 <b>Reigate &amp; Banstead</b> BOROUGH COUNCIL Banstead   Horley   Redhill   Reigate	<b>TO:</b>	PLANNING COMMITTEE
	<b>DATE:</b>	6 <sup>th</sup> September 2017
	<b>REPORT OF:</b>	HEAD OF PLACES & PLANNING
	<b>AUTHOR:</b>	Billy Clements
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<b>AGENDA ITEM:</b>	5	<b>WARD:</b> Horley Central

<b>APPLICATION NUMBER:</b>	17/01057/F	<b>VALID:</b>	9 May 2017
<b>APPLICANT:</b>	Breeze Homes Ltd	<b>AGENT:</b>	Colin Smith Planning
<b>LOCATION:</b>	<b>19 CHURCH ROAD &amp; LAND TO THE REAR OF 17-23 CHURCH ROAD &amp; 58-60 MASSETTS ROAD, HORLEY</b>		
<b>DESCRIPTION:</b>	<b>Demolition of no. 19 Church Road and the erection of 8 new detached dwellings on land to the rear of 17-23 Church Road and 58 - 60 Massetts Road Horley, with access from Church Road, together with car parking and landscaping</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>			

## SUMMARY

This application was deferred from the 26<sup>th</sup> July Planning Committee. At that meeting, the Committee's vote on the Officer recommendation to approve (subject to conditions) failed. As a result, the application was deferred to enable consideration of reasons for refusal.

Since the previous Committee, the applicant has lodged an appeal against the Council for non-determination as the application has passed beyond the statutory 8 week determination deadline. In these circumstances, it is necessary for the Committee to consider and agree the reasons for which it would have been minded to refuse the application.


In this respect, the following reason(s) for refusal have been put forward by Councillor Stevens:

- The proposed development would, by virtue of the extent and layout of built form, hardstanding and car parking to the rear of the site, result in a cramped overdevelopment of the site with inadequate opportunity and space for meaningful landscaping. Notwithstanding the changes made since the previous scheme, the proposed development would be at odds with, and harmful to the character, appearance and pattern of development in the surrounding area. It would therefore be contrary to policies Ho9, Ho13, Ho14 and Ho16 of the Reigate and Banstead Local Plan 2005, policy CS4 of the Reigate and Banstead Core Strategy 2014, the Reigate and Banstead Local Distinctiveness Guide SPD and the provisions of the National Planning Policy Framework in relation to "Good Design".*

Planning Committee  
6<sup>th</sup> September 2017

Agenda Item: 5  
17/01057/F

The original Officer Report and the additional plans included in the addendum (two section plans) for the proposal are appended for completeness.

 <b>Reigate &amp; Banstead</b> BOROUGH COUNCIL Banstead   Horley   Redhill   Reigate	<b>TO:</b>	PLANNING COMMITTEE
	<b>DATE:</b>	5 <sup>th</sup> July 2017
	<b>REPORT OF:</b>	HEAD OF PLACES & PLANNING
	<b>AUTHOR:</b>	Billy Clements
	<b>TELEPHONE:</b>	01737 276087
	<b>EMAIL:</b>	billy.clements@reigate-banstead.gov.uk
<b>AGENDA ITEM:</b>	9	<b>WARD:</b> Horley Central

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<b>DESCRIPTION:</b>	<b>Demolition of no. 19 Church Road and the erection of 8 new detached dwellings on land to the rear of 17-23 Church Road and 58 - 60 Massetts Road Horley, with access from Church Road, together with car parking and landscaping</b>		
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## SUMMARY

This is a full application for the demolition of the existing guest house at no.19 Church Road and the erection of 8 dwellings.

The site is within the urban area and, although it is partially within the Massetts Road Conservation Area, there is no in principle objection to the proposed residential development. Previous appeal decisions on this site and approvals of backland development on adjoining sites to the rear of Massetts Road have established this position.

The application follows previous proposals which have been refused principally due to a cramped over development of the site and an adverse impact on the amenities of neighbours on Pine Gardens.

As with previous proposals, No.19 Church Road would be demolished and replaced with a single two storey dwelling along with the access road which would extend into the site to serve seven detached dwellings within the rear gardens. Whilst the replacement frontage dwelling would be narrower than those which prevail on Church Road, the Inspector in the previous appeal (ref: 16/02285/F) did not support the Council's view that this would be harmful to the character of this street scene. Given this proposal improves this situation

slightly compared to that scheme, with more landscaping along the access road, refusal on this basis would not be sustainable.

The current application proposes a reduction in the number of units in the rear of the site to 7. This reduction in units, coupled with reconfiguration of the access road result in a more spacious feel internally which better reflects the character of the surrounding area. The current proposal also allows for significantly more space and soft landscaping along the access road and in the frontage of dwellings, a distinct difference from the previous schemes where the access road was more closely and formally flanked by the side elevations of Plots 2 and 8. These improvements to the layout and general reduction in units and built form are considered to result in more spacious development and are considered to overcome the previous refusals on the basis of cramped overdevelopment.

The dwellings would have a traditional design, appearance and materials which is considered to appropriately reflect local distinctiveness and is appropriate within the backdrop of the Conservation Area. The Conservation Officer has confirmed that subject to conditions regarding materials and landscaping, the proposal would have little impact on the Conservation Area.

The proposal would result in the loss of a number of trees; however, these are identified as being of low value. All trees within the TPO affecting the site would be retained. The Tree Officer has raised no objection to the proposal subject to conditions and considers the scheme to provide an opportunity for a landscaping scheme which could enhance the appearance of the Conservation Area.

The current application also re-positions the dwelling proposed on Plot 2 (adjacent to Pine Gardens) such that its flank wall would be approximately 9m from the shared boundary with these properties and over 18m to their rear elevations, thus significantly increasing the separation compared to previous applications when the building was only 3m from the shared boundary. The dwelling on Plot 2 would also be a chalet bungalow form with lowered eaves (4m). These factors are considered to be sufficient to ensure that, whilst there would undoubtedly be a change in relation to neighbours on Pine Gardens given their modest plots, the effect in terms of overbearing, overshadowing and loss of light would no longer be so harmful as to breach policy and warrant refusal. As with the previous applications, no significant harm is identified in respect of neighbours on Massetts Road, Church Road and The Avenue.

The proposal would provide a total of 18 parking spaces, exceeding local standards and the County Highway Authority have raised no objection to the proposal in terms of highway safety, capacity, operation or policy subject to conditions.

The proposal would result in CIL contributions but would not be liable for affordable housing contributions by virtue of the Government's exemption for small sites of 10 units or less.

## **RECOMMENDATION(S)**

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

**Consultations:**

County Highway Authority: No objection on highway safety or capacity grounds subject to conditions

Tree Officer: No objection subject to conditions

Conservation Officer: No objection subject to conditions regarding materials and landscaping along southern boundary with Massetts Road.

Horley Town Council: No objections

UK Power Networks: No objections

Surrey Lead Local Flood Authority: No objection subject to conditions

SES Water: No comments

**Representations:**

Letters were sent to neighbouring properties on 16<sup>th</sup> May 2017; a site notice was posted 23<sup>rd</sup> May 2017 and the application was advertised in local press on 25<sup>th</sup> May 2017.

10 responses have been received raising the following issues:

<b>Issue</b>	<b>Response</b>
Out of character with surrounding area	Paragraphs 6.14 to 6.17 and conditions 3, 4, 7, 13 and 14
Overdevelopment	Paragraphs 6.14 to 6.17
Overbearing relationship	Paragraphs 6.18 to 6.27 and condition 13
Overlooking and loss of privacy	Paragraphs 6.18 to 6.27 and condition 14
Overshadowing	Paragraphs 6.18 to 6.27 and condition 13
Harm to Conservation Area	Paragraphs 6.14 to 6.17 and conditions 3, 4, 7, 13 and 14
Poor design	Paragraphs 6.14 to 6.17 and conditions 3, 4, 7, 13 and 14
Noise and disturbance	Paragraphs 6.18 to 6.27
Loss of buildings	Paragraphs 6.44
Loss of/harm to trees	Paragraphs 6.33 to 6.37 and conditions 5, 6 and 7
Inadequate parking	Paragraph 6.31 and condition 8
Increase in traffic and congestion	Paragraphs 6.28 to 6.32
Hazard to highway safety	Paragraphs 6.28 to 6.32 and conditions 8, 9, 10, 11 and 12

Inconvenience during construction	Paragraph 6.47 and condition 12
Flooding	Paragraph 6.45
Drainage/sewage capacity	Paragraph 6.45
Harm to wildlife habitat	Paragraph 6.46 and condition 7
No need for development	Paragraphs 6.42 to 6.43
Loss of private view	Not a material planning consideration
Property devaluation	Not a material planning consideration

## **1.0 Site and Character Appraisal**

- 1.1 The application site comprises of no.19 Church Road together with part of the rear garden of nos. 17, 21 and 23 Church Rd, and nos. 58-60 Massetts Road. No.19 is a substantial double fronted villa which is presently in use as a guest house (known as Rosemead) and a number of the other “donor” properties on Massetts Road and Church Road are also in use as guest houses.
- 1.2 The site is located within the urban area and parts of the gardens within Massetts Road that form the application site are located within the Massetts Road Conservation Area. There is significant tree cover in the rear gardens, particularly along the boundaries with The Avenue and Massetts Road, including some individual trees and groups which are protected by preservation orders.
- 1.3 The areas surrounding the site are varied in character. The Massetts Road Conservation area which is typified by large detached Edwardian villas set within generous plots, some of which remain in residential use however many are used as guest houses, bed & breakfast and hostel accommodation. To the east of the site is a more modern development of Pine Gardens which is of higher density and characterised by terraces of properties within Pine Gardens. The Avenue, which lies to the west of the site, is characterised by detached properties. Adjacent to the application site, four dwellings have recently been built within the rear gardens of numbers 52 and 54 Massetts Road.
- 1.4 As a whole, the application site extends to approximately 0.35ha.

## **2.0 Added Value**

- 2.1 Improvements secured at the pre-application stage: No formal pre-application advice was sought. This application seeks to address previous reasons for refusal by reducing the number of units, amending internal landscaping and repositioning Plot 2.
- 2.2 Improvements secured during the course of the application: Improvements to detailed design and appearance of a number of plots have been secured to ensure a high quality design.

- 2.3 Further improvements to be secured through planning conditions or legal agreement: Conditions are recommended to control landscaping, materials, tree protection and highway matters. Additional conditions are also recommended in the interests of neighbour amenity, including removal of rights for permitted development and obscure glazing to a specific window on Plot 2.

### 3.0 Relevant Planning and Enforcement History

3.1	17/00228/F	Demolition of no. 19 Church Road and the erection of 9 new detached dwellings on land to the rear of 17-23 Church Road and 58-60 Massetts Road Horley, with access from Church Road, together with car parking and landscaping.	Refused 27 April 2017
	16/02285/F	Demolition of no. 19 Church Road and the erection of 9 new detached dwellings on land to the rear of 17-23 Church Road and 58-60 Massetts Road Horley, with access from Church Road, together with car parking and landscaping.	Refused Appeal dismissed 19 April 2017
	95/09390/OUT	14 dwellings comprising 13 x 3 bed units and 1 x 4 bed units and access	Non determination Appeal dismissed

- 3.2 Application 17/00228/F was refused for the following two reasons:

*The proposed development would, by virtue of the layout, scale and extent of built form and hardstanding and parking dominated frontages within the rear of the development, result in a cramped and overdeveloped appearance which would be out of keeping with and harmful to the character of the area contrary to policies Ho9, Ho13 and Ho14 of the Reigate and Banstead Local Plan 2005, policy CS4 of the Reigate and Banstead Core Strategy, the Reigate and Banstead Local Distinctiveness Guide 2004 and the provisions of the National Planning Policy Framework.*

*The proposed development would, by virtue of the scale and siting of the proposed dwelling on Plot 2 close to properties within Pine Gardens (nos.12-20), have an overbearing, overshadowing and oppressive impact on the occupants of these properties which would be seriously harmful to the amenity thereof, contrary to policies Ho9 and Ho14 of the Reigate and Banstead Local Plan 2005.*

- 3.3 The proposal prior to that (16/02285/F) was subject to an appeal which was dismissed. In dismissing the appeal, the Inspector identified the same issues regarding cramped internal layout and impact on the amenity of Pine Gardens. Concerns regarding the narrow access and narrow replacement frontage dwelling onto Church Road were not supported by the Inspector who concluded on that matter as follows:

*“The replacement dwelling would be significantly narrower than the existing and adjacent dwellings. However, the gap between it and No 21 would replicate the separation between the two existing dwellings and the front elevation would respect*

*the existing staggered building line. I am therefore not persuaded that the proposal would appear cramped or result in material harm to the character of the area.”*

3.4 Other relevant planning history in the locality includes:

54 Massetts Road	11/00758/F – Erection of two dwellings on land to the rear of 54 Massetts Road	Approved with conditions
56 Massetts Road	15/01167/F – Erection of 2 detached dwellings and parking on land to the rear of 56 Massetts Road	Approved with conditions

#### 4.0 Proposal and Design Approach

- 4.1 The proposed development seeks planning permission for the demolition of the existing guest house at no.19 Church Road and the erection of 8 dwellings.
- 4.2 No.19 Church Road would be demolished and replaced with a single, narrower two storey dwelling along with the access road which would extend into the site to serve the dwellings to the rear. The proposed access road would be landscaped throughout, as would the frontages to each of the dwellings.
- 4.3 In the rear gardens, 7 further detached dwellings are proposed. The majority of these would be two storeys with accommodation in the roof space; however, the unit on Plot 2 would be a 1.5 storey chalet bungalow. The dwellings would have a traditional design and form, with pitched roofs including a mixture of gables and hips, gabled projections, tile hanging and chimney stacks. Each dwelling would have two off-road parking spaces and 2 additional parking spaces would also be provided within the site. Units would be provided with a combination of integral garages and detached garages or car barns.
- 4.4 The application follows a number of previous applications on the site for backland development – all of which have been refused and one dismissed at appeal. This application seeks to overcome the objections to the previous applications through – in particular – a reduction in the number of units proposed, reduced hardstanding and greater soft landscaping and the re-siting of Plot 2.
- 4.5 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.



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

Assessment	The site is partially within the Massetts Road Conservation Area. There are a number of trees and tree ground within the rear gardens, interspersed with hedges and other vegetation – some of these are covered by a TPO. There is a great variety of form and style of building types in the locality, ranging from mainly detached, double fronted Edwardian/Victorian villas fronting Church Road and Massetts Road and more modern development of two/three storey terraces, flats and some recently built detached dwellings of Pine Gardens. The site is in an accessible location close to Horley town centre.
	Existing trees will be retained except for some which are of low landscape contribution.
Involvement	There is no evidence of involvement or consultation, save for informal discussions during previous applications on the site.
Evaluation	The Design & Access Statement explains the evolution of the scheme through and as a result of the various previous applications. This includes in particular the internal layout, number of units and siting of Plot 2. The Design & Access Statement draws attention to other recent approvals for dwellings to the rear of Massetts Road.
Design	The applicant's justification for the chosen design is that the proposed number of units and layout seek to overcome the previous reasons for refusal. The reduction in the number of units is said to allow for more space around the dwellings and increased soft landscaping, with larger plots to a number of the units. The replacement of a double garage with a car barn and reduced hardstanding promotes a more spacious feel also. The re-siting of Plot 2 further from the boundary with Pine Gardens seeks to overcome the unneighbourly effect, coupled with its reduction in scale to a chalet bungalow with lowered eaves and ridge. The design and appearance seeks to respond to the locality and the Conservation Area.

4.7 Further details of the development are as follows:

Site area	0.35ha
Existing use	Guest house, residential and residential gardens
Proposed use	Residential
Net increase in dwellings	8
Proposed site density	23 dwellings per hectare (dph)

Density of the surrounding area	13 dph – east side The Avenue/Brighton Road/25 Church Road 29dph – new properties to rear of 52-56 Massetts Road 55 dph – Pine Gardens
Proposed parking spaces	18
Parking standard	BLP 2005 – 16
Estimated CIL contribution	c.£110,000

## 5.0 Policy Context

### 5.1 Designation

Urban Area  
Massetts Road Conservation Area  
Flood Zone 1  
Tree Preservation Order – RE710

### 5.2 Reigate and Banstead Core Strategy

CS1 (Presumption in favour of sustainable development)  
CS4 (Valued townscapes and historic environment)  
CS10 (Sustainable development),  
CS11 (Sustainable construction),  
CS13 (Housing delivery)  
CS14 (Housing needs of the community)  
CS15 (Affordable housing)  
CS17 (Travel options and accessibility)

### 5.3 Reigate & Banstead Borough Local Plan 2005

Landscape & Nature Conservation	Pc4
Heritage	Pc12, Pc13
Housing	Ho9, Ho13, Ho14, Ho16
Movement	Mo4, Mo5, Mo7
Utilities	Ut4

### 5.4 Other Material Considerations

National Planning Policy Framework

National Planning Practice Guidance

Supplementary Planning Guidance	Developer Contributions SPD Affordable Housing SPD Local Distinctiveness Design Guide Surrey Design
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Other	Human Rights Act 1998 Community Infrastructure Levy Regulations 2010 (as
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amended)  
Conservation of Habitats and Species Regulations 2010

## 6.0 Assessment

- 6.1 The application site is situated in the urban area of Horley and partially within the Massetts Road Conservation Area. There are a number of trees on the site protected by preservation orders.
- 6.2 Both the previous application and appeal decision on the site and approvals for other residential schemes to the rear of Massetts Road (e.g. 52 to 56) have established that there is no in principle objection to residential development of the site.
- 6.3 The main issues to consider are therefore:
- design and impact upon local character, including the Conservation Area
  - effects on the amenity of neighbouring properties
  - access, parking and highway implications
  - trees and landscaping
  - CIL, infrastructure contributions and affordable housing
  - other matters

### Design and impact on the character of the area, including the Conservation Area

- 6.4 The proposal would see the demolition of the existing substantial double fronted villa style building in order to enable the creation of the proposed access road which would extend to, and serve, the dwellings in the rear of the site.
- 6.5 Alongside the access road, a single narrower replacement detached dwelling would be introduced, along with the further 7 detached dwellings in the rear garden areas.
- 6.6 As above, the previous applications, appeal decisions and other planning approvals in the locality have established that there is no in principle objection to residential development of backland sites in this locale; however, any redevelopment must be undertaken in a manner which would not harm the character of the area.
- 6.7 As with the previous scheme, the frontage vacated by the demolition of 19 Church Road would be replaced with an access road and replacement dwelling. The access road has been designed to enable some soft landscaping along its length, including a new hedgerow between it and the proposed frontage dwelling which will help soften this feature. Some loss of boundary hedging would occur and two car parking spaces would be provided on the frontage with Church Road alongside the access road. However, given the additional soft landscaping and planting which would be introduced (and could be secured by condition), it is not considered that this would be harmful to the character of the area – particularly given the existing frontage of the property is entirely given over to hardstanding/car parking. This is consistent with the view reached by the previous Inspector.
- 6.8 The replacement dwelling on the frontage would be a two storey building which would broadly follow the eaves line of the surrounding buildings. Whilst it would be significantly narrower than the double fronted villas which prevail on Church Road

and would represent a change in the street scene, the appeal Inspector in the previous scheme did not find this to be harmful concluding that *“the replacement dwelling would be significantly narrower than the existing and adjacent dwellings. However, the gap between it and No 21 would replicate the separation between the two existing dwellings and the front elevation would respect the existing staggered building line. I am therefore not persuaded that the proposal would appear cramped or result in material harm to the character of the area”*. Given this conclusion – which is a significant material consideration in this case – continued objection on this basis of harm to the character of Church Road is not considered to be sustainable. Furthermore, compared to the scheme before that Inspector, the spacing between the access road and proposed dwelling has been improved and additional landscaping introduced which represents a further (albeit modest) enhancement in terms of spaciousness.

- 6.9 To the rear of the site, the current scheme proposes 7 detached dwellings, a reduction from the 8 proposed in the previous refusals on the site. These previous applications have all been refused due to the cramped internal layout and extent of hardstanding, with the Inspector in the appeal case particularly noting that the proposal would introduce *“good sized...dwellings, set in small plots with limited space in front of the properties”* and concluded that the layout represented *“an attempt to squeeze more development onto the site than can be accommodated in a matters that is compatible with the surrounding area.”* The subsequent application (17/00228/F) made limited steps forward in addressing this and was refused for similar reasons.
- 6.10 The changes made in this scheme are; however, considered to overcome this issue. The reduction from 8 to 7 internally within the site has enabled a number of plots to be increased in size (namely plots 2, 8 and 7) such that the width of these plots and spacings is now similar to that of the donor properties on Church Road, therefore maintaining the general pattern of development as required by Policy Ho14. The layout of the four units on the southernmost part of the site broadly follows the building line, spacing and rhythm established by other recent developments to the rear of Massetts Road and is considered acceptable.
- 6.11 In addition, this change has allowed for a more informal routing of the access road which now meanders through the site and is bounded by larger and more meaningful areas of soft landscaping and new tree planting, a distinct difference from the previous schemes where it was more closely and formally flanked by the side elevations of Plots 2 and 8. These changes result in a more spacious feel internally which better reflects the character of the surrounding area.
- 6.12 The changes to the internal layout and loss of one unit also allow for re-positioning of Plot 2 which is discussed further below in relation to neighbour amenity.
- 6.13 The overall extent of built form has also been reduced in the current application – both through the loss of one unit and the replacement of a garage with a car barn – resulting in the rear of the site being less dominated by built form and associated hardstanding and car parking. Again, this change allows for increased planting to soften the development and better reflect the character of the area.

- 6.14 As with the previous proposals, no objection is raised in relation to the design detailing, elevational treatments and materiality of the proposed dwellings. The dwellings would have a traditional form and appearance, incorporating a mixture of hipped and gabled roof forms, gabled bay projections, chimney stacks and tile hanging to upper floors, all of which reflect local distinctiveness and typical Surrey vernacular. The four units along the southern boundary would broadly follow the scale and in particular eaves line of the four units recently built to the rear of Massetts Road (accessed off Pine Gardens) and would thus achieve a harmonious and consistent roof scape.
- 6.15 As the southern part of the application site is located within the Massetts Road Conservation Area (a designated heritage asset), the Conservation Officer has been consulted regarding the potential effect of the proposed development. He states that whilst plots 3, 4, 5 and 6 are within the Massetts Road Conservation Area, if the screening is maintained there will be little impact on the character of the Conservation Area. The submitted plans show indicative planting along the southern boundary and the Tree Officer has confirmed that there is sufficient space to provide replacement planting which, coupled with the retained structural trees, would provide an effective screen to the Conservation Area. A landscaping condition to secure details of this planting is recommended. On this basis, the proposal would have little, if any, harm to the significance and integrity of the Conservation Area.
- 6.16 The Conservation Officer echoes the conclusions above noting that the *“design and materials are of a traditional character in keeping with the Conservation Area”*. Furthermore, whilst the units proposed within the Conservation Area are smaller than the conventions for the area, the Conservation Officer considers they are sufficiently separate so as to not be disruptive to general townscape of the Conservation Area. However, as visibility of buildings in the backdrop to Massetts Road increases in winter views – even with proposed planting – the Conservation Officer recommends a condition requiring specific, high quality materials and detailing. Given the context, this condition is considered necessary and reasonable to ensure the character of the Conservation Area is preserved.
- 6.17 In summary, the reduction in units and resultant improvements to the spaciousness of the internal layout and better balance of built form/hardstanding to landscaping offered by the current scheme are considered to result in a development which is now compatible with the character of the surrounding area and overcomes the objections to the previous application in respect of overdevelopment. The development reflects a good standard of design and reflects local distinctiveness in terms of building forms, detailing and materials. With the improvements made, it is concluded that the proposal would preserve the character of the area and have limited, if any, harm to the Massetts Road Conservation Area. The proposal is therefore considered to comply with policies Pc12, Pc13, Ho9, Ho13, Ho14 and Ho16 of the Local Plan 2005, Policies CS4 and CS10 of the Core Strategy and the provisions of “good design” in the Framework.

Effects on the amenity of neighbouring properties

- 6.18 The proposed development has been assessed with regards to its impact on neighbouring properties. In the course of previous applications on the site, site visits were undertaken to neighbouring dwellings on Pine Gardens (no's. 12, 14 and 20).
- 6.19 As with previous applications on the site, the scheme and layout proposed would retain adequate separation distances between the proposed new dwellings and existing properties on Church Road and The Avenue (at least 25m building to building) and Massetts Road (approx.23m to the rear annex of no.60 – a residential dwelling and over 30m to other neighbours on Massetts Road).
- 6.20 Whilst neighbours on Church Road, Massetts Road and The Avenue would experience a degree of change in relationship, the separation distances above coupled with boundary landscaping are sufficient to ensure that no unacceptable loss of privacy, loss of outlook, overbearing impact or undue loss of light would occur to these neighbours. Whilst it is acknowledged that tree losses are proposed along these boundaries, sufficient cover would be retained and additional planting is proposed which should broadly maintain an adequate level of screening for these neighbours.
- 6.21 It is also noted that some of the properties adjoining the proposed development are not in use as private residential dwellings but are instead used as HMOs or Guest Houses and therefore generally benefit from a lower expectation of amenity given their shared/transient nature. Furthermore, the proposed four dwellings within the rear of the application site would follow the same building line as those recently built in the gardens of 54 and 56 Massetts Road and in those applications no objection was raised in terms of impact on amenity of frontage properties on Massetts Road. No serious harm has been identified to these neighbours in previous applications or by the appeal Inspector.
- 6.22 The neighbours to the east of the application site on Pine Gardens are regarded as most sensitively. These neighbours are a terrace of 1.5/2.5 storey dwellings and all have shallow rear gardens (between 7m and 9m approximately in depth) and are considered. All of the previous applications, including the appeal scheme, have been refused due to an unacceptable impact on these neighbours (in particular no.'s 14, 16 and 18 Pine Gardens), particularly due to the siting and scale of the dwelling on Plot 2.
- 6.23 In the previous refusal, the flank wall of Plot 2 would have been only 3.5m from the shared boundary and approximately 10m elevation to elevation. In this case, the proposed dwelling on Plot 2 has been re-sited significantly further away from the shared boundary with Pine Gardens and is now 9.2m from the shared boundary and over 18m to the rear elevations of Pine Gardens.
- 6.24 This increased separation, coupled with the fact that the dwelling on Plot 2 is proposed to be a chalet bungalow rather than a full two storey dwelling (and would have a lowered eaves height of approximately 4m), is considered to be sufficient to ensure that there would now not be a seriously harmful impact on the neighbours at Pine Gardens in terms of overbearing, overshadowing and loss of light. The increase separation ensures that the 25 degree rule would not be breached in terms

of rear windows of properties on Pine Gardens and, even acknowledging the east-west orientation; is concluded to be sufficient to avoid an unacceptable level of overshadowing of these neighbouring and modestly sized gardens.

- 6.25 Plot 2 would have a single first floor window in the eastern elevation facing towards the properties on Pine Gardens. Whilst this window would serve a stairwell, it could give rise to some actual overlooking or at least a harmful perception of overlooking for neighbours on Pine Gardens. In the circumstances, a condition requiring this window to be obscure glazed is considered necessary and reasonable to safeguard neighbour amenity.
- 6.26 In earlier applications, the positioning of the proposed access road was previously considered to give rise to harm to neighbour amenity. Whilst this remains a concern expressed by neighbours, this objection was not supported by the appeal Inspector. Furthermore, this scheme is considered to further improve the situation by moving the turning head much further from the boundary with properties on Pine Gardens. The garage to Plot 2 would also be sited beyond the end of the turning head. This revised layout would ensure that vehicle movements and other activity would not be in such close proximity to the boundaries with these neighbours and would enable significantly greater landscaping which would provide effective screening to mitigate and minimise noise and disturbance.
- 6.27 On this basis, whilst the current proposal would give rise to a degree of change in relationship to surrounding properties – in particular those on Pine Gardens – the changes made are considered to ensure that there would not be a serious detriment to the amenity of these neighbours and thus overcome the reason for refusal on the previous schemes. On balance, the application is therefore considered comply with policies Ho9, Ho13 and Ho14 of the Borough Local Plan 2005.

#### Accessibility, parking and highway implications

- 6.28 The proposal would have broadly the same access arrangements as the previous applications, with a new access road created from Church Road which would extend into the rear of the site. The main exception is that, in this case, the width of the access road would follow a more meandering path.
- 6.29 The access road would have an initial width of approximately 4.6m but would narrow as it passes the replacement dwelling to 3.1m before widening thereafter. Whilst at its narrowest, it would not enable passing cars, this would be only for a short distance and there would be enough width initially for vehicles to pull off the road. The plans show the provision of a 2m x 2m pedestrian visibility splay at the entrance to the site.
- 6.30 The County Highways Authority (CHA) was consulted upon the application and; having assessed it highway safety, capacity and policy grounds, has raised no objection subject to imposition of a number of conditions. Whilst local concerns regarding the nature of Church Road and the injudicious parking which occurs on it at times are acknowledged, these are matters of highway enforcement and it is not considered that this proposal would introduce a hazard to highway safety. On this

basis, there is considered to be no reason to deviate from the advice of the CHA in this case.

- 6.31 The development would provide a total of 18 parking spaces, a number of which would be within garages or car ports. This parking would exceed local standards (which would require the provision of 16 spaces), thus leaving two surplus spaces for additional or visitor parking. As such, the parking provision is considered to be adequate and has not been identified by the County Highway Authority as giving rise to harm to highway safety/operation concerns.
- 6.32 On this basis, the proposal is considered to comply with policy Mo5 and Mo7 of the 2005 Borough Local Plan in respect of its access, parking and highway arrangements.

#### Trees and landscaping

- 6.33 The rear gardens which comprise the site presently have significant tree cover, with a number of the trees – or groups of trees – covered by Tree Preservation Orders.
- 6.34 Given the arboricultural interest on the site, the application was supported by an Arboricultural Implications Assessment and initial method statement. This identifies that a number of trees and hedges would be removed; however, all are classified as being of low value. All Grade B trees within the site would be retained as would all trees within the TPO; however, some would be subject to pruning and maintenance works to improve quality and enable construction. The report concludes that the development would not adversely affect the landscape character of the area and would offer opportunities for new planting.
- 6.35 The Tree Officer was consulted upon the application and has reviewed in detail the arboricultural submissions and raises no objection subject to conditions. The Tree Officer advises that the scheme and revised layout represents a good opportunity for a meaningful landscaping scheme to be implemented which will enhance the visual appearance of the Conservation Area.
- 6.36 It is noted that the plan within the Arboricultural Report references a previous scheme layout. However, the nature of the changes to layout in this scheme (which actually involves a reduction in built form and hardstanding), are not considered by the Tree Officer to fundamentally undermine the conclusions of the report. On this basis, he advises that this matter can be addressed through a condition requiring a revised Tree Protection Plan prior to commencement. Given the nature of the site and presence of TPOs, such a condition is considered necessary and reasonable.
- 6.37 Accordingly subject to conditions requiring submission and implementation of a landscaping scheme and tree protection the proposal would not have an undue impact on the arboricultural interest of the site and has the potential to enhance the landscape character and visual amenity of the locality and would therefore comply with policy Pc4, Pc12 and Ho9 of the Borough Local Plan 2005.

#### Community Infrastructure Levy (CIL), infrastructure contributions and affordable housing



- 6.38 As the proposals involve the creation of new dwellings, the development would be CIL liable. The exact amount of liability would be determined and collected after the grant of planning permission; however, it is estimated that the CIL liability in this case would be approximately £110,000.
- 6.39 In terms of other contributions and planning obligations, the Community Infrastructure Levy (CIL) Regulations which were introduced in April 2010 which states 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. As such only contributions, works or other obligations that are directly required as a consequence of development can be requested and such requests must be fully justified with evidence. In this case, no such contributions or requirements have been requested or identified.
- 6.40 Core Strategy Policy CS15 and the Council's Affordable Housing SPD require financial contributions towards affordable housing to be provided on housing developments of 1-9 units. However, in November 2014, the Government introduced policy changes through a Written Ministerial Statement (WMS) and changes to the national Planning Practice Guidance which restrict the use of planning obligations to secure affordable housing contributions from developments of 10 units or less. These changes were given legal effect following the Court of Appeal judgement in May 2016. This scheme falls within the scope of this exception.
- 6.41 In view of the above, and the resolution of the Planning Committee in November 2016, greater weight is therefore given to the national policy position in the WMS than the Council's adopted policy. For this reason, it is not considered justified to seek contributions towards affordable housing in this case and the absence of an agreed undertaking does not therefore warrant a reason for refusal in this case.

#### Other matters

- 6.42 The proposal would make a positive contribution towards meeting the housing requirements of the borough and would provide homes for which there is a clear local need, with consequent social, economic and financial benefits. This is considered to add further, albeit modest, weight in favour of the proposal.
- 6.43 The presence of other significant development in Horley is acknowledged; however, this does not weigh against or prevent other appropriate development coming forward within the locality. Each proposal must be considered on its own merits.
- 6.44 Concerns have been raised regarding the loss of buildings. Whilst the proposal would result in the demolition of the attractive double fronted villa on Church Road, this building is not a designated or undesignated heritage assets, nor of any particular special merit. The Conservation Officer has not raised any objection to its loss, nor did the Inspector in the previous appeal. As such, refusal on this basis would not be warranted.

- 6.45 The site is within Flood Zone 1 according to the Environment Agency flood maps: it is therefore at low risk of flooding and is sequentially preferable for housing development. The site is also at very low risk of surface water flooding. No issues have been identified in relation to drainage or sewage capacity through consultations with local utilities providers.
- 6.46 The site is not subject to any specific nature conservation designations and no specific habitat impact has been identified. As above, the majority of existing trees would be retained and new/replacement planting introduced which provide additional habitat and assist in ensuring there would not be undue harm to biodiversity.
- 6.47 Whilst some disturbance might arise during the construction process, this would by its nature be a temporary impact. Other environmental and statutory nuisance legislation exists to protect neighbours and the public should any particular issues arise. A condition requiring a Construction Transport Management Plan will assist in ensuring impacts of movements, parking and transport activity associated with the development are considered.

## CONDITIONS

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	1710/01		08.05.2017
<i>Block Plan</i>	1710/02	A	12.07.2017
<i>Site Layout Plan</i>	1710/03	A	12.07.2017
Combined Plan	1710/04	A	23.06.2017
Elevation Plan	1710/05	A	23.06.2017
Combined Plan	1710/06	A	23.06.2017
Elevation Plan	1710/07	A	23.06.2017
Combined Plan	1710/08		08.05.2017
Elevation Plan	1710/09		08.05.2017
Combined Plan	1710/10		08.05.2017
Elevation Plan	1710/11		08.05.2017
Combined Plan	1710/12		08.05.2017
Elevation Plan	1710/13		08.05.2017
Combined Plan	1710/14	A	23.06.2017
Elevation Plan	1710/15	A	23.06.2017
Combined Plan	1710/16		08.05.2017
Elevation Plan	1710/17		08.05.2017
Combined Plan	1710/18		08.05.2017
Section Plan	1710/19	A	23.06.2017

<i>Other Plan</i>	1710/20	<i>B</i>	12.07.2017
Existing Plans	1710/21		08.05.2017
<i>Combined Plan</i>	1710/25		12.07.2017
Existing Plans	UNNUMBERED		08.05.2017
Existing Plans	UNNUMBERED		08.05.2017

Reason:

To define the permission and ensure the development is carried out in accord with the approved plans and in accordance with National Planning Practice Guidance.

3. No development shall take place until the developer obtains the Local Planning Authority's written approval of details of both existing and proposed ground levels and the proposed finished ground floor levels of the buildings. 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 policies Pc13 and Ho9.

4. No development shall take place until written details 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.

Notwithstanding the approved drawings, details to be submitted for this condition should follow the specification below and there shall be no variation without the prior approval in writing of the Local Planning Authority:

- a) The roof and any tile hanging shall be of handmade or handcrafted sandfaced plain clay tiles with bonnet tiles to hips.
- b) All brickwork shall be of handmade or hand simulated sandfaced brick.
- c) All external joinery shall be of white painted timber with architraved bargeboards with no box ends.
- d) All windows shall be of white painted timber casement windows with casements in each opening.
- e) All fascias shall be no more than two bricks depth.
- f) All rooflights shall be black painted metal conservation rooflights with a single vertical glazing bar.
- g) All boundary fences shall be a dark stained vertically closed boarded fence with timber posts and timber gravel boards.

Reason:

To ensure that a satisfactory external appearance is achieved of the development with regard to Reigate and Banstead Borough Local Plan 2005 policies Pc13, Ho9 and Ho13.

5. No development shall commence including demolition and or groundworks preparation until a revised scaled Tree Protection Plan (TPP) and the related Arboricultural Method Statement (AMS) is submitted to and approved in writing by the Local Planning Authority (LPA). These shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Areas of trees (RPA) shown to scale on the TPP, including the installation of service routings. The AMS shall also include

a pre commencement meeting, supervisory regime for their implementation & monitoring with an agreed reporting process to the LPA. All works shall be carried out in strict accordance with these details when approved.

Reason:

To ensure good arboricultural practice in the interests of the maintenance of the character and appearance of the area and to comply with British Standard 5837:2012 'Trees in Relation to Design, demolition and Construction – Recommendations' and policies Pc4, Pc12 and Ho9 of the Reigate and Banstead Borough Local Plan.

6. No development, groundworks or demolition processes shall be undertaken until an agreed scheme of supervision for the arboricultural protection measures as required by condition 5 of this permission has been submitted to and approved in writing by the local planning authority. The supervision and monitoring shall be undertaken in accordance with the approved details. The submitted details will include.
- a) Pre commencement meeting between the retained arboricultural consultant, local planning authority Tree Officer and individuals and personnel responsible for the implementation of the approved development
  - b) Timings, frequency and methods of site visiting and an agreed reporting process to the local planning authority.
  - c) The supervision monitoring and reporting process shall be undertaken by a qualified arboriculturist.

Reason:

To ensure good arboricultural practice in the interests of the maintenance of the character and appearance of the area and to comply with British Standard 5837:2012 'Trees in Relation to Design, demolition and Construction – Recommendations' and policies Pc4, Pc12 and Ho9 of the Reigate and Banstead Borough Local Plan.

7. No development shall commence on site until a scheme for the landscaping of the site including the retention of existing landscape features has been submitted to and approved in writing by the LPA.

The landscaping scheme shall include details of hard and soft landscaping, including any tree removal/retention, 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 and management programme. The landscaping scheme should specifically identify proposed replacement and additional tree planting within the site, including along the boundary with Massetts Road and The Avenue.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to occupation or within the first planting season following completion of the development hereby 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 ensure good arboricultural and landscape practice in the interests of the maintenance of the character and appearance of the area and to comply with policies Pc4 and Ho9 of the Reigate and Banstead Borough Local Plan 2005.

8. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes.

Reason:

To ensure that the development would not prejudice highway safety nor cause inconvenience to other highway users to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan 2005 and the objectives of the NPPF 2012.

9. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Church Road has been constructed and provided with visibility zones in accordance with the approved plans. Thereafter, the visibility zones shall be kept permanently clear of any obstruction over 1.00m high.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan 2005 and the objectives of the NPPF 2012.

10. The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on either side of the proposed vehicular access to Church Road, the depth measured from the back of the verge and the widths outwards from the edges of the access, in accordance with the approved plans. No obstruction to visibility between 0.6m and 2m in height above ground level 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 to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan 2005 and the objectives of the NPPF 2012.

11. The development hereby approved shall not be first occupied unless and until the existing vehicular access from the site to Church Road has been permanently close and any kerbs, verge, footway fully reinstated, in accordance with the approved plans.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan 2005 and the objectives of the NPPF 2012.

12. No development shall commence until a Construction Transport Management Plan, 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) programme of works (including measures for traffic management)
  - (e) HGV deliveries and hours of operation
  - (f) construction vehicles routing to and from the site
  - (g) measures to prevent deposit of materials on the highway
  - (h) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- Has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason:

To ensure that the development would not prejudice highway safety nor cause inconvenience to other highway users to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan 2005 and the objectives of the NPPF 2012.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions permitted by Classes A, B, C or D of Part 1 of the Second Schedule of the 2015 Order shall be constructed (other than those expressly authorised by this permission).

Reason:

To restrict the enlargement of dwellings to protect visual and neighbour amenity with regard to Reigate and Banstead Borough Local Plan 2005 policies Ho9, Ho13 and Pc12.

14. Notwithstanding the approved drawings, the first floor window in the east elevation of Plot 2 of the development hereby permitted shall be glazed with obscured glass which shall be fixed shut, apart from a top hung opening fanlight whose cill height shall not be less than 1.7 metres above internal floor level, and shall be maintained as such at all times.

Reason:

To ensure that the development does not affect the amenity of the neighbouring property by overlooking with regard to Reigate and Banstead Borough Local Plan 2005 policy Ho9.

## 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 encouraged to provide renewable technology within the development hereby permitted in order to reduce greenhouse gas emissions.

3. The applicant is advised that prior to the occupation of the development, adequate provision should be made for waste storage and collection in accordance with condition 11 above. You are advised to contact the Council's Recycling and Cleansing team to discuss the required number and specification of wheeled bins on [rc@reigate-banstead.gov.uk](mailto:rc@reigate-banstead.gov.uk) or on the Council's website at [http://www.reigate-banstead.gov.uk/info/20051/commercial\\_waste](http://www.reigate-banstead.gov.uk/info/20051/commercial_waste).
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 developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
6. When access is to be closed as a condition of planning permission and agreement with, or licence issued by, the Highway Authority Local Highways Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the adjoining existing surfaces at the developers expense.
7. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the highway authority before any works are carried out on any footway, footpath, carriageway, or verge to form or modify a vehicle crossover to install dropped kerbs. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs)

8. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road marking, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
9. The use of a suitably qualified arboricultural consultant is essential to provide acceptable supervision and monitoring in respect of the arboricultural issues in respect of the above conditions. All works shall comply with the recommendations and guidelines contained within British Standard 5837.
10. The use of landscape/arboricultural consultant is considered essential to provide acceptable submissions in respect of the above relevant conditions. The planting of trees and shrubs shall be in keeping with the character and appearance of the locality. There is an opportunity to incorporate substantial sized trees into the scheme to provide for future amenity and long term continued structural tree cover in this area. It is expected that the replacement structural landscape trees will be of Extra Heavy Standard size with initial planting heights of not less than 3.5m, with girth measurements at 1m above ground level in excess of 16cm.

## **REASON FOR PERMISSION**

The development hereby permitted has been assessed against development plan policies CS1, CS4, CS10, CS11, CS13, CS14, CS15, CS17, Pc4, Pc12, Pc13, Ho9, Ho13, Jo14, Ho16, Mo4, Mo5, Mo7 and Ut4 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.

## **Proactive and Positive Statements**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development where possible, as set out within the National Planning Policy Framework.



17/01057/F - 19 Church Road & Land To The Rear Of  
17-23 Church Road & 58-60 Massetts Road, Horley



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Notes:

Health & Safety notes:

rev	revision details	by	date
A	change of plot 2 garage, added dimension between 20 and 20B Pine Gardens	JL	7/7/17

status: **PLANNING**

client: **Breeze Homes Ltd.**

project: **Proposed 8 Dwellings**  
 Land to the rear of  
 19 Church Rd. Horley  
 Surrey RH6 7EY

title: **Proposed Site Plan**

scale: **1:200 @ A0**

checked: JL date: 5/5/17

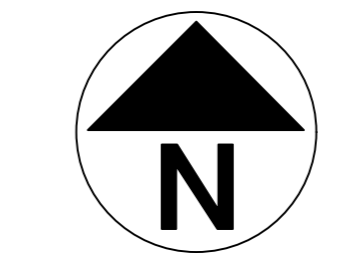
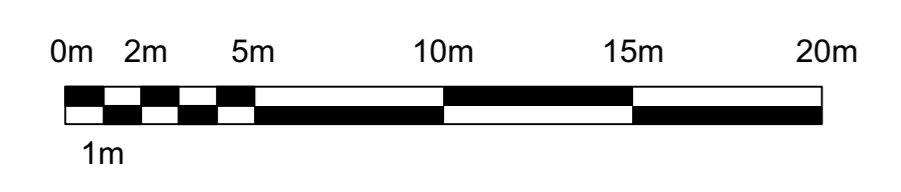
originated: JL date: 5/5/17



drawing number: **1710 - 03** revision: **A**

**LEGEND**

	Existing structures to be demolished
	Existing vegetation to boundary to be maintained
	Existing trees to be maintained
	Existing trees to be removed
	New drives and parking spaces
	Bonded gravel courtyard and turning areas
	New areas of tarmac finish
	New soft landscape
	New hedges as noted on drawing
	Indicative new tree planting



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**Notes:**

**Health & Safety notes:**

no	revision details	by	date
A	Change of main roof front to a hipped end and gutters and fascia adjusted to suit	JL	6/22/17

**status:** PLANNING  
**client:** Breeze Homes Ltd  
**project:** Proposed 8 Dwellings  
 Land to Rear of  
 19 Church Road, Harley,  
 Surrey, RH6 7EY  
**title:** Proposed Elevations  
 Plot 1  
**scale:** 1:50 @ A1  
**checked:** JL **date:** 5/5/17  
**originated:** OL **date:** 5/5/17

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**drawing number:** 1710 - 05 **revision:** A



Plot 1 North Elevation



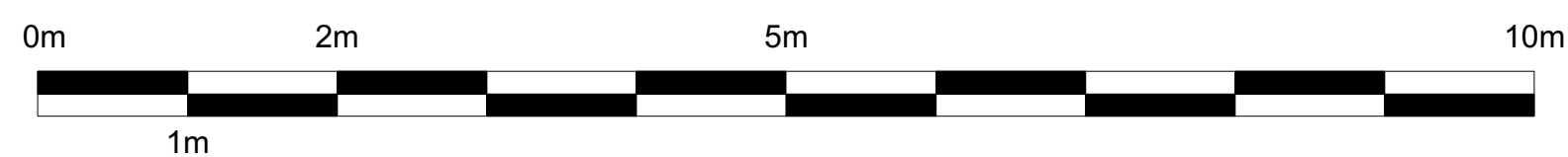
Plot 1 West Elevation



Plot 1 South Elevation



Plot 1 East Elevation





Plot 7 South Elevation



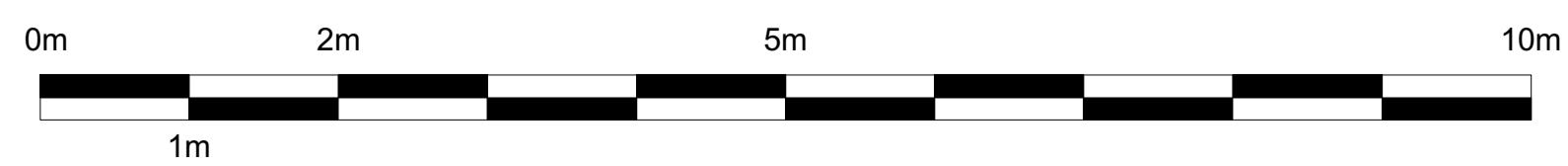
Plot 7 East Elevation



Plot 7 North Elevation



Plot 7 West Elevation



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Notes:

Health & Safety notes:

rev	revision details	by	date
A	Change from gable to hip on front elevation, change of roof pitch to right hand side roof, and roof cut in height	JL	23/6/2017

**status:** PLANNING  
**client:** Breeze Homes Ltd  
**project:** Proposed 8 Dwellings  
 Land to rear of  
 19 Church Road, Harley,  
 Surrey, RH6 7EY  
**title:** Proposed Elevations  
 Plot 7  
**scale:** 1:50 @ A1  
**checked:** JL **date:** 5/5/17  
**originated:** OL **date:** 5/5/17

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**drawing number:** 1710 - 15  
**revision:** A



Plot 8 South Elevation



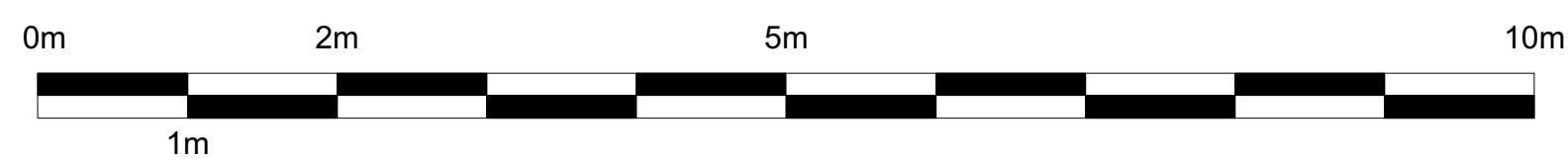
Plot 8 East Elevation



Plot 8 North Elevation



Plot 8 West Elevation



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Notes:

Health & Safety notes:

rev	revision details	by	date

**status:** PLANNING

**client:** Breeze Home Ltd

**project:** Proposed 8 Dwellings  
 Land to rear of  
 19 Church Road, Harley,  
 Surrey RH6 7EY

**title:** Proposed Elevations  
 Plot 8

**scale:** 1:50 @ A1

**checked:** JL **date:** 5/5/17

**originated:** OL **date:** 5/5/17

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**drawing number:** 1710 - 17 **revision:** -

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Notes:

Health & Safety notes:

rev	revision details	by	date

**status:** PLANNING

**client:** Breeze Homes Ltd

**project:** Proposed 8 Dwellings  
 Land to rear of  
 19 Church Road, Harley,  
 Surrey RH6 7EY

**title:** Proposed Elevations  
 Plot 3

**scale:** 1:50 @A1

**checked:** JL **date:** 5/5/17

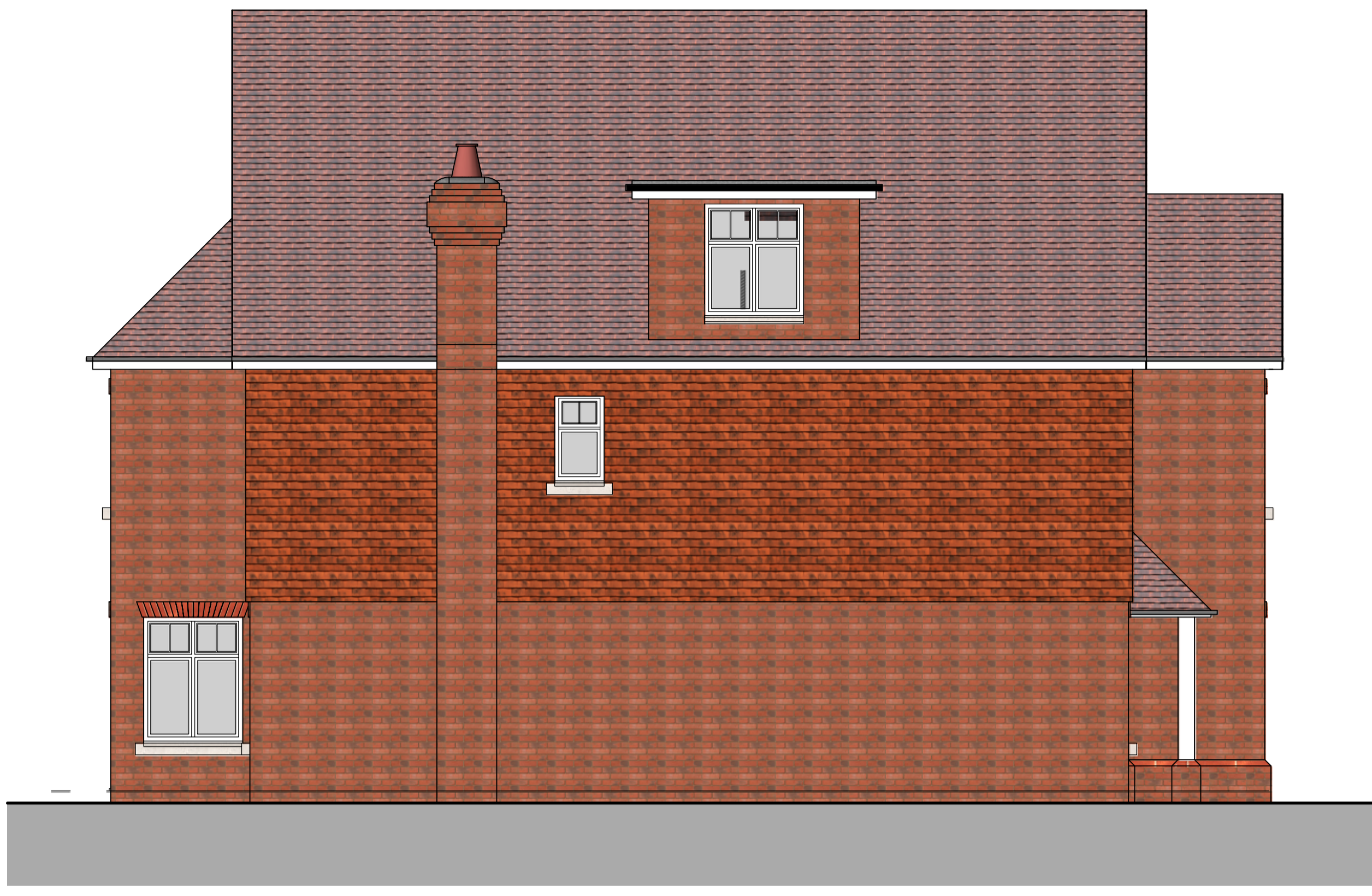
**originated:** OL **date:** 5/5/17

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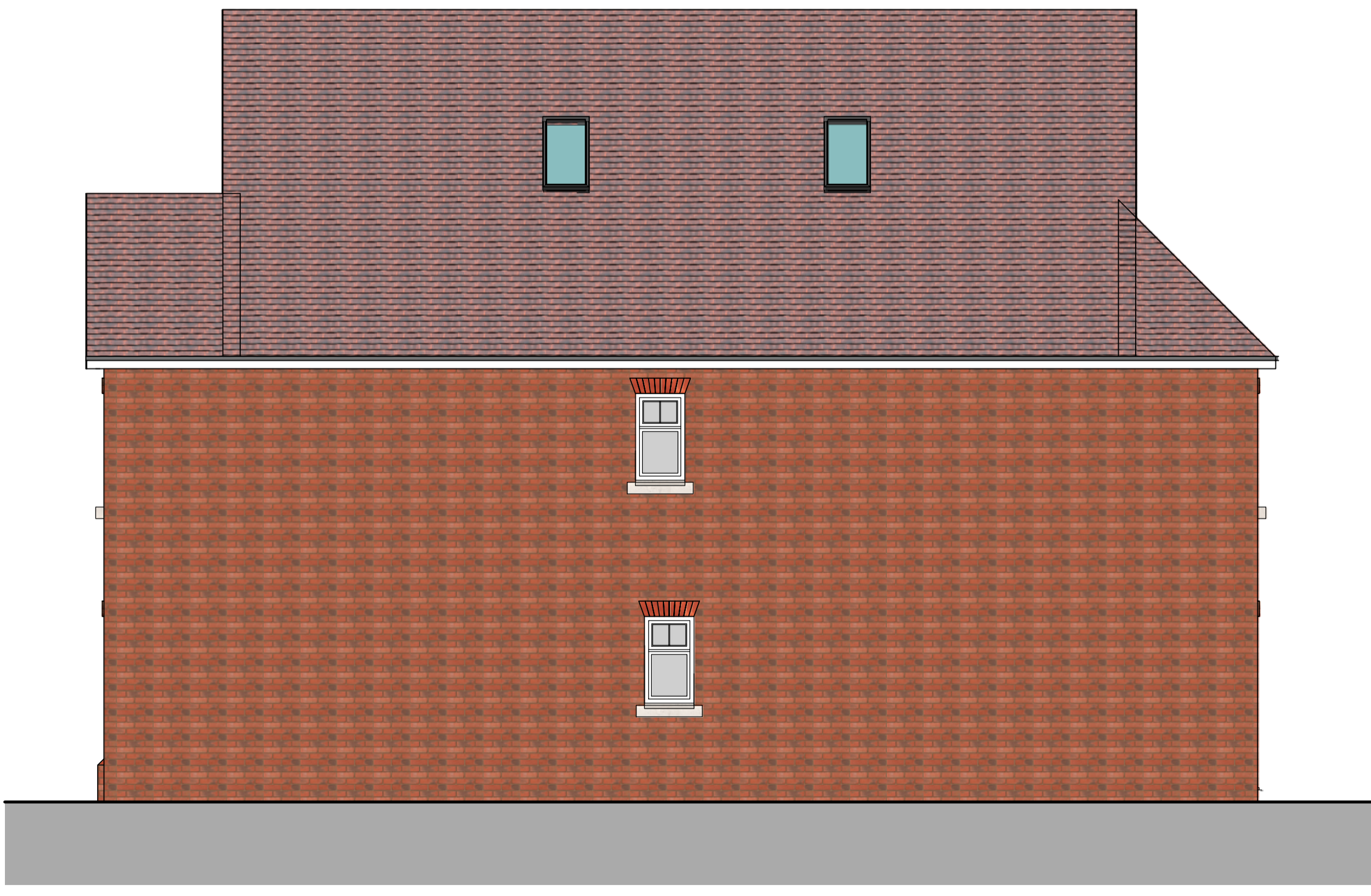
Plot 3 North Elevation



Plot 3 East Elevation



Plot 3 South Elevation



Plot 3 West Elevation



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Plot 2 South Elevation



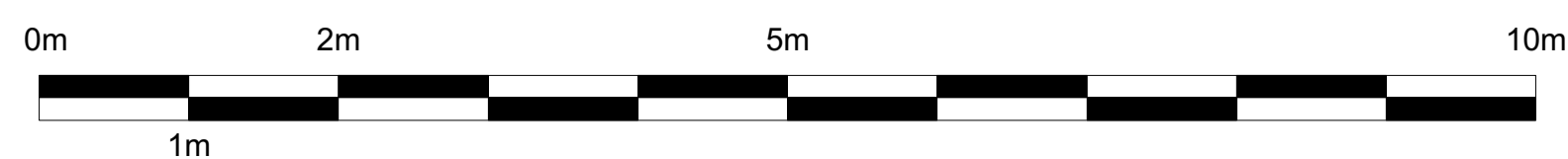
Plot 2 West Elevation



Plot 2 North Elevation



Plot 2 East Elevation



Notes:

Health & Safety notes:

no	revision details	by	date
A	Added note for obscure glazed window to stairs	JL	22/6/2017

<b>status:</b>	<b>PLANNING</b>
<b>client:</b>	<b>Breeze Homes Ltd</b>
<b>project:</b>	<b>Proposed 8 Dwellings</b> Land to rear of 19 Church Road, Harley, Surrey RH6 7EY
<b>title:</b>	<b>Proposed Elevations</b> Plot 2
<b>scale:</b>	<b>1:50 @ A1</b>
<b>checked:</b>	JL <b>date:</b> 5/5/17
<b>originated:</b>	JL <b>date:</b> 5/5/17

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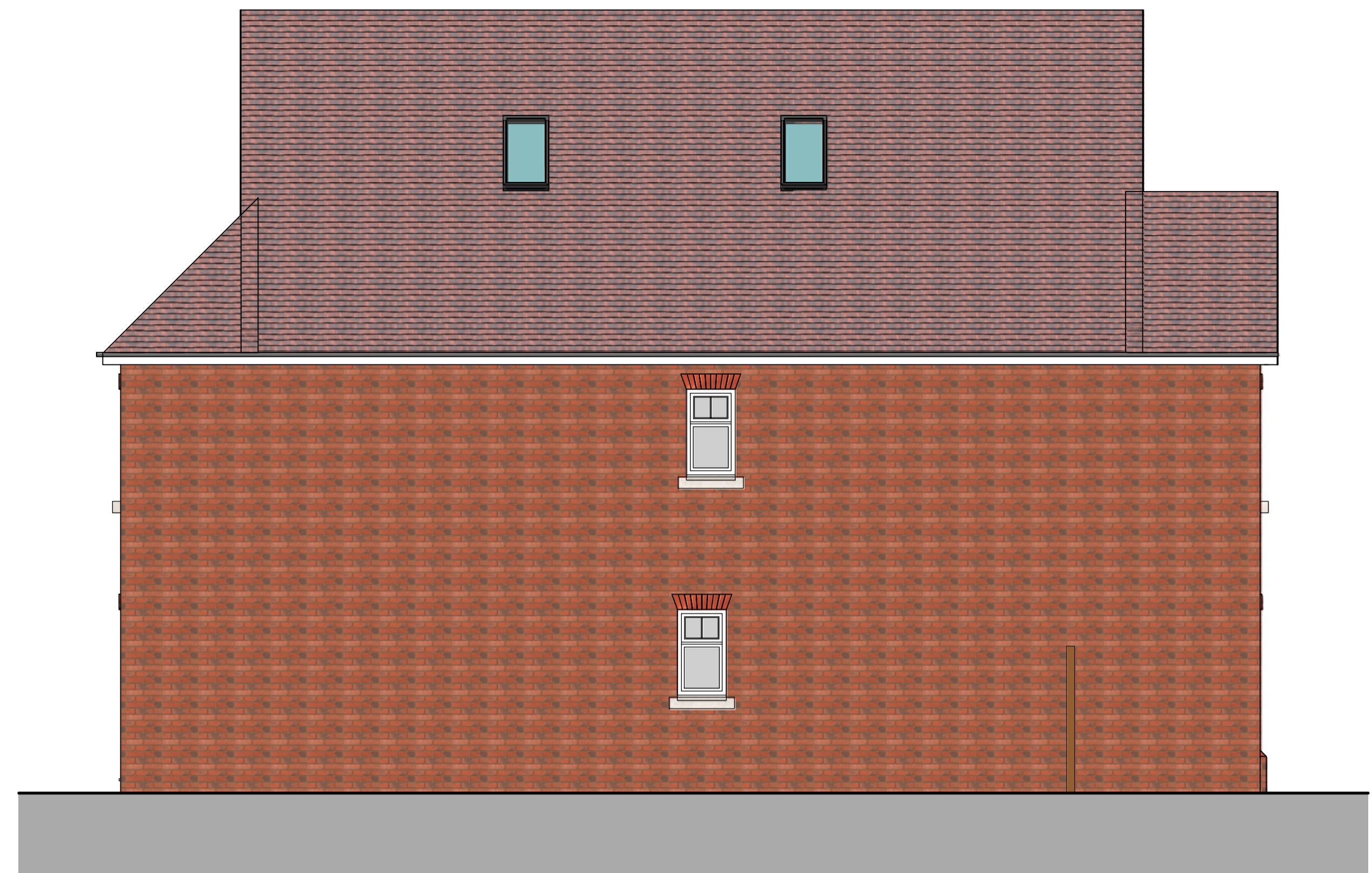
**Notes:**

**Health & Safety notes:**

rev	revision details	by	date



Plot 4 North Elevation



Plot 4 East Elevation



Plot 4 South Elevation



Plot 4 West Elevation



<b>status:</b>	<b>PLANNING</b>
<b>client:</b>	<b>Breeze Homes Ltd</b>
<b>project:</b>	<b>Proposed 8 Dwellings</b> Land to rear of 19 Church Road, Harley, Surrey RH6 7EY
<b>title:</b>	<b>Proposed Elevations</b> Plot 4
<b>scale:</b>	<b>1:50 @A1</b>
<b>checked:</b> JL	<b>date:</b> 5/5/17
<b>originated:</b> OL	<b>date:</b> 5/5/17

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**Notes:**

**Health & Safety notes:**

rev	revision details	by	date
A	roof profiles for plot 1 and 7 adjusted	JL	23/6/2017
B	add Planting along boundary to 20 Pine Gardens	JL	7/20/17

**status:** PLANNING  
**client:** Breeze Homes Ltd.

**project:** Proposed 8 Dwellings  
 Land to the rear of  
 19 Church Rd. Horley  
 Surrey RH6 7EY

**title:** 3D Views

**scale:** A1  
**checked:** JL **date:** 5/5/17  
**originated:** JL **date:** 5/5/17



**drawing number:** 1710 - 20 **revision:** B

## Appeal Decision

Site visit made on 10 April 2017

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

Decision date: 19<sup>th</sup> April 2017

---

**Appeal Ref: APP/L3625/W/17/3167376**

**Rear of 17-23 Church Road, Horley RH6 7EY**

- 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 L Rawlings of Breeze Homes Ltd against the decision of Reigate & Banstead Borough Council.
  - The application Ref 16/02285/F, dated 30 September 2016, was refused by notice dated 28 November 2016.
  - The development proposed is demolition of No 19 Church Road and the erection of 9 new detached dwellings on land to the rear of 17-23 Church Road and 58-60 Massetts Road, Horley, with access from Church Road, together with car parking and landscaping.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effects of the proposed development on the:
  - a) character and appearance of the area;
  - b) living conditions of the occupants of properties in Pine Gardens in relation to outlook, noise and disturbance.

### Reasons

#### *Character and appearance*

3. The appeal site lies to the rear of Nos 17-23 Church Road and Nos 58-60 Massetts Road, all of which are large detached dwellings set in substantial plots with long rear gardens. The proposal would involve the demolition of No 19 and its replacement with a smaller dwelling in order to allow for the construction of a new access which would serve a total of eight new detached dwellings.
  4. Nos 15-23 Church Road are a group of double fronted Edwardian Villas. All are set back from the street behind a grass verge. The front gardens are either enclosed by low walls, hedges or other vegetation, which soften the area's appearance. However, most of the front gardens have been paved to create parking areas leaving little or no vegetation immediately surrounding the properties.
-

5. The proposed access would result in the loss of the existing hedge along the roadside boundary of No 19 and, in all probability, a section of the hedge along the shared boundary with No 17. A gap would be opened up between the flank walls of the replacement dwelling and that of No 17. The width of the access would restrict the amount of space available for providing landscaping in the future. However, as built form currently dominates the front gardens it seems to me that, subject to agreeing the details of a landscaping scheme, the appearance of this part of Church Road would not be unduly harmed.
6. The replacement dwelling would be significantly narrower than the existing and adjacent dwellings. However, the gap between it and No 21 would replicate the separation between the two existing dwellings and the front elevation would respect the existing staggered building line. I am therefore not persuaded that the proposal would appear cramped or result in material harm to the character of the area. In coming to this view I have had regard to several other local schemes which were brought to my attention, although I consider none of them to be directly comparable with the appeal proposal.
7. I will now move on to consider the layout of the proposed eight new dwellings at the rear of the site. The part of the site which is currently the rear gardens of Nos 58 and 60 lie within the Massetts Road Conservation Area. In assessing the proposal I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area.
8. Massetts Road is characterised by large villas set in generously proportioned plots. Trees and mature vegetation also contribute to the Conservation Area's sylvan appearance. There are trees within the site that are the subject of a Tree Preservation Order (TPO); others are protected by virtue of their location within the Conservation Area. The proposal shows that the tree screen to the rear of No 17 would be retained and no trees within the TPO would be lost. The arboricultural report identifies areas that would require protection to prevent harm to other protected trees near the boundaries. The trees that would be felled are not considered to be of high value and new planting would be provided on the site's southern boundary to the rear of Nos 58 and 60.
9. The site is not visible from the wider Conservation Area. Subject to the maintenance of the existing tree screen and the strengthening of the landscaping on the southern boundary neither the conservation officer nor the tree officer raised any objection to the scheme. I therefore see no reason to disagree with their assessment that the proposal would not result in harm to the Massetts Road Conservation Area.
10. However, the internal layout of the development would be dominated by built form, hard-surfacing and provision of parking areas. This would limit the space for landscaping and planting within the front gardens. Whilst I accept that the areas in front of the properties in Church Road are predominantly hard surfaces, these areas are generously proportioned and provide the area with a sense of openness. Moreover, the rear gardens are large resulting in spacious relationships between the existing dwellings and their respective plots.
11. By contrast the proposal is for good sized, four/five bedroom dwellings, set in small plots with limited space in front of the properties and small rear gardens. The layout to the west of the hammerhead would include seven houses, five of which would have integral garages. In addition there would be a double garage and thirteen parking spaces set around a shared driveway with a limited

amount of space in which to manoeuvre vehicles. To my mind this would not only restrict the area available for planting but would also make the development appear cramped and enclosed. I therefore consider that it is an attempt to squeeze more development onto the site than can be accommodated in a manner that is compatible with the surrounding area.

12. No details of the adopted parking standards that should be applied to the development were provided. The highway authority has not raised any objection to the proposal, subject to the imposition of various conditions relating to the access and provision of parking spaces as shown on the submitted plans. However, it made no specific observations about the number of spaces that were proposed. I am therefore unable to suggest an appropriate condition reducing the number of parking spaces within the submitted scheme, even if this could increase the area available for landscaping.
13. Taking all these factors into consideration, I conclude that the proposal would be harmful to the character and appearance of the area, notwithstanding my view that the Massetts Road Conservation Area would be preserved. The proposal would therefore be contrary to saved Policies Ho 9, Ho 13, Ho14 and Ho 16 of the Reigate and Banstead Local Plan (Local Plan) which, amongst other things, requires development involving back garden land to respect the pattern and form of development in the surrounding area.

#### *Living conditions*

14. The shallow rear gardens of Nos 12-20 Pine Gardens back onto the appeal site. The flank wall of the house on Plot 2 would be close to the shared boundary with Nos 14 and 16. The height and width of this flank wall and the bulk of its roof would introduce an unacceptable sense of enclosure into the rear of these adjoining houses and their gardens. The proposed dwelling would therefore appear overbearing, dominating the outlook from these houses and, to a lesser extent, from Nos 12, 18 and 20.
15. The eastern section of the hammerhead would be close to the rear boundary of No 20. However, this part of the access would only directly serve Plot 2 as most of the manoeuvring of vehicles associated with the other dwellings would take place further west and within the shared driveway. Considered in isolation, I am therefore not persuaded that this would give rise to unacceptable noise or disturbance for the occupiers of No 20.
16. No 20 was originally at the end of a cul-de-sac. However, new dwellings have been constructed to the rear of Nos 52, 54 and 56 Massetts Road and the access to them passes close to the southern boundary of No 20. The proposal would result in No 20 being surrounded by access driveways on three sides. This could result in a perception of disturbance, especially for anyone using the rear garden. However, the number of movements is likely to be small and it seems to me that the harm could be mitigated through a robust boundary treatment, if the development was acceptable in all other respects.
17. However, for the reasons set out above, I conclude that the proposal would be an unneighbourly and visually obtrusive form of development that would be harmful to the living conditions of occupants of Nos 12-20 Pine Gardens, arising from unacceptable loss of outlook. It would therefore be contrary to saved Policies Ho 9 and Ho 14 of the Local Plan which require development not to seriously affect the amenity of occupants of existing properties.

## **Conclusions**

18. The Government is seeking to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development. The appeal site is within the built-up area of Horley and there is therefore no objection in principle to a residential development on the site, provided this can be achieved without harm to the local environment.
19. The proposal would provide an additional eight dwellings which would contribute towards the delivery of housing in the borough. The houses would provide satisfactory standards of internal accommodation for future occupants. The scheme would not result in loss of privacy for occupants of any of the neighbouring properties and I am satisfied that noise and disturbance arising from additional traffic movements could be adequately mitigated. I have found that the access would not be harmful to the character or appearance of the existing road frontage on Church Road. The scheme would also provide for the retention of protected trees and the replacement of others could be secured by condition. This would ensure that the Massetts Road Conservation Area would be preserved. All these factors weigh in the scheme's favour.
20. However, I have concluded that the proposed layout of the rear of the site would be dominated by the hard surfacing needed to provide for the parking and manoeuvring of vehicles. Consequently, the proposal would be a cramped form of development with insufficient provision of landscaping to soften the appearance of the scheme as a whole. It would therefore fail to integrate satisfactorily into the surrounding area. In addition I have found that the house on Plot 2 would result in an unacceptable loss of outlook for occupiers of dwellings in Pine Gardens.
21. These harms would significantly outweigh the benefits that would accrue from the provision of the additional homes. For this reason, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR

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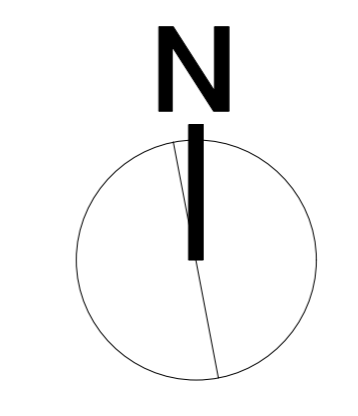
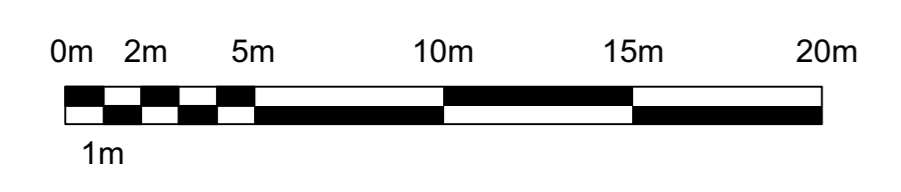
rev	revision details	by	date
A	Widening of access road from 4.6 to 4.8 meters. Reduced turning head to five gardens.	JL	17/11/16

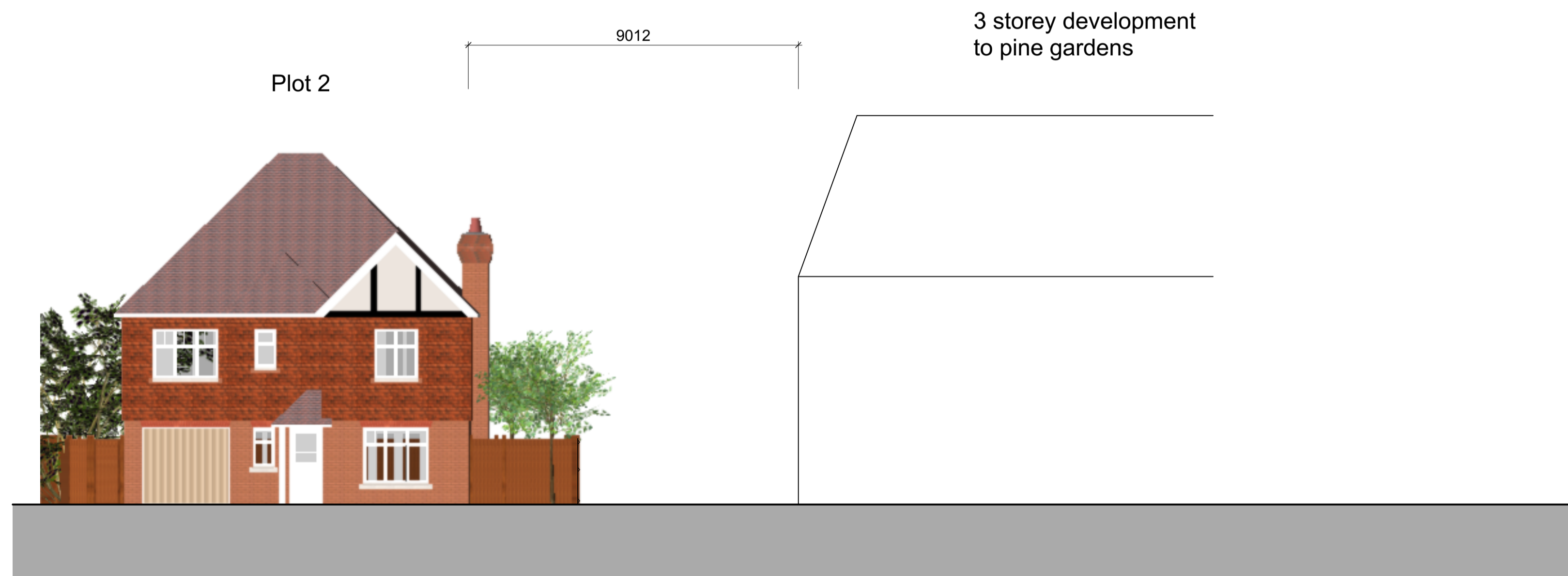
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<b>client:</b>		<b>Breeze Homes Ltd.</b>
<b>project:</b>		<b>Proposed 9 Dwellings Land to the rear of 19 Church Rd. Horley Surrey RH6 7EY</b>
<b>title:</b>		<b>Proposed Site Plan</b>
<b>scale:</b>		<b>1:200 @ A0</b>
<b>checked:</b>	JL	<b>date:</b> 16/9/16
<b>originated:</b>	JL	<b>date:</b> 16/9/16

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<b>1628 - 03</b>	<b>A</b>

**LEGEND**

- Existing structures to be demolished
- Existing vegetation to boundary to be maintained
- Existing trees to be maintained
- Existing trees to be removed
- New drives and parking spaces
- Bonded gravel courtyard and turning areas
- New areas of tarmac finish
- New soft landscape
- New hedges as noted on drawing
- Indicative new tree planting





Part Site Section App. Ref. No. 16/02285/F

Notes:

Health & Safety notes:

rev	revision details	by	date

**status:** PLANNING

**client:** Breeze Homes Ltd

**project:** Proposed 9 dwellings  
Land to Rear of  
19 Church Road, Harley,  
Surrey, RH6 7EY

**title:** Part Site Section  
App. Ref. 16/02285/F

**scale:** 1:100 @ A1

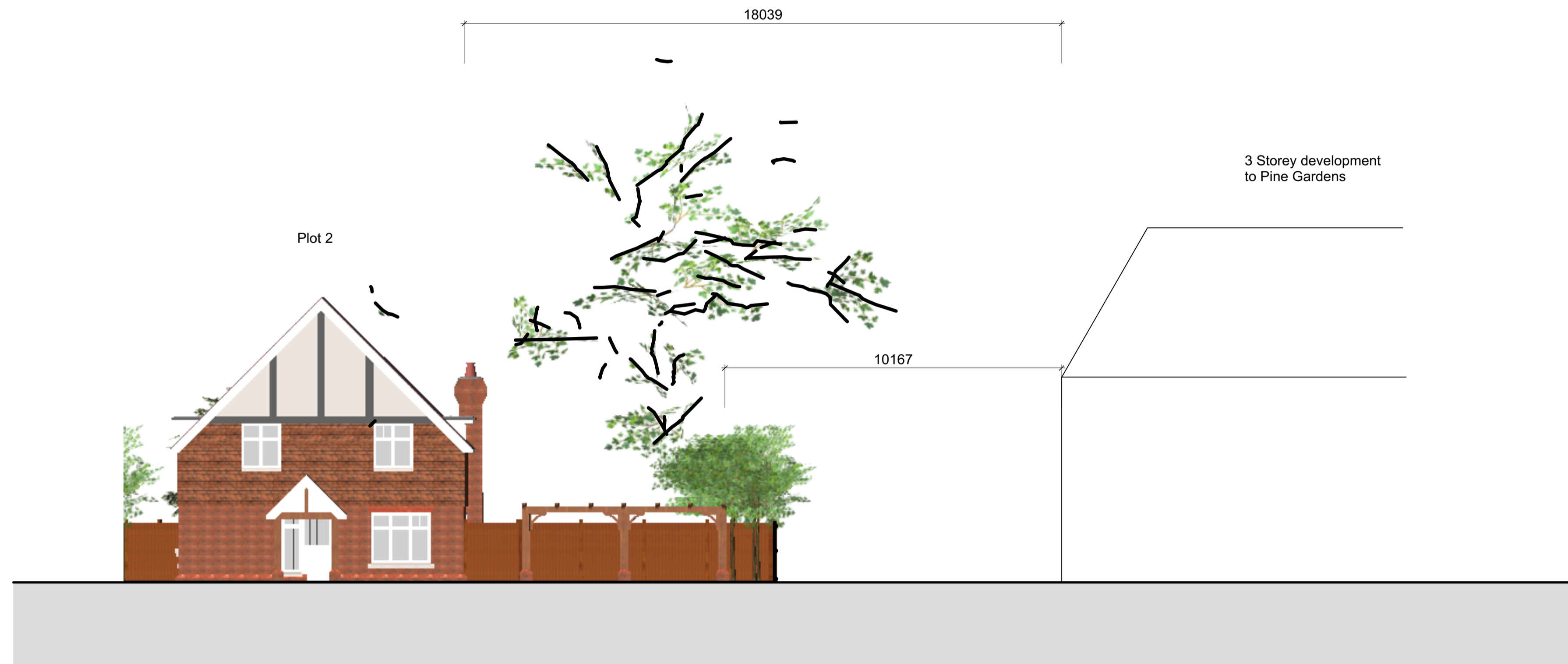
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Part Site Section - Application Ref. No. 17/01657/F.

Notes:

Health & Safety notes:

rev	revision details	by	date

status: **PLANNING**

client: **Breeze Homes Ltd.**

project: **Proposed 8 Dwellings**  
Land to the rear of  
19 Church Rd. Horley  
Surrey RH6 7EY

title: **Part Site Section**  
App. Ref. 17/01657/F.

scale: **1:100 @ A1**

checked: JL date: 7/7/17

originated: OL date: 7/7/17



drawing number: **1710 - 23** revision: -