



Appeal Decision

Site visit made on 12 September 2006

by **Jeffrey Cohen Dip TP MRTPI**

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

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Date: 18 October 2006

Appeal Ref: APP/L3625/A/06/2015369

Land adjacent to 86-100 Chilberton Drive, South Merstham, Redhill, Surrey, RH1 3HP.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr. A. Smith against the decision of Reigate and Banstead Borough Council.
- The application Ref: P/06/00116/OUT, dated 20 January 2006, was refused by notice dated 27 March 2006.
- The development proposed is the erection of 2 semi-detached and 1 detached 4Bed. houses together with access roadway and related parking.

Summary of Decision: The appeal is dismissed.

Main Issues

1. I consider that there are three main issues in this case:
 - whether the proposed development is appropriate in terms of its location within an area liable to a risk of contamination;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the supply of open land within urban areas.

Planning Policy

2. The development plan for the area includes the Surrey Structure Plan (SSP) adopted in December 2004 and the Reigate and Banstead Borough Local Plan (RBBLP) adopted in April 2005. Policy SE1 of the SSP requires planning authorities to avoid permitting development in areas in the vicinity of known sources of pollution. Policy SE4 requires development to contribute to improvements to the quality of urban areas while retaining features that contribute to a sense of place. Policy LO2, while emphasising the need to make the best use of urban land, also seeks to protect open space within the urban areas where it is important to local amenity.
3. Policy Ho9 of the RBBLP applies a number of criteria to proposals for residential development. These include provision of landscaping and incidental open space, retention of existing trees, promotion of local distinctiveness and the need to achieve a transition from the urban edge to the countryside beyond. Policy Ho13 seeks to ensure that new residential development maintains the character of the area and conforms to the surrounding development pattern, while policy Pc6 seeks to prevent the loss of open land within urban areas. However, I do not consider that policy Ho14, which refers to backland development, is directly relevant to this appeal.



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Reasons

4. The appeal site includes an access road, parking and vehicle turning areas serving a small enclave of houses towards the periphery of a housing estate. Apart from the areas of hard-surfacing, the site is undeveloped and consists of landscaped open grassed areas with trees and shrubs. The application was submitted to the Council in outline form with matters of design, external appearance and landscaping reserved for future consideration.

The risk of contamination

5. I have taken account of the previous use of the land and acknowledge that some contamination may be present which could be harmful to future occupiers of the proposed dwellings. I am also mindful of the requirements of *PPS23 "Planning and Pollution Control"* which requires developers to provide an appropriate assessment of ground conditions where contamination is suspected. While it is unclear whether contamination on neighbouring land extends to the appeal site itself, I consider that this issue could be addressed by attachment of an appropriate condition in the event that permission were granted. I therefore find no compelling reason to prevent the development on this particular ground and conclude on the first issue that no conflict would occur with policy SE1 of the SSP.

Character and appearance of the area

6. In principle, I consider that the site provides sufficient space to accommodate the construction of three houses. In this respect, the development would reflect the prevailing density of the estate without appearing cramped or affecting neighbours' living conditions. However, it is my view that the open nature of the site makes an informal but significant contribution to the local landscape and forms a transitional zone between the estate and adjoining open countryside. It provides important visual relief in the surrounding built-up area and helps to maintain the attractiveness of this part of the estate. Its loss would detract from the visual qualities of the area and I conclude on the second issue, therefore, that the development would fail to preserve the character and appearance of the area and would conflict with policies SE4 and LO2 of the SSP and policies Ho9, Ho13 and Pc6 of the RBBLP.

Effect on the supply of open land

7. At present, the appeal site offers scope for informal recreation, particularly for small children who would be within sight and easy supervision of the adjoining houses. To my mind, the land makes a small but significant contribution to local recreational needs and the development would result in the loss of this important facility. I find on the third issue, therefore, that the proposed development would prejudice the Council's aim of maintaining a supply of open land within urban areas and would conflict with policy LO2 of the SSP and policy Pc6 of the RBBLP.

Conclusions

8. While I find that the site offers sufficient space for three houses, I nevertheless conclude that the loss of the open space would result in the loss of an important local recreational facility and would detract from the character and appearance of the area. I note the appellant's attempts to overcome the reasons for refusal of a previously submitted scheme for four dwellings but this does not influence my view that the current proposals are

unacceptable. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

9. I dismiss the appeal.

Jeffrey Cohen

INSPECTOR