommended conditions and informatives is appended – **Appendix A**.

## APPENDIX A

 <b>Reigate &amp; Banstead</b> BOROUGH COUNCIL Banstead   Horley   Redhill   Reigate	<b>TO:</b>	PLANNING COMMITTEE
	<b>DATE:</b>	21 November 2012
	<b>REPORT OF:</b>	HEAD OF POLICY, DEVELOPMENT AND PROPERTY
	<b>AUTHOR:</b>	Alan Ward
	<b>TELEPHONE:</b>	01737 276 216
	<b>EMAIL:</b>	Alan.ward@reigate-banstead.gov.uk
<b>AGENDA ITEM:</b>	8	<b>WARD:</b> Nork

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## SUMMARY

The current application is submitted following several refused development proposals for the site which have also been dismissed at appeal. Whilst Inspectors have supported the refusal of such applications and acknowledged the visual merit of this back garden land, none have specifically ruled out the principle of development but rather have referred to the level of development at the rear of the site as being excessive, cramped, and to the detriment of local character having regard to the topography and current amenity of the land. The principle of a pair of dwellings along the frontage has been deemed acceptable both by the Local Planning Authority and by the Planning Inspectorate.

The current proposals have been submitted following the most recent appeal decision for the site, 11/00893/F, a copy of which is attached as Appendix A. With only two dwellings now being proposed in the rear garden, as opposed to four

previously, the proposals are not so intensive and there is a greater level of spacing between the buildings and their boundaries than previously.

In addition the chalet bungalows proposed are a full two metres lower than the dwellings previously proposed for the site. At their highest point they are only 4.9 metres, and have been designed so that the main view onto these dwellings from the new access road is onto the gap between the dwellings and the hipped roofs of the dwellings (as opposed to their front gables). With the reduction in number of dwellings (the last application proposed six units), there is also a commensurate drop in the amount of hardstanding for parking, which allows for an increase in soft landscaping about the buildings.

Overall it is considered that the amount of development now proposed at the rear of the site in terms of number of units and built form is significantly reduced, and the resulting impact within the street scene and from neighbouring properties is materially reduced. Whilst it is the case that there will still be views onto the new dwellings, it is judged that this would not warrant refusal on the grounds of being intrusive or out of character, given the low scale of the proposed buildings. There would also be scope for intervening landscaping to be planted.

Previous Inspectors have deemed larger schemes on the site to be acceptable in terms of overlooking and overshadowing, and in this instance the relationship with neighbouring properties is also acceptable, with an access road that is aligned so that it does not cause significant disturbance issues to neighbouring properties.

The environment for future occupiers of the proposal would be acceptable, which in conjunction with the above leads to the conclusion that the development as now proposed would be acceptable with regard to both national and local plan policies.

## **RECOMMENDATION(S)**

Planning permission is **GRANTED** subject to conditions.

### **Consultations:**

Highway Authority: the County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements.

Nork Residents' Association: object on the grounds of the effect upon the character and appearance of the area, the effect upon living conditions of adjacent residents in terms of visual dominance and noise and disturbance; cramped development, conflict with local plan policies, narrow access road, lack of parking and turning within the development, refuse collection issues, loss of garden land and traffic safety issues.

### **Representations:**

Letters were sent to neighbouring properties on 3 October 2012. 12 responses have been received raising the following issues:

<b>Issue</b>	<b>Number</b>	<b>Response</b>
Increase in traffic and congestion	9	See paragraph 6.17
Overlooking and loss of privacy	8	See paragraphs 6.13 – 6.15
Hazard to highway safety	6	See paragraph 6.17
Out of character with surrounding area	7	See paragraphs 6.3-6.12
Overdevelopment	7	See paragraphs 6.3-6.12
Inadequate parking	5	See paragraph 6.17
Noise & disturbance	3	See paragraphs 6.13 – 6.15
Overshadowing	2	See paragraphs 6.3 – 6.12
Crime fears	2	See paragraph 6.25
Health fears	2	See paragraphs 6.17, 6.23, 6.26
Property devaluation	2	See paragraph 6.26
Harm to wildlife habitat	2	See paragraph 6.19
Drainage/sewage capacity	2	See paragraph 6.27
Loss of/harm to trees	2	See paragraphs 6.18 & 6.19
Overbearing relationship	1	See paragraphs 6.13-6.15
No need for the development	1	Not a material consideration
Loss of private view	1	See paragraph 6.26
Conflict with a covenant	1	Not a material consideration
Flooding	1	See paragraph 6.27

Inconvenience during construction 1 See paragraph 6.26

## **1.0 Site and Character Appraisal**

- 1.1 The site consists of 25 & 27 Yew Tree Bottom Road, two detached bungalows with relatively long rear gardens that possess a mixture of ornamental planting and some high trees on the rear (southern) boundary. Levels on the site rise up from the highway, with the rearmost part of the garden in an elevated position to the frontage dwellings and neighbouring properties in Garlichill Road. The front of no. 27 is relatively open, with some planting and a grassed area whilst no. 25 has high hedging around its front boundaries, which continues to the rear along the boundary with no. 27. Also forming part of the application site is the land immediately to the west of no. 27, which is on the boundary with properties in Garlichill Road. It possesses a group Tree Preservation Order on the front boundary and some trees along the boundary with properties in Garlichill Road.
- 1.2 This part of Yew Tree Bottom Road consists of bungalows, and opposite the application site are the boundaries of properties within Tabarin and Frensham Way. Garlichill Road to the west also consists of bungalows and the rear gardens are generally characterised with good levels of tree and hedge cover, which are visible from various points on Yew Tree Bottom Road and surrounding roads. North View Crescent, which borders the site to the south, consists of two-storey dwellings. The rear of the site has a relatively open and spacious character.

## **2.0 Added Value**

- 2.1 Improvements secured at the pre-application stage: the applicants sought formal pre-application advice and were advised of the need to reduce the level of hardstanding at the rear, increase separation between dwellings and reduce the number of units at the rear.
- 2.2 Improvements secured during the course of the application: the access road has been re-aligned to create additional landscaping and break up views onto the site, and a garage has been moved away from the boundary.
- 2.3 Further improvements could be secured: the use of conditions shall ensure appropriate materials are used.

## **3.0 Relevant Planning and Enforcement History**

- 3.1 09/00957/F Demolition of existing dwelling 27 Refused 28

Yew Tree Bottom Road and erection of 8 No. new dwellings on the land of 27 Yew Tree Bottom Road and land at rear of 25 Yew Tree Bottom Road

October 2009  
Appeal dismissed  
3 September 2010

3.2 10/00102/F Demolition of 27 Yew Tree Bottom Road and replacement with a pair of dwellings and erection of six new dwellings to the rear

Refused  
12 April 2010  
Appeal dismissed  
2 November 2010

3.3 11/00893/F Demolition of 27 Yew Tree Bottom Road and erection of six semi-detached houses

Refused 19  
September 2011  
Appeal dismissed  
12 March 2012

3.4 The appeal decision and associated plans for application number 11/00893/F are attached in **Appendix A**.

#### **4.0 Proposal and Design Approach**

4.1 This is a full application for demolition of 27 Yew Tree Bottom Road and erection of a pair of semi-detached dwellings along the frontage with an access to the side that would lead to two detached chalet bungalow dwellings at the rear.

4.2 Circular 01/06 confirms that a design and access statement should illustrate the process that has led to the development proposal, and justify the proposal in a structured way, by demonstrating the steps taken to appraise the context of the proposed development. It expects applicants to follow a four-stage design process comprising:

- Assessment;
- Involvement;
- Evaluation; and
- Design.

Evidence of the applicant's design approach is set out below:

Assessment	The character of the surrounding area is assessed as predominantly residential with a mix of properties and styles.
	Site features meriting retention are listed as trees and boundary landscaping.
Involvement	No community consultation took place.

Evaluation	The statement refers to previous application proposals and how the current scheme is an evolution of those dismissed scheme that seeks to respond positively to past concerns and constraints to the site.
Design	The applicant's reasons for choosing the proposal from the available options were that the reduction in number of units allows greater separation from boundaries and between the buildings; the amount of development is sympathetic to the existing character of the area and similar to other recent infill developments and as such there is a significant improvement to the spatial characteristics of the development.

- o Further details of the development are as follows:

Site area	0.27 hectares
Proposed parking spaces	Eight
Parking standard	Eight (maximum)
Net increase in dwellings	Three
Existing site density	7.4 dwellings per hectare
Proposed site density	22 dwellings per hectare
Density of the surrounding area	7.5 dwellings per hectare (11-27 Yew Tree Bottom Road)

## 5.0 Policy Context

### 5.1 Designation

Urban area  
Tree Preservation Order RE835

### 5.2 The South East Plan 2009

Spatial Strategy	SP3
Cross-Cutting Policies	CC1, CC4, CC6, CC7
Housing	H4, H5
Transport	T4
Natural Resource Management	NRM7, NRM10, NRM11
London Fringe	LF1, LF5, LF10

5.3 Reigate & Banstead Borough Local Plan 2005

Landscape & Nature Conservation	Pc4
Housing	Ho9, Ho9A, Ho13, Ho14, Ho16
Movement	Mo5, Mo6, Mo7

5.4 Other Material Considerations

National planning guidance	National Planning Policy Framework (NPPF)
Supplementary Planning Guidance	Surrey Design Local Distinctiveness Design Guide A Parking Strategy for Surrey Parking Standards for Development Planning Obligations and Infrastructure SPD
Other	Human Rights Act 1998 Circular 05/2005 Community Infrastructure Levy Regulations 2010

**6.0 Assessment**

6.1 The site is located within the urban area where there is no objection to the principle of residential development. The NPPF no longer classes back garden land as 'previously developed', so the previous government's preference for developing garden land has been removed. This does not however amount to a prohibition of development on garden land, but allows Councils to determine applications on the basis of their likely impact on local character, and in accordance with their own policies. Borough Local Plan policies still allow development on garden land, subject to the criteria laid down within Local Plan policy Ho14. Whilst Inspectors have supported the refusal of previous applications and acknowledged the visual merit of this back garden land, none have specifically ruled out the principle of backland development.

6.2 The main issues to consider therefore are:

- Design appraisal
- Neighbour amenity
- Access and parking
- Trees and landscape
- Infrastructure contributions
- Gas pipeline



- Renewable energy
- Other matters

### Design appraisal

- 6.3 The application is subsequent to several refused applications that were all dismissed at appeal. Inspectors have however accepted the principle of two dwellings along the frontage in the arrangement as now proposed, whilst dwellings to the rear were resisted due to being duly conspicuous in terms of height with comparatively little space between them and a significant level of hardstanding to the front. The raised levels at the rear of the site also meant they would be seen from the wider area.
- 6.4 The last appeal dismissal (application 11/00893/F) considered that the development at the rear would appear intrusive, out of keeping and detract from the open and verdant appearance of this back garden land, in large part because of the way in which they would be sited on land that rises fairly sharply from the bungalows to the north (Paragraph 9), and also that the dwellings would appear intrusive when seen from the rear gardens of no. 25 & 23 Yew Tree Bottom Road, and possibly from other properties to the west. The Inspector also felt that views of the gables on two of the proposed houses would be clearly seen from the access drive.
- 6.5 Paragraph 10 of the inspector's report noted the reduction in height of the proposed dwellings from earlier refused schemes but considered that, 'the reduction in height is not sufficient, in this location, to prevent the harm identified'. The Inspector considered that the gable end feature adjoining the side garden of no. 23 would appear particularly intrusive when looking up towards the development from parts of the garden of this property.
- 6.6 In addition, the Inspector considered that the straight alignment and limited space for landscaping would also result in an unattractively harsh and enclosed entrance to the rear of the site.
- 6.7 Despite the objections raised by Inspectors, as set out above, and also their acknowledgement that this land contributes to local character, none of the appeal decisions have ruled out the principle of development within this back garden location, using language such as 'the reduction in height **is not sufficient\***, in this location, to prevent the harm identified.' (\*my emphasis). It is rather that the type and amount of development that has been proposed in the past has not been suitable to respect this open location. As such a balanced judgement must be made as to whether the further revised development now proposed has overcome previous objections such to be considered acceptable.

- 6.8 The applicants have sought to overcome the issues raised by reducing the height of dwellings at the rear from 7.5 metres to 4 metres, to the main ridge and 4.9 metres to the peak of the front gable, and by increasing the spacing between the dwellings and the boundaries and decreasing the level of hardstanding. They have provided the following table to demonstrate the change in spacing:

<b>Application reference</b>	<b>Gap to west boundary</b>	<b>Gap between buildings</b>	<b>Gap to east boundary</b>
09/00957/F	1.2 metres	1.8 metres	1.0 metres
10/00102/F	1.2 metres	1.8 metres	1.0 metres
11/00893/F	3.8 metres	4.7 metres	4.0 metres
<b>Current proposal</b>	<b>4.05 metres</b>	<b>4.9 metres</b>	<b>4.05 metres</b>

- 6.9 The increase in spacing for the current scheme as compared to earlier ones is apparent, although the increase in spacing in this proposal from the most recent refusal is not significant. However, when this is coupled with the reduction in building heights the change is considered to represent a material improvement. The scale of the dwellings is much reduced, as are the number of dwellings at the rear with a reduction from four to two. This in turn allows for a much reduced level of hardstanding at the rear, with an area for landscaping to the front of the Plot 4 dwelling as opposed to a parking area previously. The applicants have also amended the proposal during the course of the application to provide a kink in the access road, which allows for additional landscaping along it to break up views onto the site.
- 6.10 The Inspectors' comments that the back garden area contributes to the character of the local area are material to the determination of this application, and the applicants have significantly reduced the scale of proposed development as a response to this. The chalet bungalow nature of the dwellings is in particular considered to present a significantly different proposal, which in line with the other improvements creates a scheme that is discrete within its surroundings.
- 6.11 Whilst there would still be views of the new dwellings at the rear, the dwellings would be a maximum of 4.9 metres in height and be set several metres away from the boundaries. The main view along the access road would be onto the gap between the dwellings and partly onto the pitched roofs of the dwellings, which are only four metres in height. Such a view could not be construed as being intrusive to the street scene of Yew Tree Bottom Road, particularly when the distance of more than 50 metres from the

highway is taken into account. There would also be scope for intervening landscaping along the boundaries to break up views onto the site.

- 6.12 With regard to the above and also to Borough Local Plan policies, it is considered that the proposal would, on balance, be of a scale and form that maintains the general pattern of development in the area with appropriate spacing between buildings that reflects that predominating in the area with an appropriate level of landscaping so as not to disrupt its character and appearance.

#### Neighbour amenity

- 6.13 The last Inspector found the development presented to him to be intrusive to neighbouring properties nos. 23 & 25, but the reduction in scale and increase in distance from the boundaries is considered to be such that this aspect has now been overcome. The Inspector's assessment of the last appeal also considered that the location and orientation of the dwellings relative to neighbouring properties would ensure no unacceptable harm through overlooking or loss of light. This is consistent with other Inspectors' views in assessing the impact of development in this location and also the view of officers. The dwellings proposed at the rear of the site are at least 35 metres from the main rear elevation of no. 23 and 28 metres from the rear of no. 25, while the distance from the side boundaries in combination with the lower height of the dwellings compared to the previous application ensures appropriate spacing from neighbouring garden areas.
- 6.14 The access road is acceptable in terms of spacing from existing and proposed dwellings to ensure no significant noise and disturbance.
- 6.15 The car port for the Plot 4 dwelling has been moved away from the boundary during the course of the application to provide appropriate separation from the neighbouring property.

#### Access and parking

- 6.16 The proposal would provide eight parking spaces as part of the scheme. This is the maximum parking standard and the County Highway Authority has confirmed that the proposal will not cause any highway safety or capacity issues, subject to conditions.

#### Trees and landscape

- 6.17 The proposal would not affect the group Tree Preservation Order on the front boundary of the site. Trees to be lost as part of the scheme are not of significant visual worth and conditions can prevent any significant harm to trees worthy of retention.

- 6.18 The proposal is located within normal residential gardens with ornamental planting. There is no intrinsic worth to them providing significant wildlife benefits, which was raised as an issue by neighbours. On this basis the proposal is acceptable in this regard.

#### Infrastructure Contributions

- 6.19 The Community Infrastructure Levy (CIL) Regulations were introduced in April 2010 and state that it is unlawful to take a planning obligation into account unless its requirements are (i) relevant to planning; (ii) necessary to make the proposed development acceptable in planning terms; and (iii) directly related to the proposed development. Under South East Plan policies CC7 and LF10, new housing and commercial development should make a contribution towards the improvement or expansion of public infrastructure and facilities that are necessary to serve the increased demand on them.
- 6.20 As such only contributions that are directly required as a consequence of development can be requested and such requests must be fully justified with evidence including costed spending plans to demonstrate what the money requested would be spent on. It is therefore the responsibility of the service providers to demonstrate the infrastructure needs directly resulting from a development and make requests for such to the Local Planning Authority.
- 6.21 The County Highway Authority has previously requested infrastructure contributions for the site, but in light of a recent appeal decision at another site in the area where their request was found to be un-reasonable, and also with a re-assessment of local highways needs to meet an increase in housing numbers in the area, the Highway Authority is not seeking a contribution for this site.

#### Gas pipeline

- 6.22 The site is located in the vicinity of gas pressure mains. A response has been received from Southern Gas Networks advising of the need for precautionary measures to be taken. The proximity has also triggered the need for a Health and Safety Executive (HSE) consultation. Having used their consultation tool previously I am satisfied that the principle of residential development in this locality is acceptable.

#### Renewable energy

- 6.23 The applicants have provided a renewable energy statement offering to use high standards of design in energy efficiency and onsite renewable energy generation. There is no policy requirement for schemes of this size to provide renewable technologies; an informative shall therefore encourage their use.

#### Other matters

- 6.24 The proposal would introduce an access allowing occupiers of the development to pass by the rear boundaries of other properties. This, combined with windows onto the new cul-de-sac, would provide natural surveillance that is reasonable to prevent the neighbouring properties from becoming significantly susceptible to crime. As such the proposal is acceptable on this basis.
- 6.25 Neighbours raised issues of loss of view and property devaluation. The planning system does not protect either of these and as such they cannot be construed as legitimate planning considerations. Excessive disturbance and health fears caused by the construction phase are covered under other legislation to prevent significant harm to health.
- 6.26 The site is not located within a flood zone and the site would need to be drained according to building regulations, as would sewerage, so is acceptable in these regards.

## CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans.

Reason: In accordance with "Greater Flexibility for Planning Permissions Guidance" (DCLG) 2010

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Plans	1171/PLN/202		18.09.2012
Proposed Plans	1171/PLN/203		18.09.2012
Proposed Plans	1171/PLN/204		18.09.2012
Proposed Plans	1171/PLN/205		18.09.2012
Elevation Plan	1171/PLN/206		18.09.2012
Proposed Plans	1171/PLN/202A		18.09.2012
Site Layout Plan	1171/PLN/201	A	06.11.2012
Arb / Tree Protection Plan	SH17738-03A		18.09.2012
Arb / Tree Protection Plan	SH17738-01		18.09.2012
Section Plan	1171/PLN/207		18.09.2012

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces, including fenestration and roof, have been submitted to and approved in writing by the Local Planning Authority, and on development shall be carried out in accordance with the approved details.

Reason:

To ensure that a satisfactory external appearance is achieved of the development with regard to Reigate and Banstead Borough Local Plan 2005 policy Ho9.

4. No development shall take place until the developer obtains the Local Planning Authority's written approval of details of both existing ground levels and the proposed finished ground floor levels of the buildings, and the development shall be carried out in accordance with the approved levels.

Reason:

To ensure the Local Planning Authority are satisfied with the details of the proposal and its relationship with adjoining development and to safeguard the visual amenities of the locality with regard to Reigate and Banstead Borough Local Plan 2005 policy Ho9.

5. No development shall take place until full details of both hard and soft landscape works including changes in ground level have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, shrubs of the same size and species.

Reason:

To preserve and enhance the visual amenities of the locality with regard to Reigate and Banstead Borough Local Plan 2005 policies Ho9 and Pc4.

6. All hard and soft landscaping work shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved or in accordance with a programme agreed with the Local Planning Authority.

Reason:

To preserve and enhance the visual amenities of the locality with regard to Reigate and Banstead Borough Local Plan 2005 policies Ho9 and Pc4.

7. No development shall start until a Method of Construction Statement, to include details of:

- (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) A communication plan to ensure that nearby residents and businesses are given advance notice of the construction programme, including any unusual deliveries, and are able to take up any issues that may arise with a nominated site manager;

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users with regard to Reigate and Banstead Borough Local Plan 2005 policies Mo5 and Mo7.

8. No development shall take place until details of a refuse collection areas have been submitted to and approved in writing by the Local Planning Authority, and on development shall be carried out in accordance with the approved details.

Reason:

To ensure that a satisfactory external appearance is achieved of the development with regard to Reigate and Banstead Borough Local Plan 2005 policies Ho9 and Ho13.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no first floor windows, dormer windows or roof lights other than those expressly authorised by this permission shall be constructed.

Reason:

To ensure that the development does not affect the amenity of neighbouring properties by overlooking and to protect the visual amenities of the area in accordance with Reigate and Banstead Borough Local Plan 2005 policy Ho9.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification) no extensions shall be erected (other than those expressly authorised by this permission), without the prior written approval of the Local Planning Authority.

Reason:

To control any subsequent enlargements in the interests of the visual and residential amenities of the locality with regard to Reigate and Banstead Borough Local Plan 2005 policies Ho9 and Ho13.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure (other than those shown on the plans) shall be erected within the front garden area of the houses fronting onto Yew Tree Bottom Road.

Reason:

To preserve the open layout of the site in the interests of the character and appearance of the area with regard to Reigate and Banstead Borough Local Plan 2005 policies Ho9 and Ho13.

12. Before the development is occupied the proposed modified access to Yew Tree Bottom Road shall be constructed in accordance with the approved plans, all to be permanently maintained to a specification to be agreed in writing with the Local Planning Authority.  
Reason:  
In order that the development should not prejudice highway safety nor cause inconvenience to other highway users with regard to Reigate and Banstead Borough Local Plan 2005 policies Mo5 and Mo6.
13. No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be retained exclusively for its designated purpose.  
Reason:  
In order that the development should not prejudice highway safety nor cause inconvenience to other highway users with regard to Reigate and Banstead Borough Local Plan 2005 policies Mo5 and Mo6, and in accordance with Planning Policy Guidance Note 13 "Transport".
14. Before any of the operations hereby approved are started on site, a pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground shall be erected within the area of such splays.  
Reason:  
In order that the development should not prejudice highway safety nor cause inconvenience to other highway users with regard to Reigate and Banstead Borough Local Plan 2005 policies Mo5 and Mo6, and in accordance with Planning Policy Guidance Note 13 "Transport".

## **INFORMATIVES**

1. Your attention is drawn to the safety benefits of installing sprinkler systems as an integral part of new development. Further information is available at [www.firesprinklers.info](http://www.firesprinklers.info).
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, a 140 litre wheeled bin conforming to British Standard BSEN840 and a 60 litre recycling box should be provided for the exclusive use of the occupants of that dwelling. Prior to the initial occupation of any communal dwellings or flats, wheeled refuse bins conforming to British Standard BSEN840, separate recycling bins for paper/card and mixed cans, and storage facilities for the bins should be installed by the developer prior to the initial occupation of any dwelling hereby permitted. Further details on the required number and specification of wheeled bins and recycling boxes is available from the Council's Neighbourhood Services on



01737 276501 or 01737 276097, or on the Council's website at [www.reigate-banstead.gov.uk](http://www.reigate-banstead.gov.uk). Bins and boxes meeting the specification may be purchased from any appropriate source, including the Council's Neighbourhood Services Unit on 01737 276775.

3. The essential requirements for an acceptable communication plan, as required by Condition 7 above, are viewed as:

- (i) how those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme;
- (ii) how neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them;
- (iii) the arrangements that will be in place to ensure a reasonable telephone response during working hours;
- (iv) the name and contact details of the site manager who will be able to deal with complaints; and
- (v) how those who are interested in or affected will be routinely advised regarding the progress of the work.

Registration and operation of the site to the standards set by the Considerate Constructors Scheme ([www.ccscheme.org.uk/](http://www.ccscheme.org.uk/)) would help fulfil these requirements.

4. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:

- (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
- (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
- (c) Deliveries should only be received within the hours detailed in (a) above;
- (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
- (e) There should be no burning on site;
- (f) Only minimal security lighting should be used outside the hours stated above; and
- (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit.

In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme - [www.ccscheme.org.uk/index.php/site-registration](http://www.ccscheme.org.uk/index.php/site-registration).

5. The applicant is encouraged to provide renewable technology within the development hereby permitted in order to reduce greenhouse gas emissions.

### **REASON FOR PERMISSION**

The development hereby permitted has been assessed against development plan policies SP3, CC1, CC4, CC6, CC7, H4, H5, T4, NRM7, NRM10, NRM11, LF1, LF5, LF10, Pc4, Ho9, Ho9A, Ho13, Ho14, Ho16, Mo5, Mo6, Mo7 and material considerations, including third party representations. It has been concluded that the development is in accordance with the development plan and there are no material considerations that justify refusal in the public interest.

12/01641/F - 27 AND LAND TO THE REAR OF 25 YEW TREE BOTTOM ROAD, EPSOM DOWNS







Consultant

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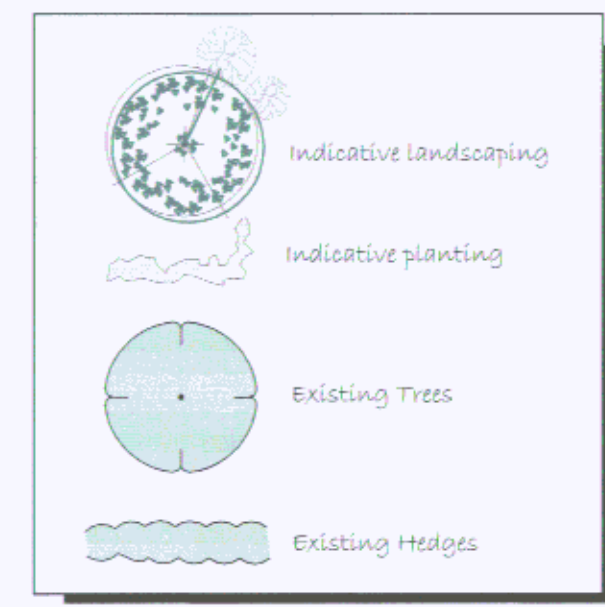
Notes

Rev.	Description	Date
A	access road & plot 4 carport revised	31/10/12

Project  
Proposed Development at  
27 and land to the rear of 25  
Yew Tree Bottom Road,  
Epsom,  
Surrey.

Drawing Title  
  
Site Layout  
Roof Plan  
  
PLANNING

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DX 34507 Beaconsfield

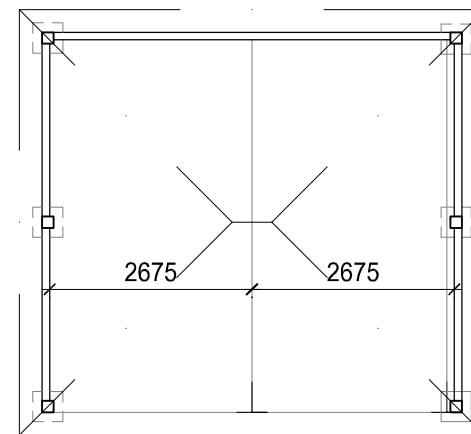
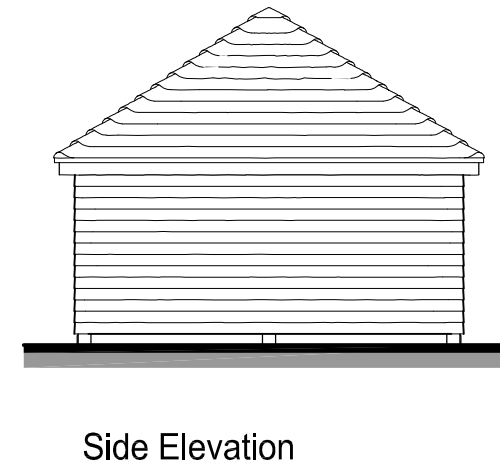
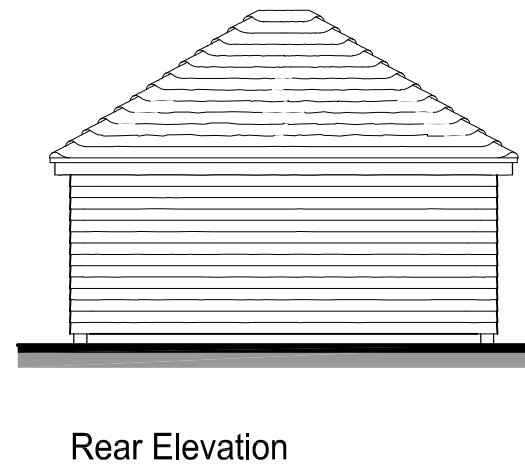
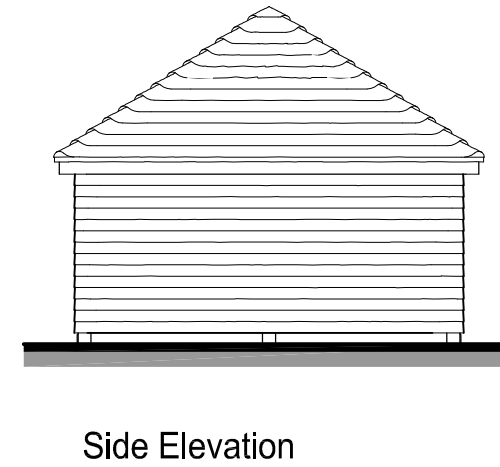
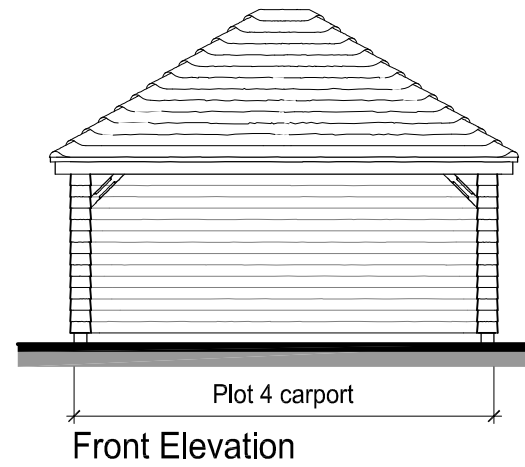
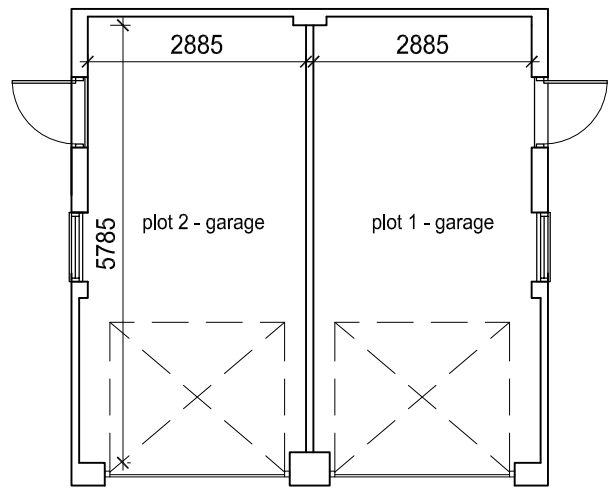
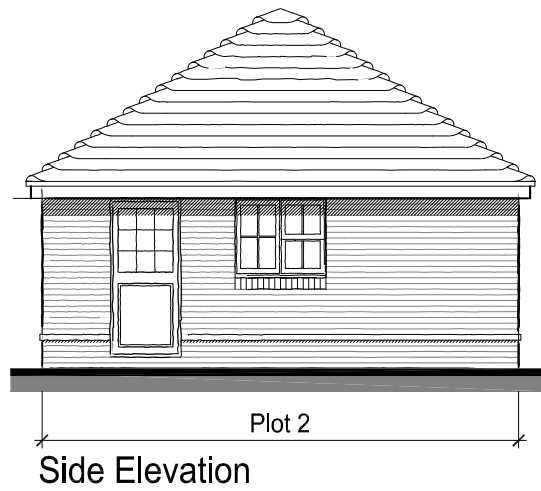
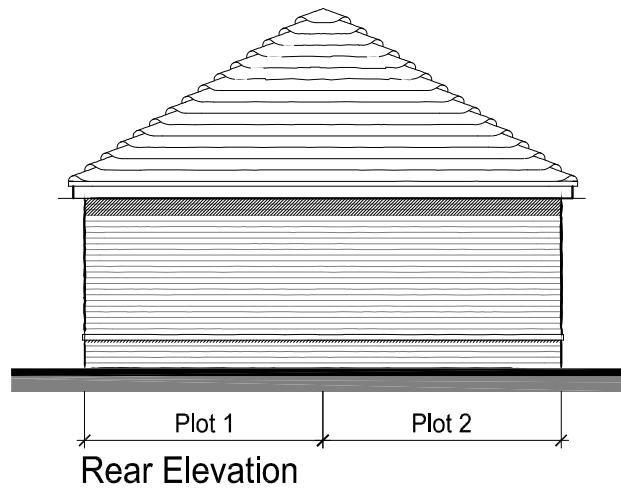
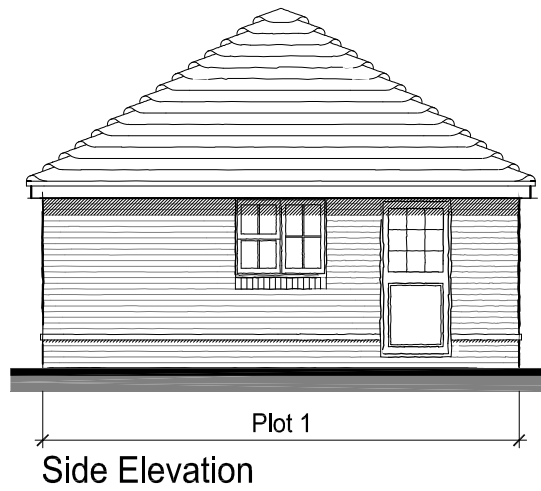
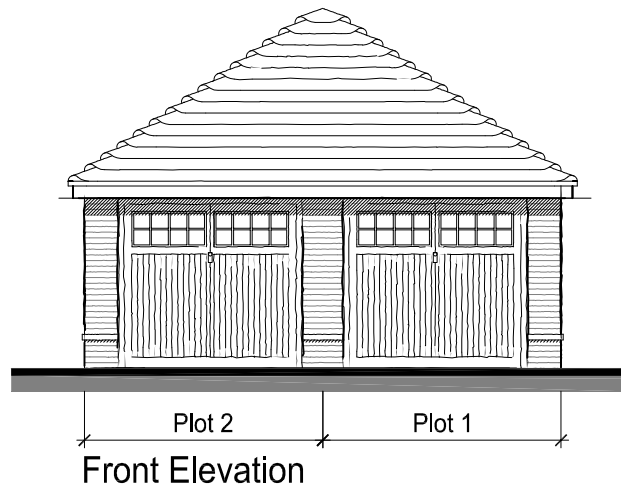


Scale 1:100 (metres)  
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Scale 1:50 (metres)  
0 1 2 3 4  
Please check the drawing scale before taking measurements

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Drawing No. 1171/PLN/201	Revision A





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Notes

Rev.	Description	Date

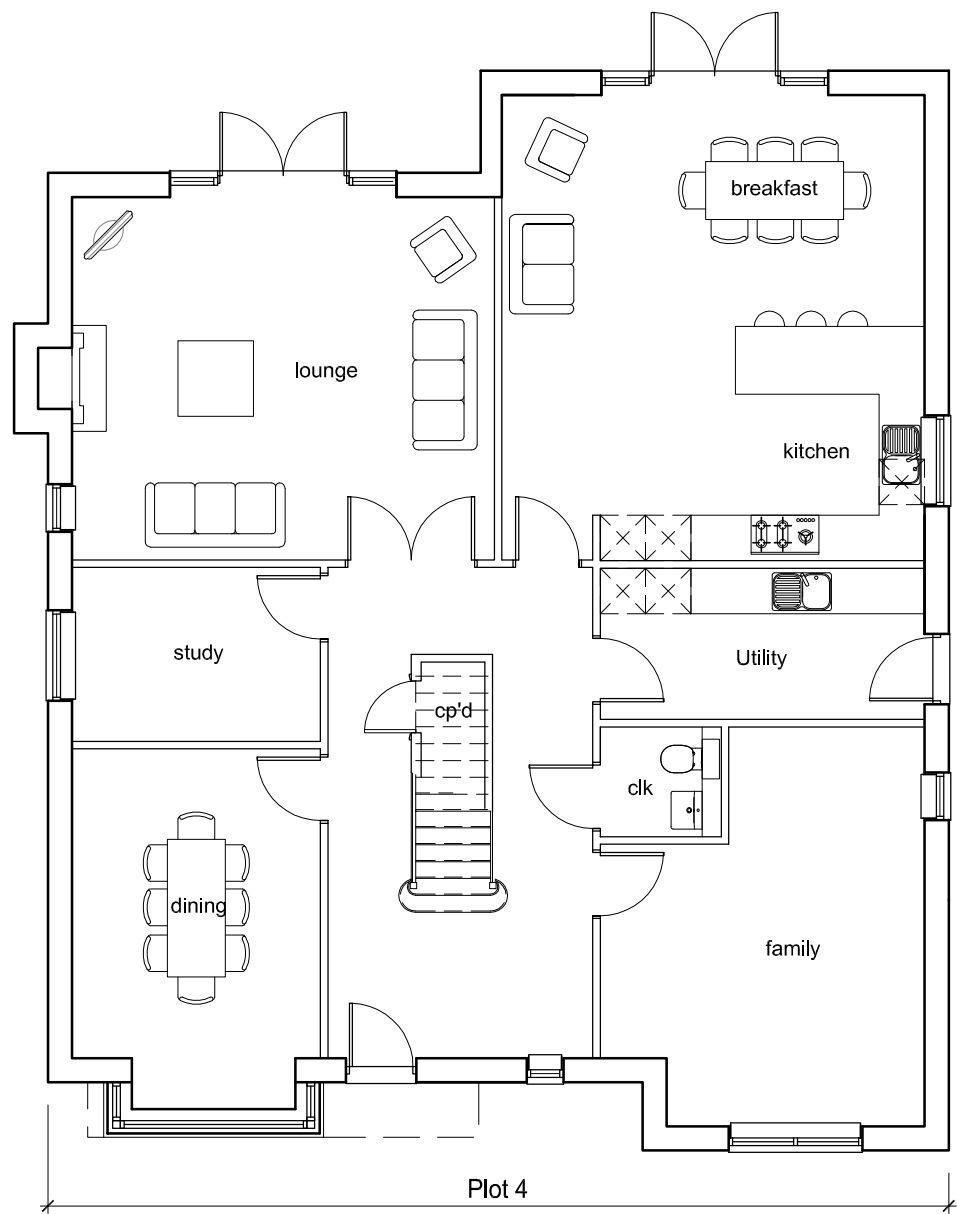
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Proposed development at  
27 and land to the rear of 25  
Yew Tree Bottom Road,  
Epsom,  
Surrey.

Drawing Title  
  
Garages and Carport  
Floor Plans and Elevations  
  
PLANNING

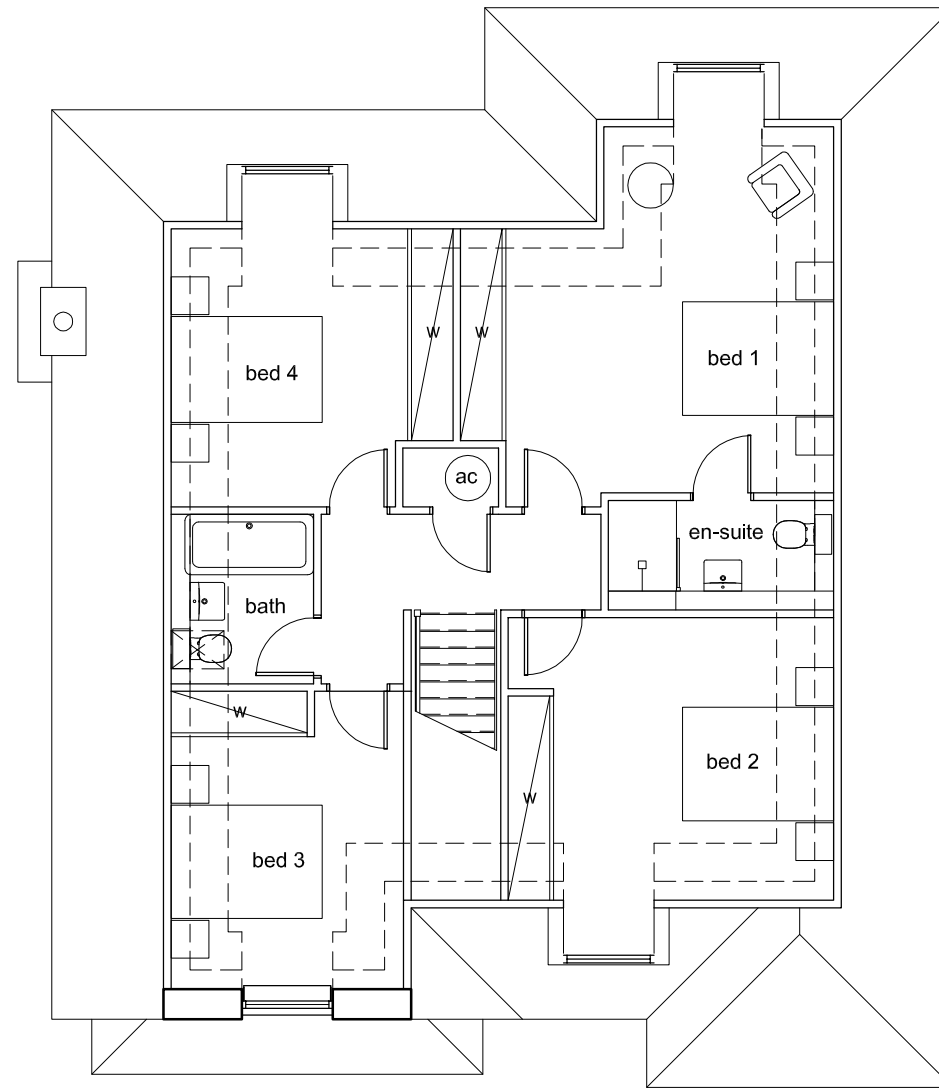
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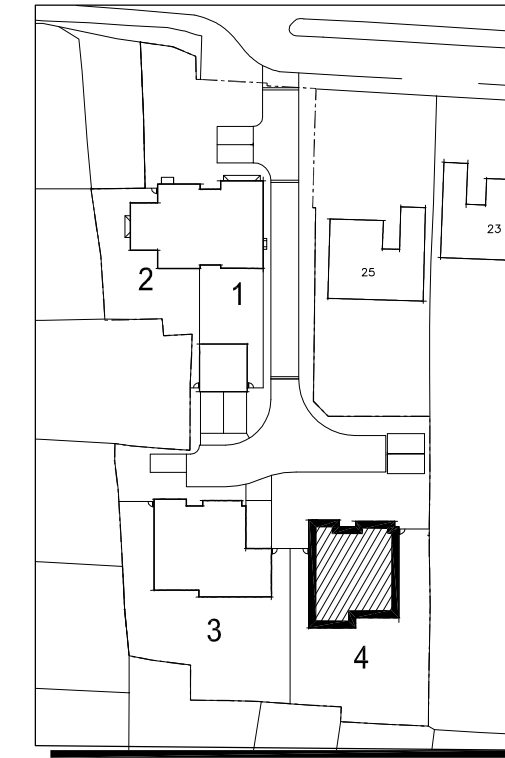
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Drawing No. 1171/PLN/205	Revision



Ground Floor



First Floor



keyplan

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Notes

Rev.	Description	Date

Project

Proposed development at  
27 and land to the rear of 25  
Yew Tree Bottom Road,  
Epsom,  
Surrey.

Drawing Title

Plot 4  
Floor Plans and Elevations

PLANNING

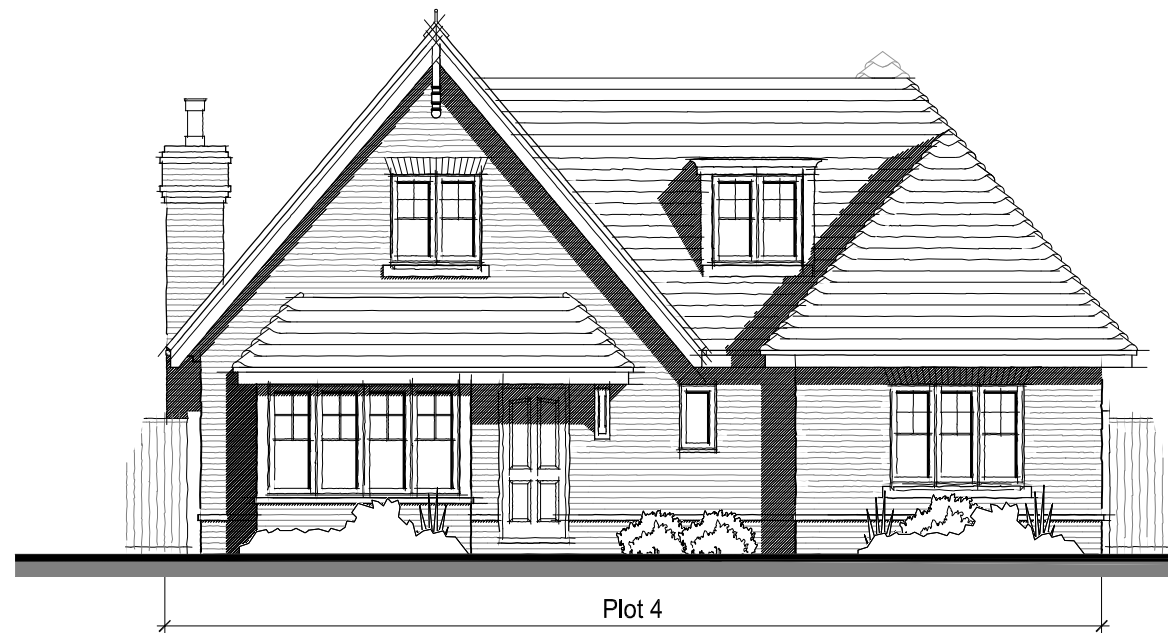
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Drawn By: prs Date: Sept 2012

Scale: 1:100 A2

Drawing No. 1171/PLN/204 Revision



Front Elevation



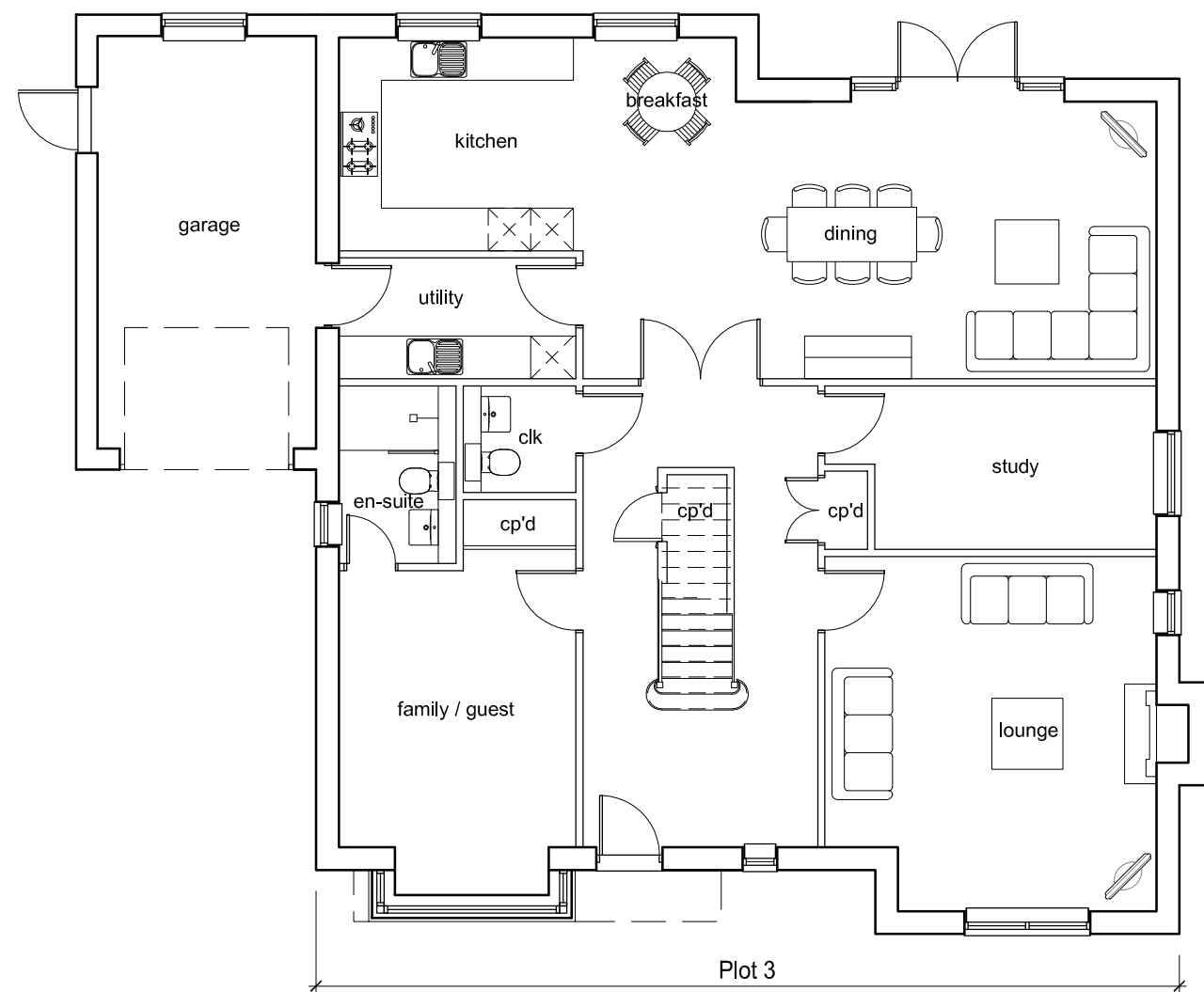
Side Elevation



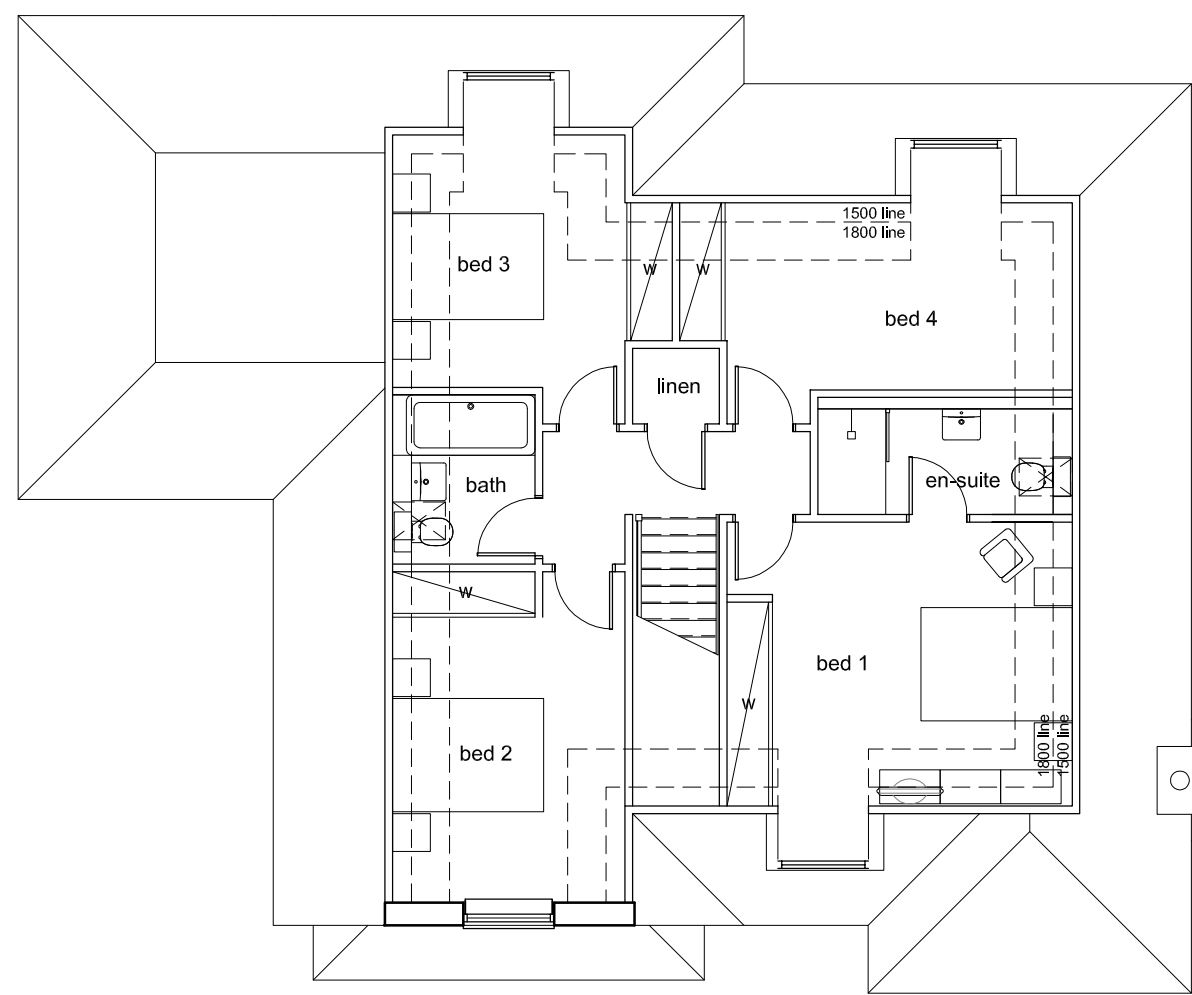
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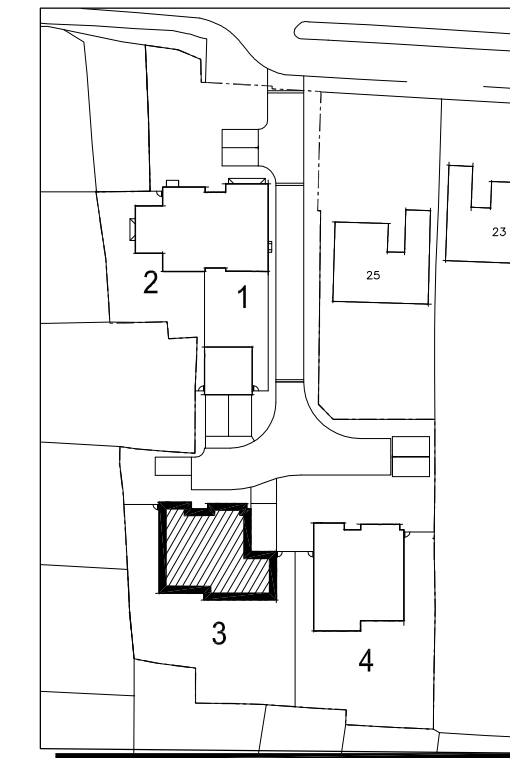
Side Elevation



Ground Floor



First Floor



keyplan

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Notes

Rev.	Description	Date

Project

Proposed development at  
27 and land to the rear of 25  
Yew Tree Bottom Road,  
Epsom,  
Surrey.

Drawing Title

Plot 3  
Floor Plans and Elevations

PLANNING

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Front Elevation



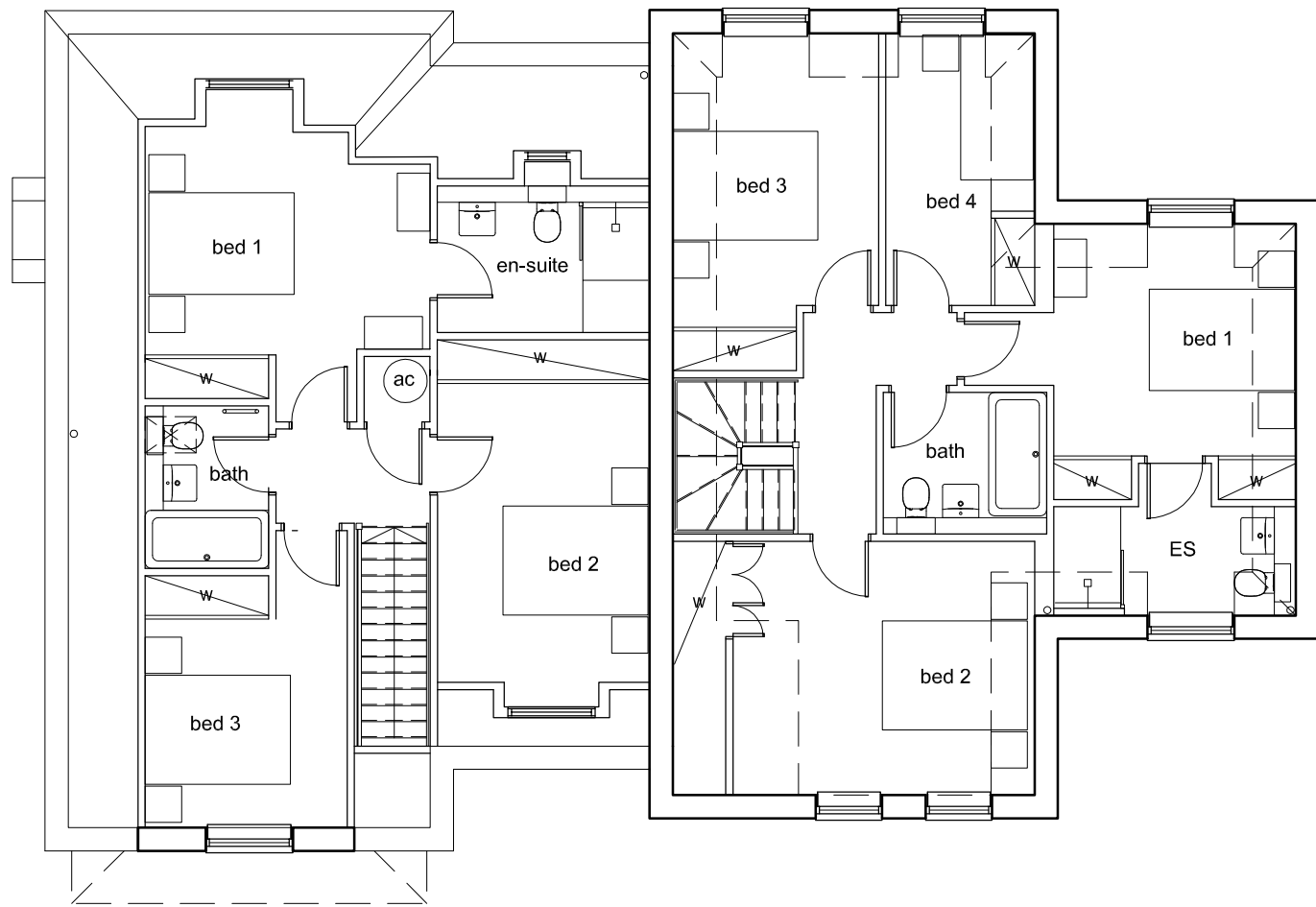
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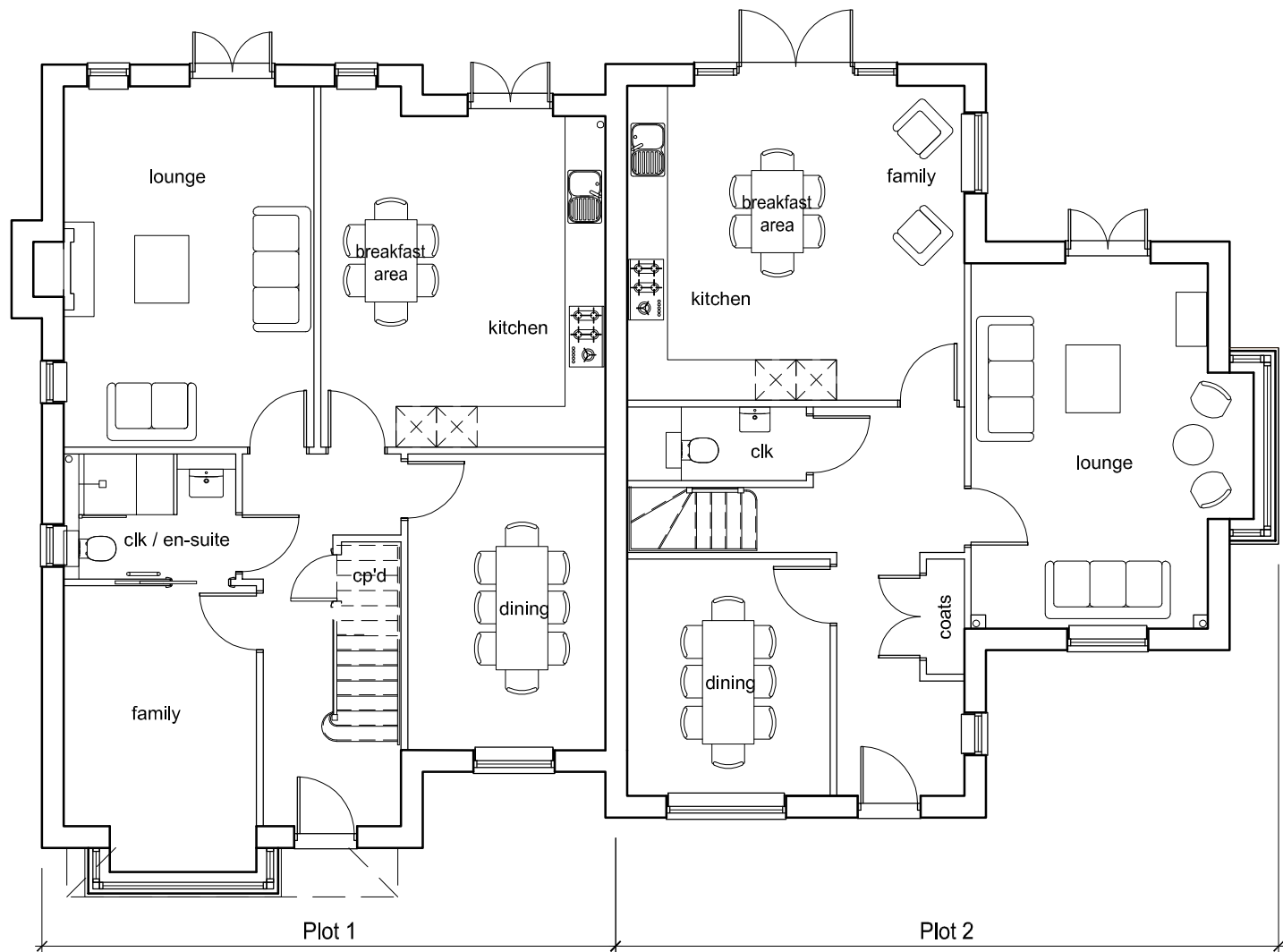
Rear Elevation

Drawn By: prs	Date: Sept 2012
Scale: 1:100	A2
Drawing No. 1171/PLN/203	Revision





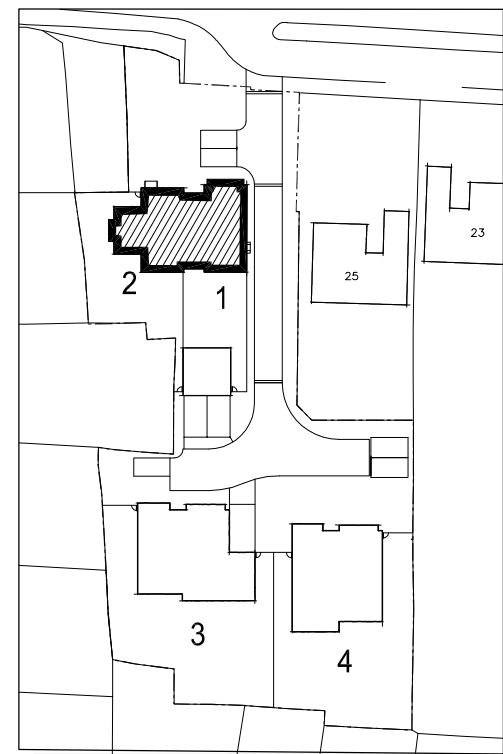
First Floor



Ground Floor



Rear Elevation



keyplan

Notes

Rev.	Description	Date

Project  
**Proposed Development at  
 27 and land to the rear of 25  
 Yew Tree Bottom Road,  
 Epsom,  
 Surrey.**

Drawing Title  
**Plots 1 and 2  
 Floor Plans and Elevations**  
**PLANNING**

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Drawn By: prs	Date: Sept 2012
Scale: 1:100	A2
Drawing No. 1171/PLN/202	Revision





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# Appeal Decision

Site visit made on 23 February 2012

**by R J Marshall LLB Dip TP MRTPI**

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

**Decision date: 12 March 2012**

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**Appeal Ref: APP/L3625/A/11/2162822**

**27 and land rear of 25, Yew Tree Bottom Road, Epsom, Surrey, KT17 3NE**

- 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 J Amos (Shanly Homes Ltd.) against the decision of Reigate & Banstead Borough Council.
  - The application Ref P/11/00893/F, dated 31 May 2011, was refused by notice dated 19 September 2011.
  - The development proposed is Demolition of existing dwelling at 27 Yew Tree Bottom Road and erection of 6 semi-detached houses on the land of 27 and on the land to the rear of 25, Yew Tree Bottom Road.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The **main issue** in this appeal, based on the Council's first 2 reasons for refusal, is the effect of the proposed development on the character and appearance of the surrounding area.
3. The Council had also refused permission because of the absence of a financial contribution towards highway works in the vicinity. However, the appellant has now submitted a Unilateral Undertaking on this and this matter is no longer in dispute between the parties. It remains necessary to consider financial contributions only in terms of whether they may lawfully be taken into account having regard to the tests in *Circular 05/2005* and the *Community and Infrastructure Levy (CIL) Regulations*.

## Reasons

### **Background and Policy**

4. The appeal site comprises garden land. The Government has amended *Planning Policy Statement 3 (PPS3): Housing* so that private residential gardens in built up areas are now excluded from the definition of previously developed land in Annex B. Thus the provisions of *PPS3* on previously developed land no longer relate to such areas. This is a material consideration to be taken into account, where relevant, in determining planning applications. However, whilst garden land is no longer a priority for development the amendment to *PPS3* does not preclude applications affecting garden land from being considered on their particular merit.

5. Policy Ho14 of the Reigate and Banstead Borough Local Plan 2005 allows for development on back garden land subject to criteria aimed at protecting the high standard of residential amenity in the Borough. Local Plan Policies Ho9 and Ho13 more generally seek to protect the character and appearance of areas. The Council has also referred to the Reigate and Banstead Local Distinctiveness Design Guide. However, the weight I attach to it is limited by the fact that it pre-dates the Local Plan and *PPS3*.

### ***Character and appearance***

6. The majority of the appeal site comprises the site and extensive rear garden of a bungalow at No. 27 Yew Tree Bottom Road. A smaller part of the site is garden land at the rear of the adjoining bungalow, No. 25. The site is part of a larger rear garden area that is pleasantly undulating. Extensive garden planting adds to the attractiveness of this area.
7. It is proposed to demolish the frontage bungalow and replace it with 2 semi-detached dwellings. The remaining 4 semi-detached dwellings, a reduction in numbers over schemes in previously dismissed appeals, would be located roughly side by side towards the rear of the site. Vehicular access to the rear would be via a driveway between the new frontage house and the bungalow at No. 25.
8. The frontage house would lie forward of the existing bungalow but reasonably in line with other bungalows to the east. It would have relatively low eaves and ridge lines with most of the first floor accommodation being in the roofspace. Although slightly larger than other bungalows in the vicinity it would be of a scale that would ensure that it fitted in comfortably with its surroundings.
9. However, the proposed development at the rear would appear intrusive and out of keeping and detract from the pleasant open and verdant appearance of the back garden land. In large part this would be because of the way in which they would be sited on land that rises fairly steeply from the line of bungalows to the north and which in part is also higher than adjoining garden land to the east. As such, although only likely to be glimpsed between gaps in frontage bungalows they would appear intrusive when seen from the rear gardens of No. 25 and 23 Yew Tree Bottom Road and possibly from other properties to the west as well. They would also intrude into views from Yew Tree Bottom Road down the proposed access drive. From this viewpoint gables on 2 of the proposed houses would be clearly seen notwithstanding the attempt to align the driveway with the gap between these dwellings.
10. In arriving at this view I appreciate that the proposed houses at the rear would be lower than those in previously refused schemes. This has been achieved by providing most of the first floor accommodation in the roofspace as with the proposed frontage houses. However, the reduction in height is not sufficient, in this location, to prevent the harm identified. The gable end feature adjoining the side garden of No. 23 would appear particularly intrusive when looking up towards the development from parts of the garden of this property. The appellant says that the houses would be cut into the ground. However, it is not clear from the application plans that this would be so or how it would be done.
11. Adding further to the harm would be the extent of hardsurfacing at the rear of the site for car parking and manoeuvring. Although reduced from previous

schemes it would still result in a relatively harsh setting for the front elevations of the houses at the back of the site. This would be out of keeping for development in this verdant backland setting notwithstanding that some roadside dwellings in the area have had front gardens hardsurfaced. The straight alignment and limited space for landscaping would also result in an unattractively harsh and enclosed entrance to the rear of site.

12. In the wider suburban area in this locality development has taken place on back garden land, in some cases allowed on appeal. However, from what I have read and seen there are differences in terms of location, surrounding development and the nature of the schemes for it to be possible to draw no direct comparison with what is before me.
13. It is concluded that the proposed development would detract from the character and appearance of the surrounding area contrary to the objectives of Local Plan Policies Ho9, Ho13 and Ho14.

### ***The Unilateral Undertaking***

14. From all that I have read I am satisfied that had I been minded to allow the appeal the Undertaking would be necessary to make the development acceptable, directly related to it and fairly and reasonably related to it in scale and kind. An inspector in a previous appeal on the site, APP/L3625/A/10/2127291, came to the same conclusion on what would seem to be a similar agreement. I have no reason to take a different view.

### ***Other matters***

15. The proposed development would provide additional housing in an urban area. However, the advantages of this do not outweigh the harm identified.
16. Many local concerns go beyond those raised by the Council. However, the location and orientation of the dwellings relative to neighbouring properties would ensure no unacceptable harm through overlooking or loss of light. There is no professional or technical support for concerns on drainage, wildlife and various traffic issues. Development of this scale and design should cause no undue harm through noise and disturbance.

### **Conclusion**

17. In conclusion overall, whilst there are some advantages to the scheme in terms of additional housing and some local concerns may not be well founded, harm on the main issue means that the appeal should be dismissed.
18. It is for the reasons given above that the appeal is dismissed.

*RJ Marshall*

INSPECTOR





Consultant

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Notes

Rev.	Description	Date

Project  
Proposed Development at  
27 and land to the rear of 25  
Yew Tree Bottom Road,  
Epsom,  
Surrey.

Drawing Title  
  
Site Layout  
  
PLANNING

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Drawn By: <b>prs</b>	Date: <b>May 2011</b>
Scale: <b>1:250</b>	<b>A1</b>
Drawing No. <b>1171/PLN/101</b>	Revision

Indicative Landscaping  
Indicative Planting  
Existing Trees  
Existing Hedges