 Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate	TO:	PLANNING COMMITTEE
	DATE:	29 November 2017
	REPORT OF:	HEAD OF PLACES & PLANNING
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AGENDA ITEM:	9	WARD: Kingswood with Burgh Heath

APPLICATION NUMBER:	17/02137/F	VALID:	14/09/2017
APPLICANT:	Barnfield Homes	AGENT:	Graham Rix
LOCATION:	DENDRONS, WOODLAND WAY, KINGSWOOD, TADWORTH SURREY, KT20 6NN		
DESCRIPTION:	Erection of detached house and garage		
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.			

This application is recommended for refusal but referred to Committee as requested by the applicant and to allow for Committee consideration.

SUMMARY

The application relates to a large dwelling within a spacious extensive plot, located on Woodland Way in Kingswood. The site is within the urban area and within the Kingswood Warren and The Glade Residential Area of Special Character and the front of the site is part of the Kingswood Warren historic garden. Trees on the site are protected by group TPO BAN33 and RE978, which includes individual TPOs

The proposal follows a previous application for two dwellings, which was refused under application 16/01841/F and subsequently dismissed on appeal. The grounds for refusal were based on poor design, lack of spaciousness and impact to the character of the RASC, impact on historic garden by virtue of the introduction of a new access and part removal of the rhododendron hedge, harm to the residential amenities of Hazelbirch by reason of overbearing and failure to provide affordable housing. However in his consideration of the appeal, the Inspector reasons were limited to: the impact of the scale, design and bulk of the proposed houses on the character of the area and harm to the residential amenities of Hazelbirch.

It is now proposed to retain the existing property and erect a single 2½ storey detached house to the rear. The existing access would be retained to Dendrons and a new access is proposed to Woodland Way adjacent to the boundary with Hazelbirch which would require removal of a section of hedge. It is noted the Inspector raised no objection to the creation of this access, the partial loss of

rhododendron hedge and associated impact on the historic garden designation in his determination of the appeal.

The northern side of Woodland Way on which this site is located has a distinctive spacious character, typified by large detached properties set back from the road within spacious plots with long rear gardens, that has not been impacted by recent infill development. Whilst the revised design approach is welcomed, with a traditional architectural style now proposed, the tandem form of development with the introduction of a new residential dwelling to the rear of Dendrons with associated extended internal access road is considered harmful to the character and appearance of this part of the RASC and would erode its spacious character, contrary to policy Ho13, Ho15 and the Council's Local Distinctiveness Guide. It would also fail to maintain the existing character of properties fronting the street (albeit in an irregular building line) with large extended linear rear gardens and would create a number of pinch points in light of the revised boundaries proposed.

The application is also considered to result in harm by reason of loss of privacy, overlooking to the rear to the neighbouring dwelling at 63 Woodland Way and Langdale House as a result of the windows in the rear elevation at first floor and roof level, which could not be overcome by use of condition. Other neighbouring properties are considered sufficiently distanced from the development such that the level of harm is considered acceptable.

All protected trees would be retained (one would be pruned) and no objection is raised by the tree officer subject to the condition. There is no objection from a highways perspective or from the conservation officer whose comments relate specifically to the historic garden designation.

In light of the above the proposal is recommended for refusal for the reasons identified below.

RECOMMENDATION

Planning permission is **REFUSED** for the following reasons:

1. The proposed house and associated internal access road by virtue of its siting, tandem form of development and relatively short plot on which it would stand constitutes a cramped development form and layout out of keeping with and harmful to the character and appearance of this part of The Warren and The Glade Residential Area of Special Character. The proposal is thus contrary to policies Ho13, Ho15 and Ho16 of the Reigate and Banstead Borough Local Plan 2005.
2. The proposal by virtue of its proximity to the side boundary with 63 Woodland Way and presence of windows at first and second floor level would give rise to overlooking and loss of privacy to the use of residential gardens within the adjoining properties to the rear, harmful to the amenities thereof and contrary to policy Ho9 and Ho15 of the Reigate and Banstead Borough Local Plan 2005.

Consultations:

Highway Authority: The County Highway Authority has assessed the application on safety, capacity and policy grounds and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway with respect of access, net additional traffic generation and parking. The County Highway Authority therefore has no highway requirements subject to conditions

Conservation officer – No objection subject to condition

Woodland Way and the Warren Frontages Association – Objection raising the following issues:

- Out of character with prevailing form of development which is street facing, density increase, out of scale in rear garden,
- Harm to character and appearance of RASC where houses sit in large spacious plots
- Harm to neighbour amenity (Hazelbirch) as a result of siting of new dwelling and window location (overlooking, loss of privacy and obstructiveness)
- Increase in traffic
- design of access - considered too narrow and hazardous to pedestrians
- ownership matters (this is not a material planning consideration)

Representations:

Letters were sent to neighbouring properties on 22 September, a site notice was posted on 22 September 2017.

5 responses have been received raising the following issues:

Issue	Response
Overdevelopment, Out of character with surrounding area, impact on RASC	See paragraph 6.4 – 6.10
Overbearing, Overlooking and loss of privacy	See paragraph 6.11 – 6.15
Loss of / harm to trees,	See paragraph 6.16 – 6.19
Hazard to highway safety / concerns regarding access road design	See paragraph 6.20 – 6.22
Harm to Conservation Area	The site is not located within a conservation area
Conflict with a covenant	This is not a material planning consideration
Concern regarding Council's consultation / publication process	This was undertaken in accordance with legislation & Council's procedure

1.0 Site and Character Appraisal

- 1.1 The application site comprises a large 2½ storey detached dwelling with single storey outbuildings to the front of the site set in a generous plot, wider than many in the locality. The house is set at an angle of approximately 45 degrees to the road. The site and surrounding area is located within the Kingswood Warren and The Glade Residential Area of Special Character (RASC) as identified on the Local Plan Proposals Map. This area is designated as a result of its special residential character typified by mainly low density, substantial sized dwellings set in spacious grounds set back from the road, where landscaping is an integral part of the character of the area, with a predominance of trees and hedges over buildings.
- 1.2 There is significant boundary trees and planting, including the protected rhododendron hedge at the front of the site which forms part of the Kingswood Warren historic garden. Parts of the site are covered by group tree preservation orders (BAN33 and RE978), together with individual TPOs and there are a number of trees that could potentially be affected by the proposed development. The site is relatively flat, rising very slightly to the rear. There is a small pond within the application site.

2.0 Added Value

- 2.1 Improvements secured at the pre-application stage: The applicant entered into pre-application discussions with the applicant (PAM/17/00348). Concern was raised regarding the impact on the character and appearance of the RASC. In light of the previous Inspector's decision no objection in principle to the creation of an access road in the location identified or to the associated loss of rhododendron hedge/ impact to historic garden designation. Assessment of residential amenity would be considered at application stage. Proposed dwelling design appears to respect local distinctiveness.
- 2.2 Improvements secured during the course of the application: Improvements have not been sought because the proposal is considered unacceptable on a point of principle.
- 2.3 Further improvements to be secured through conditions or legal agreement: Improvements cannot be sought in this way because it has been concluded that permission should be refused.

3.0 Relevant Planning and Enforcement History

- | | | | |
|-----|------------|---|---|
| 3.1 | 16/01841/F | Demolition of the existing house and its outbuildings and the erection of two houses with associated outbuildings | Refused
10 Nov 2016
Appeal dismissed
26 May 2017 |
| 3.2 | 83P/0790 | Porch over front door | Granted |

3.3 80P/1348 Single storey side extension and convert garage to playroom Granted

3.4 The appeal decision to application 16/01841/F is appended to this report.

4.0 Proposal and Design Approach

4.1 This is a full application for the subdivision of the plot, retaining the existing house, Dendrons and erecting a new dwelling to the rear with associated parking, landscaping and ancillary works. A detached double garage would be located to the side of the house adjacent to the southern flank elevation. The existing access would be retained to Dendrons and a new access is proposed to Woodland Way for the new dwelling adjacent to the boundary with Hazelbirch which would require removal of a section of hedge.

4.2 The application follows a scheme for the demolition of the existing house and erection of two dwellings recently refused on grounds of: poor design, lack of spaciousness and impact to the character of the RASC, impact on historic garden by virtue of the introduction of a new access and part removal of the rhododendron hedge, harm to the residential amenities of Hazelbirch by reason of overbearing and failure to provide affordable housing. The affordable housing reason was subsequently withdrawn and the application was dismissed on appeal with reasons limited to the impact of the scale, design and bulk of the proposed houses on the character of the area and harm to the residential amenities of Hazelbirch. The reason relating to the introduction of the new access, partial loss of rhododendron hedge and impact to the historic garden was not upheld. The appeal decision is material to this planning application.

4.3 In response to the dismissed appeal the applicant has sought pre-application advice, and the scheme has been revised to retain the existing house, proposing the creation of a single new dwelling to the rear and a new access in the same location as the previous scheme (to which the Inspector raised no objection).

4.4 A revised design approach has been taken with the new house proposed in a more traditional design as opposed to the previous neo-georgian approach.

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 character of the surrounding area is assessed as residential, forming part of the RASC characterised by low density, substantial-sized dwellings in spacious plots, set back from the road. The assessment identifies a number of sites where plot sub-division has occurred and that plot sizes in the wider area vary in size.
	Site features meriting retention are listed as protected trees.
Involvement	No community consultation took place.
Evaluation	The statement mentions that the proposed design has been led by the previous refused scheme for 2 dwellings and subsequent pre-application discussion with the Council.
Design	The 2 ½ storey scale and traditional design approach proposed is considered to reflect local distinctiveness and to be appropriate within the RASC.

4.7 Further details of the development are as follows:

Site area	0.45ha Application form incorrectly states 0.29ha (site dimensions approx 93m x 49m = 4557 sqm)
Proposed parking spaces	2
Parking standard	2 spaces per dwelling
Net increase in dwellings	1
Existing site density	2.22 dph
Proposed site density	4.44 dph
Density of the surrounding area	3.09 dph housing schemes (Area defined as properties on northern side of Woodland Way from Willow Lodge/Conefirs to Old Trees)

5.0 Policy Context

5.1 Designation

Urban
Kingswood Warren and The Glade Residential Area of Special Character (RASC)
Kingswood Warren historic garden (local designation)
Tree Preservation Order – Group TPO BAN33 and RE978, which includes individual TPOs

5.2 Reigate and Banstead Core Strategy

CS1(Sustainable Development)
CS4 (Valued Townscapes and Historic Environment)
CS10 (Sustainable Development),
CS11 (Sustainable Construction),
CS14 (Housing Needs)
CS15 (Affordable Housing)
CS17 (Travel Options and accessibility)

5.3 Reigate & Banstead Borough Local Plan 2005

Landscape & Nature Conservation	Pc4
Heritage Sites	Pc 11
Housing	Ho9, Ho13, Ho15, Ho16
Movement	Mo5, Mo7

5.4 Other Material Considerations

National Planning Policy Framework	
National Planning Practice Guidance	
Supplementary Planning Guidance	Surrey Design Local Distinctiveness Design Guide A Parking Strategy for Surrey Parking Standards for Development Affordable Housing
Other	Human Rights Act 1998 Community Infrastructure Levy Regulations 2010

6.0 **Assessment**

6.1 The application site is situated within the urban area where there is a presumption in favour of sustainable development and where the principle of such residential development is acceptable in land use terms.

6.2 There are no objections in principle to a potential redevelopment of the site and such a redevelopment would help to meet the Council meet some of the Borough's identified housing need and furthermore would be welcomed as a contribution to housing supply. However, the principle of acceptability in this case rests upon considering the impact of the proposal and resultant harm and the need to provide additional housing and its resultant benefit. The report sets out the key considerations.

6.3 The main issues to consider are:

- Design appraisal
- Neighbour amenity
- Impact to trees
- Highway matters
- Affordable Housing
- Community Infrastructure Levy

Design appraisal

- 6.4 The application proposes the retention of the existing dwelling and a dwelling of traditional design to the rear, where in the previous application the existing house was proposed for demolition and two houses were proposed to the site frontage.
- 6.5 Policy Ho15 of the Local Plan refers to development within a RASC and states that generous spacing between buildings should be maintained, together with the existing character of the area. Plot sizes should reflect that predominating within the surrounding area and the development should maintain the existing visual predominance of tree cover and spacious gardens. Tree loss is generally not supported.
- 6.6 These design and character policy principles are also reiterated in the Council's Local Distinctiveness Guide, which states proposals for plot subdivision for new housing should retain a common building line where this exists. Distances between dwellings should be comparable with those within the vicinity to maintain character. Plot widths should reflect those within the vicinity and existing mature trees and boundary vegetation should be retained. The distinctiveness guide continues that the treatment of driveways should be consistent with other properties where a common landscape framework exists. Hardstanding / garaging should be located to the side of the building and replacement dwellings within areas with irregular building lines should be positioned to consider the amenity of adjoining properties, in accordance with policy Ho9. In summary any proposal would need to maintain the open and spacious character of the area.
- 6.7 The northern side of Woodland Way on which this site is located has a distinctive spacious character, typified by large detached properties of varied design, set back from but fronting the road within spacious landscaped plots with long rear gardens. Whilst infill development is present within the wider area and has started to erode the character of the RASC, the character of the northern side of Woodlands Way has not been changed by this form of development and provides a very high quality residential environment. In light of the above I consider the introduction of a new dwelling to the rear of Dendrons with associated extended internal access road would be harmful to the character and appearance of this part of the RASC and would erode its spacious character, contrary to policy Ho13, Ho15 and the Council's Local Distinctiveness Guide. I maintain this view notwithstanding the size of the plot that would be created, noting that this would not be significantly smaller than others in the vicinity. It would however fail to maintain the existing character of properties fronting the street (albeit in an irregular building line) with large

extended linear rear gardens and would create a number of pinch points in light of the revised boundaries proposed. I therefore do not consider the proposed tandem development in this location acceptable.

- 6.8 The applicant has provided examples of other infill or redevelopment that has been approved in Woodland Way and around Kingswood in part to justify the approach taken on this site. However each application must be assessed on its own merits and it is considered the site circumstances are not the same. I therefore do not consider that they form precedents for this development. I also note that whilst there has been some change in the wider area, these decisions alone do not justify the proposed development and frequently those identified are not typical of the wider estate. The application site is located in an area of Woodland Way where large plots have been maintained and the associated spaciousness and setting in terms of significant gaps around properties remains the predominant character.
- 6.9 The traditional design approach is welcomed, incorporating clay roof tiles (these should be handmade), flint, brick and elements of tile hanging and timber painted windows and is considered to reflect locally distinctive features within the locality. The architectural approach breaks the mass of the building through a series of gables and is considered of acceptable standard.
- 6.10 Given the overgrown nature of the site a Phase 1 Habitat Survey was submitted, this confirmed that subject to the recommendations of the report (relating to bats, birds, reptiles and badgers) the proposal would not result in harm to protected species or their habitat.

Neighbour amenity

- 6.11 The proposal represents a more intensive form of development than the current lone dwelling. The density of the area is very low, with largely private aspects, large private gardens, high screened plots and high amenity expectations. Whilst not a reason to resist the development in isolation, the application must be considered against this context and the application rigorously examined for the impact upon the high levels of amenity for residents.
- 6.12 The proposed development would introduce a new dwelling to the rear garden of Dendrons where previously there was none. The nearest neighbours to the rear are Langdale House, Pemberley and Netherfield whose properties are set a minimum of 30m back into their respective sites.
- 6.13 The new dwelling would be sited approximately 21m from Dendrons, 48m from Hazelbirch to the east and 35m to the recent Octagon Developments house to the west (63 Woodland Way) at their closest points, bringing development closer to the side boundary of these properties. The proposed dwelling has first floor windows in both its flank elevation facing south and rear elevation (at both first and roof level). The windows in the flank elevations serve bathrooms and could be conditioned to be obscure glazed, the windows in the rear elevations serve bedrooms and could not. Given the

high amenity expectations in this locality I consider the proposal would result in harm by reason of loss of privacy, and overlooking to the rear gardens of 63 Woodland Way and Langdale House who are entitled to private use of the entirety of their rear gardens which could not be overcome by condition, notwithstanding the significant boundary landscaping that currently exists, (which is only protected in part and could be amended over time). Given the distance to Hazelbirch and that the proposal is sited further from this boundary I do not consider the impact harmful to this property. Additional planting is also proposed which I give some weight to. I consider the siting of the dwelling is more a matter of character (dealt with above) as opposed to overbearing.

- 6.14 I have commented on the internal access road above in relation to character. Whilst the location of the access road is unneighbourly to the occupiers of Hazelbirch, being set back only 1.75m from the boundary, I give some weight to the significant boundary landscaping which is protected in this location. However I consider the additional residential movements associated with one additional dwelling, whilst resulting in a change and level of harm to both adjoining properties is not sufficiently harmful such as to warrant refusal.
- 6.15 I therefore consider that the proposed scheme would adversely affect the amenity of existing residents at 63 Woodland Way by reason of overlooking and loss of privacy and conflicts with policy Ho9 in this respect. Find no harm with respect to loss of light, dominance or overshadowing.

Impact to trees

- 6.16 There are significant trees on site and part of the site is subject to tree protection order – TPO BAN33. As such the tree officer was consulted on the proposal and commented as follows:

“The updated arboricultural report from David Archer Associates demonstrates the location of the dwelling and garage will not require the removal of any protected trees. The dwelling is close to T10 which is included within a TPO and the tree protection plan shows part of the canopy having to be pruned to ensure there is adequate clearance between the north east elevation and the canopy. It will be necessary to prune the tree from time to time but as it is protected, consent will be required from the council before undertaking any works ensuring its visual appearance is not harmed. Based on the updated arboricultural report I have no objection to this application subject to this condition being attached to the decision notice.”

- 6.17 The comments of the tree officer are noted, and should the application be approved a tree protection condition to secure arboricultural supervision, monitoring and tree protection measures during the construction phase.
- 6.18 The Council’s Conservation Officer was consulted in relation to the historic garden designation and responded as follows:

The front rhododendron shrubbery was part of the original mid 19th century walks to the mansion Kingswood Warren and has a local historic garden designation. The inspector at the last appeal considered the creation of a small gap was acceptable from a historic garden viewpoint. If you were minded to approve this application I would recommend the following conditions ;

- 1) *Within the first planting season after creation of the access, replacement rhododendron planting of flower colour to match existing, shall be planted to the same height as the area of damage from creation of the opening to make good the damage to the satisfaction of the LPA.*
- 2) *The rhododendron frontage shrubbery shall be maintained on an ongoing basis and managed to maintain a minimum height of 4 metres and minimum width of 4 metres hereafter or as otherwise agreed in writing by the local planning authority. Any losses through death or disease shall be remedied by replacement rhododendron planting of same flower colour as existing, to current landscape standards, within 1 year to maintain this feature.*

6.19 In light of the previous Inspector's comments, where no objection was raised regarding the loss of rhododendron hedge to create the access road, and the above response of the Conservation officer, the impact on the historic garden is considered acceptable subject to condition.

Highway matters

6.20 The application is considered to provide acceptable levels of parking (2 spaces) in accordance with the Council's adopted parking standards. The proposal introduces a new access to Woodland Way (a private road) in the same location to that proposed under the previous application (16/01841/F). The difference being that the proposed access road now extends near the boundary with Hazelwood to the rear of the site. The principle of the introduction of an access in this location was established as acceptable by Inspector in his determination of this appeal. (The extension of the access road into the site is considered under the design and amenity sections above)

6.21 The County Highway Authority (CHA) 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.

6.22 The CHA comment that the application site is accessed via Woodland Way, which is a private road and does not form part of the public highway, therefore it falls outside the County Highway Authority's jurisdiction. Notwithstanding this the CHA has considered the wider impact of the proposed development and considers that it would not prejudice safety or the free flow of traffic on the adjoining public highway network. The CHA therefore has no highway requirements.

Affordable Housing

6.23 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 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.

- 6.24 In view of this, and subsequent local appeal decisions which have afforded greater weight to the Written Ministerial Statement than the Council's adopted policy, the Council is not presently requiring financial contributions from applications such as this resulting in a net gain of 10 units or less. The absence of an agreed undertaking does not therefore warrant a reason for refusal in this case.

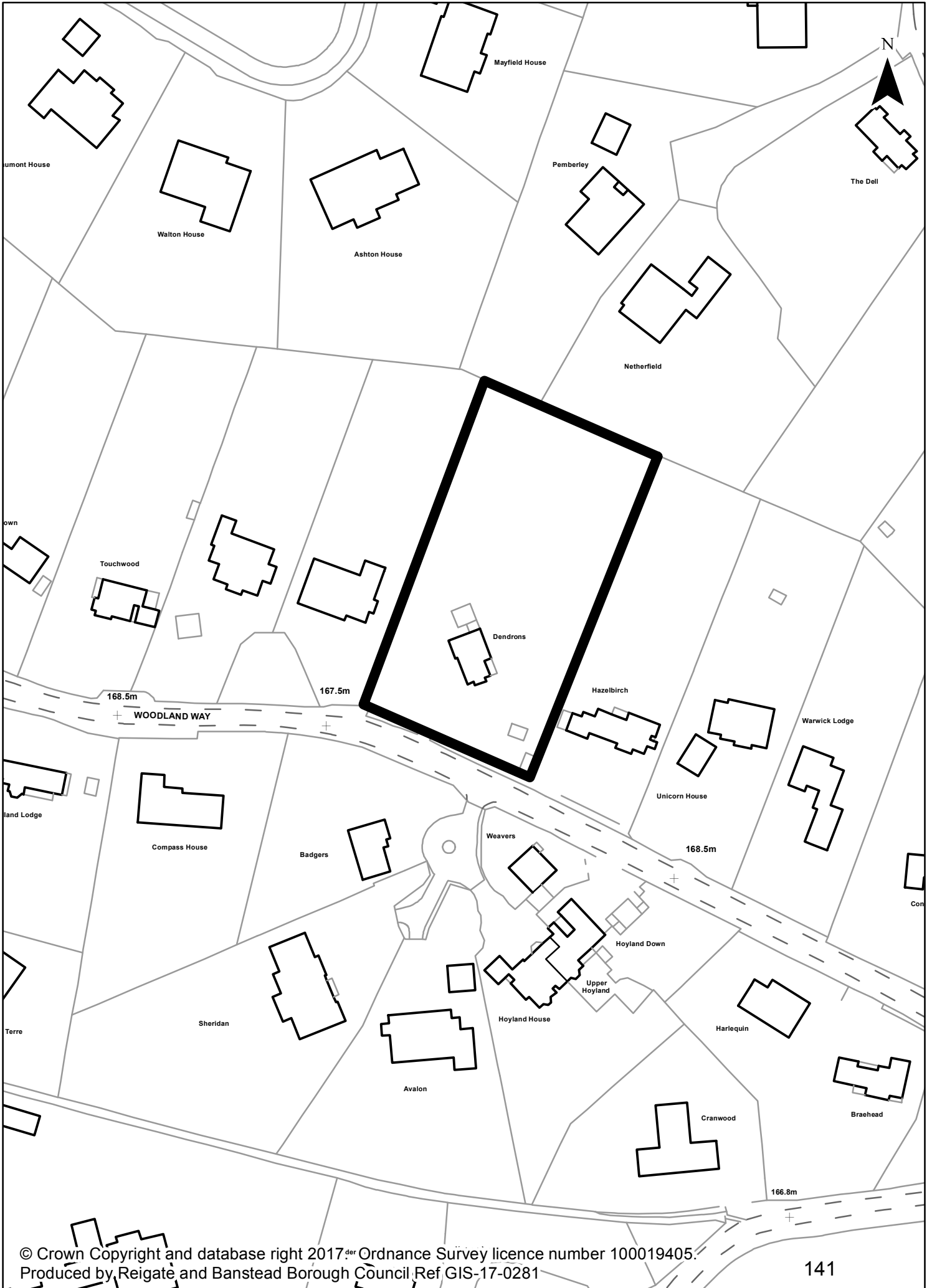
Community Infrastructure Levy (CIL)

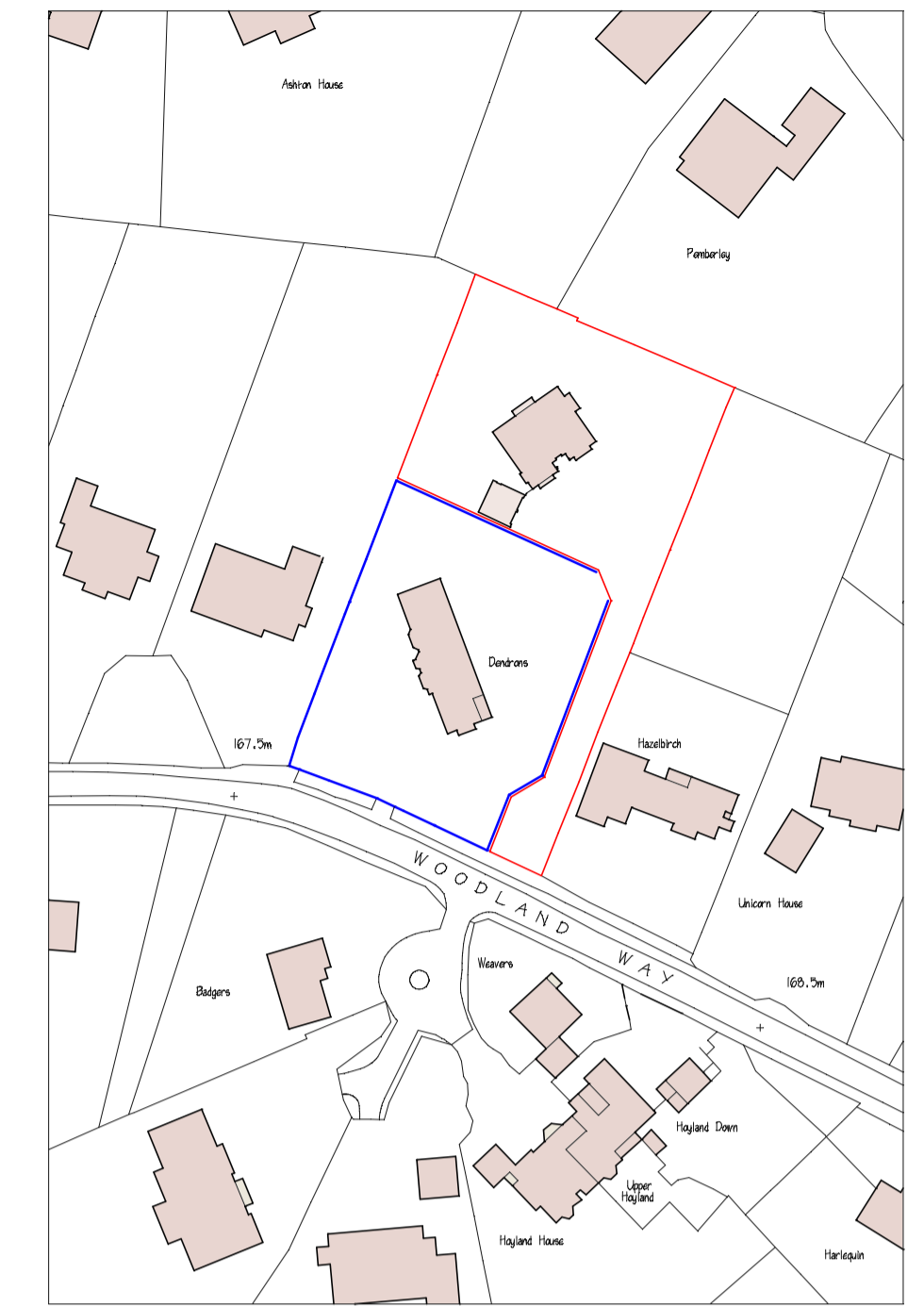
- 6.25 The Community Infrastructure Levy (CIL) is a fixed charge which the Council will be collecting from some new developments from 1 April 2016. It will raise money to help pay for a wide range of infrastructure including schools, road, public transport and community facilities which are needed to support new development. This development would be CIL liable. In the event that the development is granted an informal calculation shows a CIL liability of around £61,843.60 which would be subject to indexation based on a GIA of 441.74 sqm (including the garage).

Proactive and Positive Statement

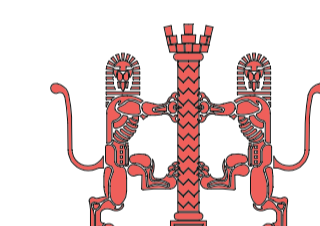
The following statement would be included in the case of any applications that the Committee resolve to refuse permission.

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 whilst planning permission been refused regard has been had to the presumption to approve sustainable development where possible, as set out within the National Planning Policy Framework.





LOCATION PLAN
SCALE 1:1250



GRAHAM RIX RIBA
CHARTERED ARCHITECT
13 Furze Lane, Purley
Surrey CR8 3EJ

tel: 020 8660 2571

web site: www.grahamrix.co.uk
email: graham@grahamrix.co.uk

Proposed Two Houses
at the site of
'DENDRONS'
WOODLAND WAY
KINGSWOOD KT20 6NN
for BARNFIELD HOMES Ltd

PROPOSED
SITE PLAN

scale 1:200 08/07/2017

Rev A 8th Sept 2017

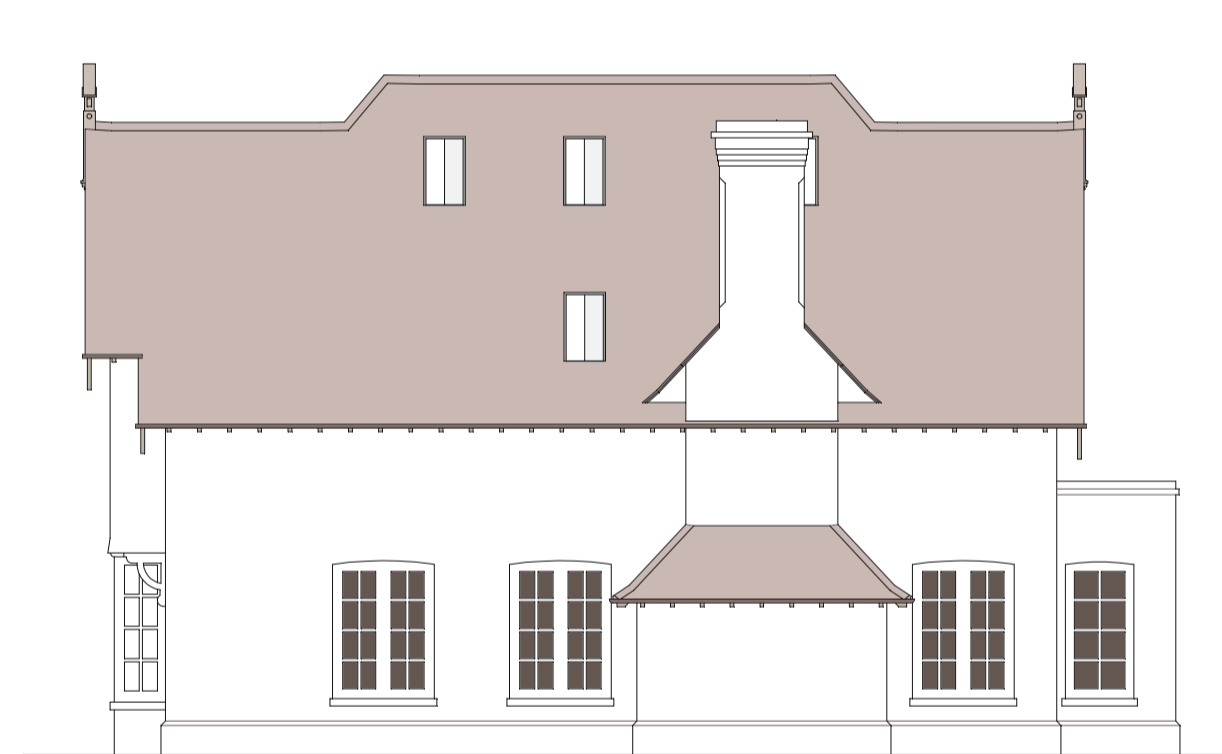
DEN.2 P2 (A)



FRONT ELEVATION



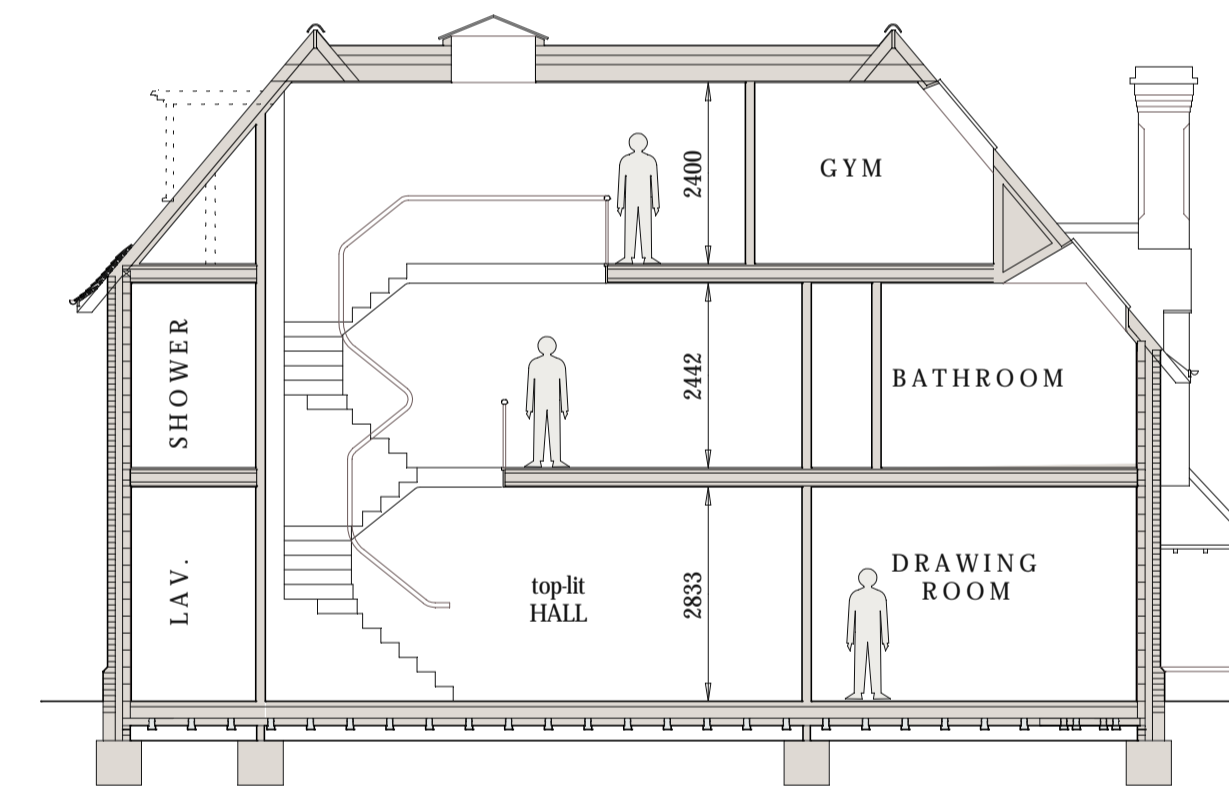
REAR ELEVATION



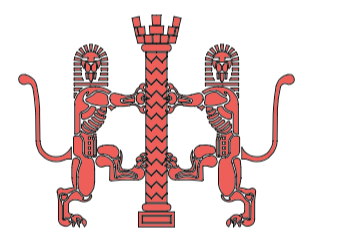
FLANK (NORTH) ELEVATION



FLANK (SOUTH) ELEVATION



SCHEMATIC SECTION



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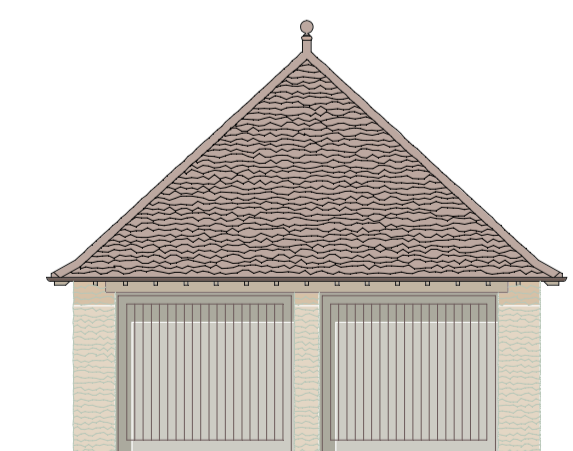
Proposed House
at
'DENDRONS'
WOODLAND WAY
KINGSWOOD KT20 6NN

for BARNFIELD HOMES Ltd

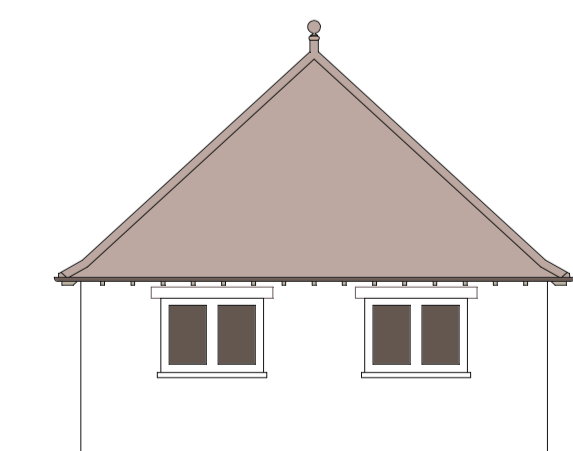
PROPOSED
ELEVATIONS

scale 1:100

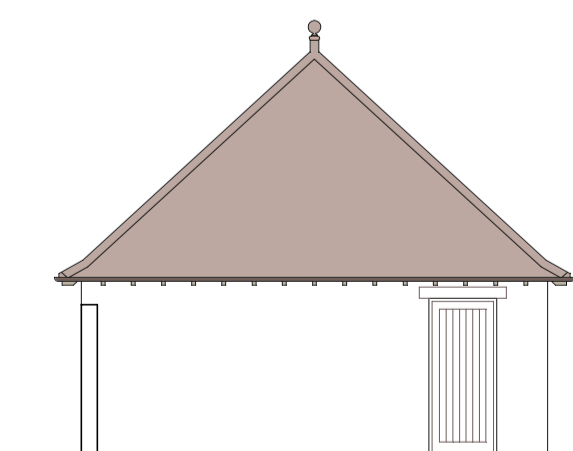
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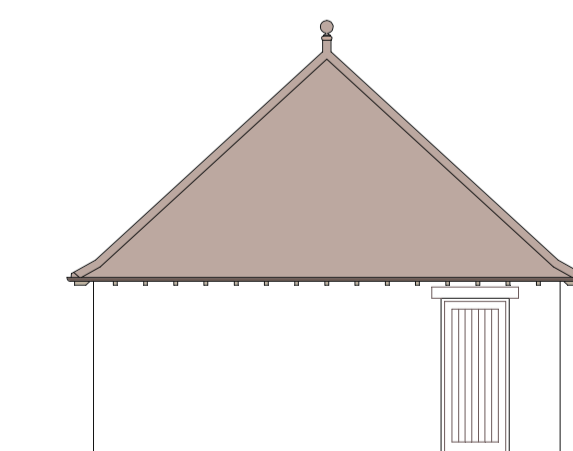
FRONT ELEVATION



REAR (WEST) ELEVATION



INSIDE (NORTH) ELEVATION



SOUTH ELEVATION

GARAGE ELEVATIONS

Rev A 8th Sept 2017

DEN.2

P4 (A)

Appeal Decision

Site visit made on 9 May 2017

by **David Murray BA (Hons) DMS MRTPI**

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

Decision date: 26 May 2017

Appeal Ref: APP/L3625/W/17/3166746

"Dendrons", Woodland Way, Kingswood, Tadworth, KT20 6NN.

- 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 Barnfield Homes against the decision of Reigate & Banstead Borough Council.
 - The application Ref. 16/01841/F, dated 5 August 2016, was refused by notice dated 10 November 2016.
 - The development proposed is the demolition of the existing house and its outbuildings and the erection of two houses with associated outbuildings.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The Council's reasons for the refusal of permission include No.3 concerning a lack of financial contribution to the provision of affordable housing to meet the terms of Policy CS15 of the Council's Core Strategy. However, in the light of the Court of Appeal decision in the case of *Reading and West Berkshire*¹ and the Written Ministerial Statement of the 28 November 2014 and subsequent changes to the national Planning Practice Guidance, the Council has indicated that this reason will not be pursued and I need not consider this issue further.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area recognised to be a Residential Area of Special Character;
 - The effect on the living conditions of the occupiers of adjoining residential properties.

Reasons

Background

4. The appeal site comprises a large detached house located in a residential area of mainly grandiose, individual houses set in large grounds/gardens. There is a high rhododendron hedge along the frontage of the site, through which the

¹ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C1/2015/2559; [2016] EWCA Civ 441; CO/76/2015; [2015] EWHC 2222 (Admin).

existing access is formed and there is high vegetation along the other boundaries of the site. The site is not subject to any special nationally recognised designation but the appeal site and surrounding land form part of the Kingswood Warren and the Glade Residential Area of Special Character and also the Kingswood Warren Historic Garden.

5. It is proposed to demolish the existing house and replace this with two detached houses of similar design which would be of two storey form but with three levels of accommodation, the upper level being in the roof space but with a raised parapet roof at the front. Each house would have seven bedrooms and there would be a detached double garage at the front of both.

Policy context

6. The development plan includes the Reigate and Banstead Core Strategy (2014) and saved policies in the Reigate and Banstead Local Plan (2005).
7. In terms of the principle of development, the Council confirms that the site lies within an established urban area where there is a presumption in favour of sustainable development. There is no policy objection to the principle of development and to the potential subdivision of the existing plot which could help meet some of the Boroughs' identified housing need and contribute to housing supply. The determining issues are in respect of the specific details of the development and the impact on the site.

Effect on character and appearance

8. The existing house has an elongated form and is set at an angle to the road frontage. This form leaves relatively spacious gaps to both boundaries with neighbouring properties and this openness contributes to the special character of the area. Although redevelopment with new properties sited generally parallel with the frontage would not in itself go against the established pattern of development, I have concerns that the introduction of the two houses proposed, as shown on the 'Street Scene' of the proposed site plan, would not be sympathetic to this character.
9. The existence of the properties would be partly screened by the retention of the roadside hedging, nevertheless, the new properties would be seen through the open driveways, similar to many other existing properties in the vicinity of the site. Further, the bulk of buildings proposed across the width of the site would be considerable given the relative closeness of the buildings to each other and the reduced space to the east side boundary. Consequently, the overall form of the plots would not be 'generous' as advocated in policy Ho15. This overall bulk of the new houses and garages would be visually imposing and would be accentuated by the ornate design proposed for each house with a prominent parapet and adornments above eaves level, together with the repetition of the design. The visual impact of the scale of buildings proposed would be increased by the use of a 'crown roof' where, in this case, the depth of each new house would be greater than the width of each. This would result in a significant three dimensional bulk which would not be relieved by reasonable space between or at the side of the buildings.
10. The Council is also concerned about the loss of part of the spread of rhododendron hedge along the frontage by the introduction of the new access to plot B. This would result in a short element of hedge to the side boundary of

the site. At my site visit I noted the degree to which the rhododendron hedge was prevalent at the front of many properties but there was much variation in the lengths of hedge between access points. Locally it is visually important that the main presence of the hedge on the application site is maintained but I do not consider that the relatively narrow breach proposed would have a harmful effect on the street scene.

11. The appellant's agent refers to other infill or redevelopment that has been approved around Kingswood and in Woodland Way and I noted many of these at my site visit in forming an impression of the character of the area. Nevertheless, I do not consider that the form of development on the other sites referred to have the same characteristics in terms of their width and the scale and design of the buildings proposed. I therefore do not place much weight on these in terms of setting some precedent for this development.
12. I have also had regard to the emphasis placed on good design in the National Planning Policy Framework (the Framework). In this, paragraph 60 emphasises that planning decisions should not impose architectural style or particular tastes or stifle innovation or originality, but it is proper to seek to promote or reinforce local distinctiveness. Further, in terms of new housing development, paragraph 53 indicates that local authorities should consider the case for policies to resist inappropriate development of residential gardens for example where development would cause harm to the local area.
13. Overall, I agree with the Council's assessment that the scale, design and bulk of the two new houses proposed in the redevelopment would be significantly harmful to the present character of Kingswood Warren and would conflict with the provisions of saved policies: Ho9 particularly sections (iii) and (iv); Ho13; and Ho15 of the of the Reigate and Banstead Local Plan. Although this plan is long standing and predates the Framework, the main thrust of its policies is designed to protect the recognised distinctiveness of the area and this stance is broadly consistent with the national policy. The policies should therefore be given full weight.

Effect on living conditions

14. In assessing the relationship with the property 'Hazelbirch' immediately to the east of the application site I considered this from the appeal site itself and from the street frontage and views through the gateway. As depicted in photographs in the appellant's agent's statement, there is a belt of a high, mature, evergreen hedge along the party boundary supplemented by other trees and shrubs. This vegetation forms an effective screen between Hazelbirch and the appeal site at the moment. However, the presence of this natural feature cannot be relied on in perpetuity as the individual trees will die at some stage. Judged from the physical relationship of the two buildings as shown on the Proposed Site Plan (drawing DEN - P2) it appears to me that the degree of depth of House B and its relatively close position to the party boundary would result in an imposing building bulk which would dominate the outlook from Hazelbirch as enjoyed by the occupiers of the property and have an overbearing effect on the use of its garden, if and when the natural screen is no longer effective. This adds to my concern about the bulk and position of the proposed houses relative to the existing neighbouring one.

Planning balance

15. The proposal needs to be considered in the context that sustainable development is encouraged by the Framework and that within this the government seeks to boost significantly the supply of housing. It is recognised that the site lies in a sustainable location within an established settlement, and there is no policy objection in principle to the redevelopment of the existing house.
16. Nevertheless, bringing together my conclusions on the main issues, I have found that the redevelopment of the site as proposed would result in a scale, footprint and overall form of new development which would not fit in with the spacious character of the surrounding area but would significantly detract from it. Although the existing rhododendron hedge along the frontage would be breached to form the additional access, this would not have a material effect on the contribution the wider rhododendron hedge makes to the character of the area. Finally, the proposed layout would result in development having an overbearing effect on the living conditions of the occupiers of that neighbouring property as it may not be screened in the long term by the existing high evergreen hedge screen along the boundary with Hazelbirch.
17. These adverse effects mean that the proposal would not accord with the provisions of the development plan that I have referred to above.
18. The negative effects have to be balanced with the positive aspects of development. The proposal would contribute to the district's housing supply, although only a net gain of one dwelling, and broaden the type of provision and there would be economic benefits particularly in the short term arising from the construction phase.
19. However, the adverse environmental effects would be significant and would mean that the proposal does not constitute sustainable development when the Framework is read as a whole. I conclude that the other considerations do not outweigh the conflict with the development plan.

Conclusions

20. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR

