

 <b>Reigate &amp; Banstead</b> BOROUGH COUNCIL Banstead   Horley   Redhill   Reigate	<b>TO:</b>	PLANNING COMMITTEE
	<b>DATE:</b>	15 May 2019
	<b>REPORT OF:</b>	HEAD OF PLACES & PLANNING
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<b>AGENDA ITEM:</b>	11	<b>WARD:</b> Reigate

<b>APPLICATION NUMBER:</b>	18/02453/F	<b>VALID:</b>	<b>03/01/2019</b>
<b>APPLICANT:</b>	Elvington Lodge Resident Association	<b>AGENT:</b>	P M Ironwork Ltd
<b>LOCATION:</b>	<b>ELVINGTON LODGE, 40 REIGATE HILL, REIGATE</b>		
<b>DESCRIPTION:</b>	<b>Installation of frontage boundary railings and sliding entrance gate as per design drawings to a height of 1.200 Metres to match the existing railings of the neighbouring property. As amended on 11/02/2019 and on 02/04/2019.</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>			

**This application is referred to Committee in accordance with the Constitution as the agent for the application is a relation of a Reigate & Banstead Borough Council Officer.**

## **SUMMARY**

This is a full application for metal railings and a sliding gate along the front boundary of the Elvington Lodge at no.40 Reigate Hill.

The application property is a two storey 1960s building comprising six flats set in a modest plot with an in/out driveway to the front and garages to the rear. The site falls within the Somers Road Conservation Area and the surrounding area is characterised by attractive heritage buildings, and in this part of Reigate Hill, the buildings are well set-back from the main road. The appearance of the frontages varies but on the whole, the current character is fairly open with low to medium height hedging along the front boundaries. These attributes contribute to the parkway approach to Reigate.

The frontage of the application site comprises a broad grassed area with two mature Lawson Cypress Trees. The proposed railings would be positioned along the front boundary line and the manual sliding gate would be across the 'exit' opening of the driveway. The railings and gate would have a height of 1.2m. The 'entry' opening would remain open without a gate.

The Highway Authority have no objection to the scheme subject to a condition ensuring entry/exit signage.

The Conservation Officer has raised objection to the scheme because it would have an urbanising appearance; it would not be in-keeping with the typical hedge boundaries and therefore it would be harmful to the character and appearance of the Conservation Area and parkway approach to Reigate. The applicant has declined the planning department's suggestions for amending the scheme to achieve an acceptable solution.

Although there are railings to the north, these are screened by hedge planting which would be an acceptable option here but has been declined by the applicant. Without such landscaping the proposed railings would result in a harsh urban appearance, detrimental to the character of the area. Whilst it is acknowledged that a 1 metre fence or railings could potentially be achieved without requiring planning permission, this proposal would be more harmful given the additional height and this fallback is not considered to justify approval given this harm.

The Lawson Cypress Trees make a significant contribution to the character and amenity of the locality and are subject to the formal protection of the conservation area legislation. The proposed railings and sliding gate would be very close to the trunk of one of the trees in particular. The application is not supported by arboricultural information. The Tree Officer has therefore recommended that the absence of tree protection measures could warrant a further reason for refusal.

## **RECOMMENDATION(S)**

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

1. The proposed railings and sliding gate, would by virtue of their urbanising appearance, result in harm to the character and appearance of the Somers Road Conservation Area and the parkway approach to Reigate. In the absence of any additional soft landscaping to lessen the visual impact, and in absence of any other benefits to outweigh this harm, the proposal would therefore be contrary to policies Ho13 and Pc13 of The Borough Local Plan, the National Planning Policy Framework 2018 and Reigate and Banstead Local Distinctiveness Guide 2004.
2. The proposed development is adjacent to or would affect the protected Lawson Cypresses that make a significant contribution to the character and amenity of this locality. In the absence of an arboricultural impact assessment (AIA), arboricultural method statement (AMS) or tree protection plan (TPP) to show that tree retention, health and amenity could be maintained to an acceptable standard, the proposal is contrary to policies Pc4 and Pc12 of the Reigate and Banstead Borough Local Plan 2005, and the advice and recommendations set out in British Standard 5837: 2005 'Trees in Relation to Construction - Recommendations.'

## **Consultations:**

Conservation Officer: Objection, see comments in report below.

Tree Officer: Objection, see comments in report below.

The Reigate Society: No response.

Transport Development Planning: No objection subject to conditions.

## **Representations:**

Letters were sent to neighbouring properties on 10 January 2019. No representations have been received.

### **1.0 Site and Character Appraisal**

- 1.1 The application property is two storey building comprising six flats set in a modest plot with an in/out driveway to the front and garages to the rear. There are two large Lawson Cypress trees to the front which are quite dominant in the street scene on this section of Reigate Hill. The building dates from the 1960s and displays the architectural conventions of that era. The site is relatively flat.
- 1.2 The site falls within the Somers Road Conservation Area with mid Victorian houses and St Marks Church nearby. The surrounding area is characterised by its proximity to Reigate railway station and the mixture of land uses including residential, school, nursery, offices and local shopping.
- 1.3 All the buildings in this section of Reigate Hill are well set-back from the main road. The appearance of the frontages varies but on the whole, the current character is fairly open with low to medium height hedging along the front boundaries of a number of properties.

### **2.0 Added Value**

- 2.1 Improvements secured at the pre-application stage: The opportunity did not arise because the applicant did not approach the Local Planning Authority before submitting the application.
- 2.2 Improvements secured during the course of the application: The applicant was offered the opportunity to amend the scheme to align with the Conservation Officer's viewpoint - this opportunity was declined. The application drawings have been updated to correct the scale and to adopt the highways requirements for signage to advise drivers to enter and exit at the correct openings.
- 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

No recent planning or enforcement history

### 4.0 Proposal and Design Approach

4.1 The proposal is for metal railings along the front boundary; in front of the grassed area and in front of the two Lawson Cypress Trees. There would also be a manual sliding gate in a matching design across the 'exit' opening of the driveway. The railings and gate would have a height of 1.2m. The 'entry' opening would remain open without a gate.

4.2 The applicant has submitted a design and access statement. 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.

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

Assessment	No mention has been made of the location within the Conservation Area. The frontages of surrounding properties have been considered to some degree, namely the railings at the adjacent property.
Involvement	The applicant has not sought any advice from the planning department or Conservation Officer prior to submitting the application.
Evaluation	The design statement demonstrates that the existing access arrangements have been evaluated and the interaction with the trees has been considered (however the application is not supported by an arboricultural assessment).
Design	The gate is intended to prevent unauthorised vehicles driving in through one entrance and then straight out of the other entrance .i.e. preventing the driveway from being used for unauthorised vehicles to turn around.  The design is intended to be visually in-keeping with the railings at the adjacent property.  It is stated that the trees will not be disturbed by the works.

## 5.0 Policy Context

### 5.1 Designation

Urban Area  
Conservation Area

### 5.2 Reigate and Banstead Core Strategy

CS4 (Valued Townscapes and Historic Environment)

### 5.3 Reigate & Banstead Borough Local Plan 2005

Housing	Ho9, Ho13, Ho16
Protection of Existing Character	Pc4, Pc12, Pc13
Movement	Mo5

### 5.4 Other Material Considerations

National Planning Policy Framework

Supplementary Planning Guidance	Householder Extensions and Alterations 2004
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Other	Human Rights Act 1998
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## 6.0 Assessment

6.1 The application site is situated within the urban area where there is a presumption in favour of sustainable development.

6.2 The main issues to consider are:

- Design and effect on the character of the area
- Neighbour amenity
- Highways matters
- Impact upon trees

### Design and effect on the character of the area

6.3 Due to the location within the Conservation Area, the Conservation Officer has been consulted and has made the following comments:

*“The site is in the Conservation Area but also important in terms of the approach to Reigate. Reigate Hill is characterised by hedge boundaries, which contribute to the parkway approach to Reigate. Railings are not typical and I would wish to avoid these (the railings at Wellingtonia Place were not authorised, though are immune through the passage of time). I would recommend the railings are omitted. The sliding gates would need shrub planting in front of the same height as the gate, preferably laurel, holly, hawthorn or privet of the same height as the gates. (hornbeam would not be suitable as a non traditional hedge species in the area and obtrusive in terms of its hybrid marcescence, notwithstanding its use at Wellingtonia*

*Place). The dimensions don't seem quite, it seems 3.1metres from edge of the kerb is the width of the pavement rather than the depth back of the railings, which are indicated about a metre back from the pavement, which would on the same line as the trunk of one of the trees.*

*I would recommend refusal from a conservation viewpoint if the railings are retained, due to their urbanising appearance”*

- 6.4 It is clarified that the position of the railing would be at the back edge of the pavement which coincides with the land ownership boundary. The sliding gate would run behind the railing. In the absence of an arboricultural assessment and in the absence of dimensions on the site layout drawing, the exact distance from the railing/posts/gate to the trunks of the two trees is unknown.
- 6.5 It should be noted that the proposed railings and gate would be 1.2m in height. It is acknowledged that railings and gates with a height of no more than 1.0m could be installed without planning permission (under the provisions of Schedule 2, Part 2, Class A of the permitted development legislation). However, it is judged that the availability of permitted development rights is not a good reason for allowing a development that would materially harm the character and appearance of an area.
- 6.6 The Conservation Officer's concerns and the option to retain the sliding gate but with some shrub planting to partially disguise the gate were discussed with the applicant's agent. It has subsequently been communicated that the applicant would rather the scheme is not altered and that the recommendation for refusal be taken to committee.
- 6.7 Therefore, given the harsh, urbanising appearance that would result without an effective landscape screen, it is considered the proposed railings would be harmful to the character of the Reigate Town Centre Conservation Area and the parkway approach to Reigate. Thereby, the proposal conflicts with policies Ho13 and Pc13 of the Borough Local Plan 2005.

#### Neighbour Amenity

- 6.8 By virtue of their scale and position, the proposed railings and gate would have no discernible impact on the amenity of neighbouring properties and hence the scheme would comply with policy Ho9 of the Borough Local Plan 2005.

#### Highways Matters

- 6.9 The proposed site layout drawing has been updated during the course of the application to include signage as requested by the Highway Authority. The signage is designed to discourage vehicles from using the entry opening for both entry and exit. Please see the extract below from the Highway Authority's initial comments:

*“If a manual gate were to be installed at the southernmost site access vehicles may be encouraged to use the northernmost access for both entry and exit of the site. However, from the plans submitted it does not appear that this access is wide*

*enough to facilitate simultaneous entry and exit, as would be necessary for an access serving this number of dwellings on an 'A' class road."*

- 6.10 To address this issue, the site layout drawing shows the appropriately located 'entry', 'no exit', 'exit' and 'no entry' signs. The final comments from the Highway Authority are as follows:

*"The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who having assessed the application on safety, capacity and policy grounds, recommends the following conditions be imposed in any permission granted:*

*Conditions:*

*1) The railings hereby approved shall not be installed unless and until the 'entry/ no exit' and 'exit/ no entry' signs have been installed at the site in accordance with the approved plans. Thereafter the signs shall be permanently retained and maintained.*

*Reason:*

*The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.*

*Policy:*

*The above conditions are required in order to meet the objectives of the NPPF (2019), and to satisfy policy MO5 of the Reigate and Banstead Local Plan."*

- 6.11 In summary, with the above condition attached to the permission, the scheme would be considered acceptable from a highways viewpoint and hence comply with policy Mo5 of the Reigate and Banstead Borough Local Plan 2005.

### Impact upon Trees

- 6.12 The Tree officer has made the following comments:

*"... I am familiar with this application site and the trees located close to the front boundary and Reigate Hill. The application proposes the installation of railings and a sliding gate. I have not visited site on this occasion and have relied on the submitted information and your site photographs. I am also aware of the comments of the Conservation Officer.*

*The erection and installation of the railings and the gate would require works within the root protection areas of the Lawson cypress which by their location are subject to the formal protection of the conservation area legislation.*

*The application has not been supported by any qualified arboricultural information to demonstrate that the installation of the railings and gates can be achieved without damage and disturbance to the rooting environments of the Lawson cypress.*

*The installation would presumably require excavation for the support posts for the railings: these excavations would need to be undertaken by hand and the post hole lined with a suitable material to prevent the leeching of the chemicals which occur through the concrete curing process which are phytotoxic to roots. The mechanism for the sliding gate would also require some sort of flat rail to be installed requiring further excavation into the RPA which will be mainly located within the soft landscape areas, whilst some root function and presence would be expected*

*beneath the hard surfacing and the public footpath the amounts would be considerably less than if the trees were completely surrounded by soft landscaping. The conservation officer has suggested that hedge planting could be an alternative to the railings, however this would require ground preparation between trees and the back edge of footpath, disturbing the rooting environment of the existing trees, also the competition of the Lawson cypress would be likely to affect the establishment of plants within this location, there may also be hatching to support the back edge of the footpath which may further limit the available space for hedge planting.*

*British Standard 5837:2912 Trees in relation to design, demolition and construction does make provision for working within the root protection areas of trees and detailed assessment by a qualified arboricultural consultant would be likely to find a solution to the matters I have mentioned above and this information should have been provided to support this current application, in the absence of such qualified information a reason for refusal can be offered, but may be difficult to sustain at appeal. If you are minded to recommend consent I would suggest that a full TPP condition is imposed. I have attached the relevant condition and a RFR if required."*

- 6.13 It is clear from the Tree Officer's comments that it is considered the scheme would only be acceptable if an arboricultural assessment and protection plan can demonstrate there would be no harm to the trees. Therefore, in absence of this arboricultural information and in light of the substantive reason for refusal, it would an additional reason for refusal is warranted due to the potential for harm to the adjacent tree.
- 6.14 In summary; in the absence of arboricultural information to show that tree retention, health and amenity could be maintained to an acceptable standard, the proposal is contrary to policies Pc4 and Pc12 of the Reigate and Banstead Borough Local Plan 2005.

## **7.0 CONCLUSION**

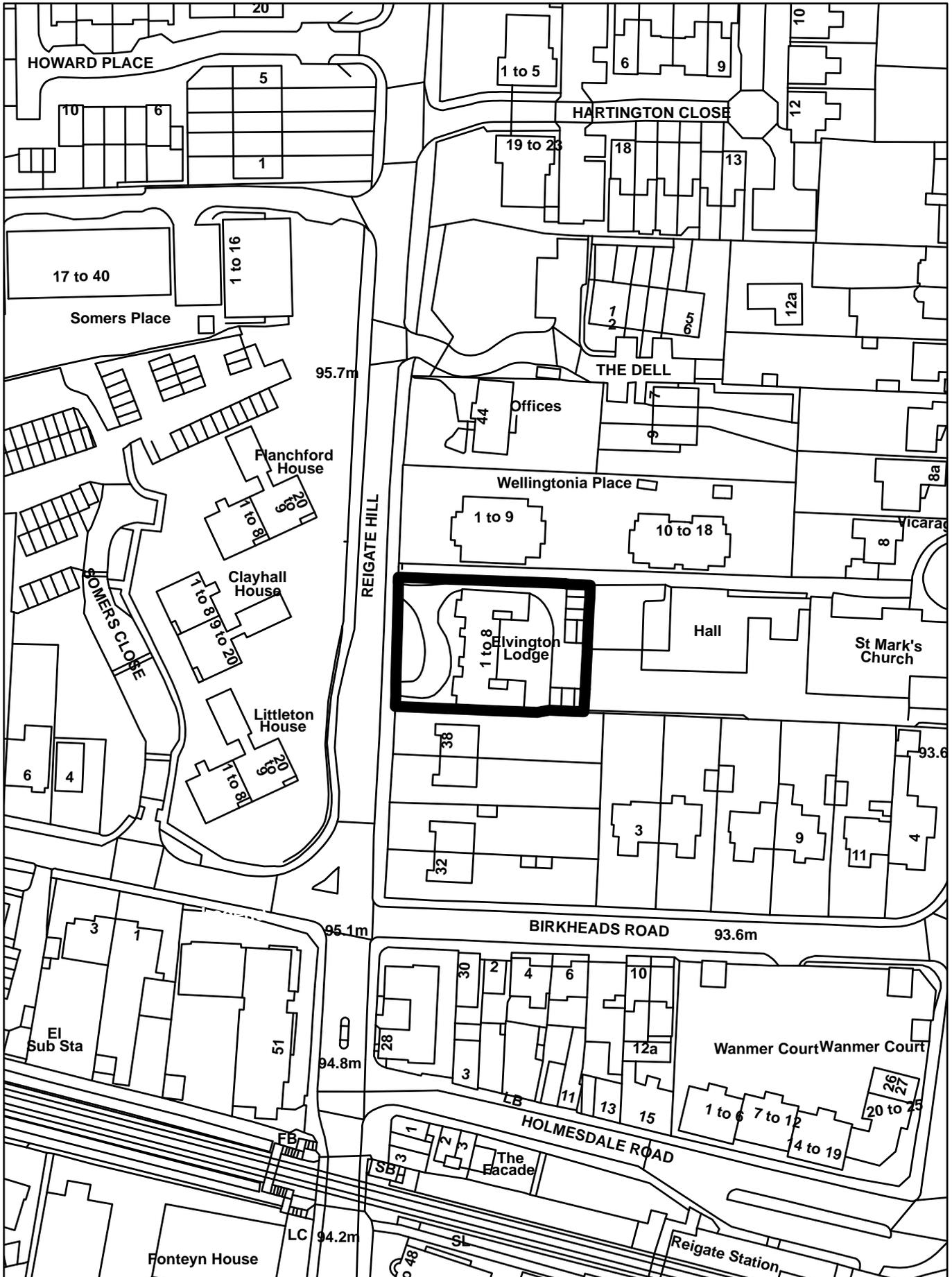
- 7.1 For the reasons set out above I consider that planning permission should be **REFUSED**.
1. The proposed railings and sliding gate, would by virtue of their urbanising appearance, result in harm to the character and appearance of the Somers Road Conservation Area and the parkway approach to Reigate. In the absence of any additional soft landscaping to lessen the visual impact, and in absence of any other benefits to outweigh this harm, the proposal would therefore be contrary to policies Ho13 and Pc13 of The Borough Local Plan, the National Planning Policy Framework 2018 and Reigate and Banstead Local Distinctiveness Guide 2004.
  2. The proposed development is adjacent to or would affect the protected Lawson Cypresses that make a significant contribution to the character and amenity of this locality. In the absence of an arboricultural impact assessment (AIA), arboricultural method statement (AMS) or tree protection plan (TPP) to show that tree retention, health and amenity could be maintained to an acceptable standard, the proposal is contrary to policies Pc4 and Pc12 of the Reigate and Banstead Borough Local Plan

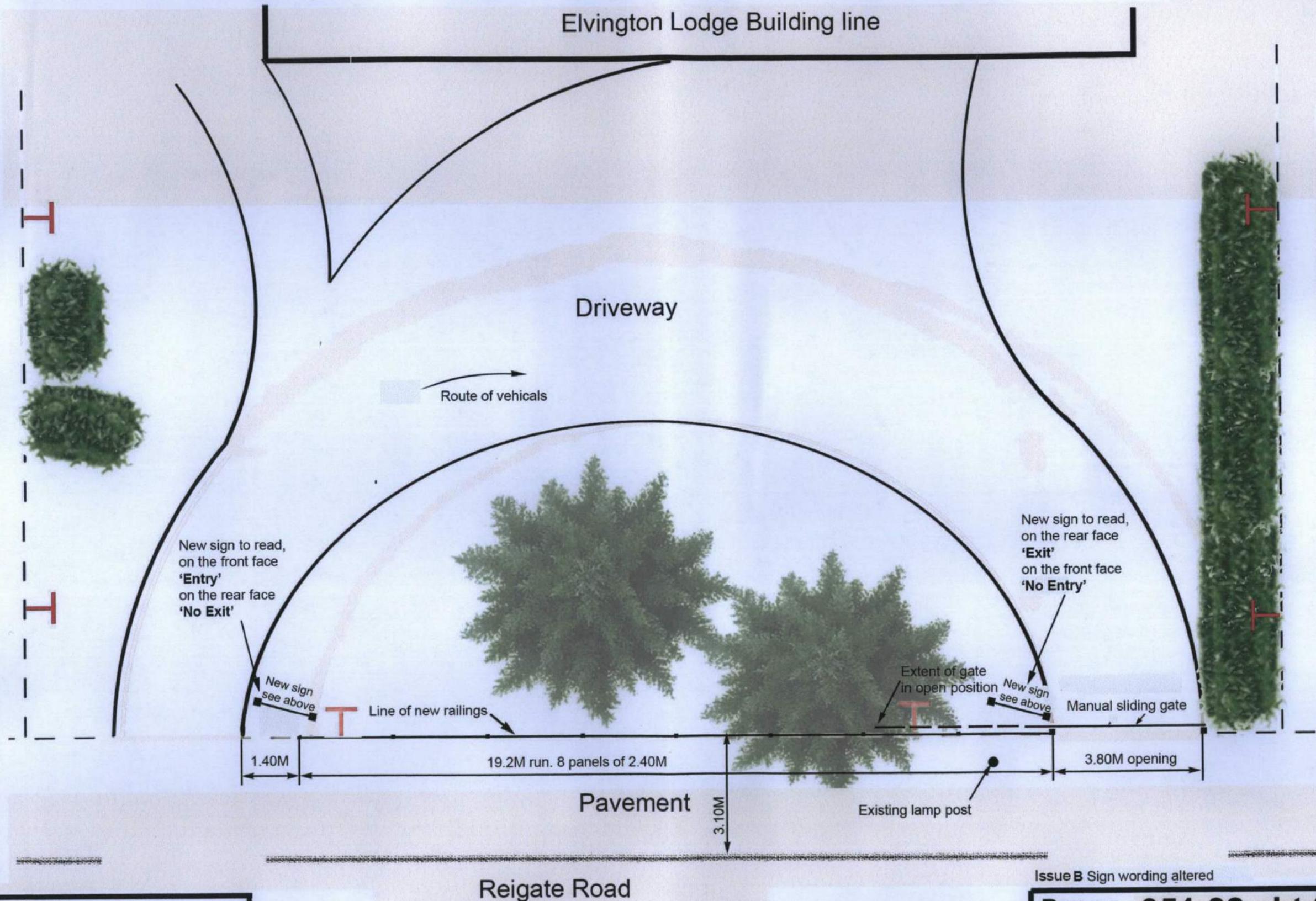
2005, and the advice and recommendations set out in British Standard 5837: 2005 'Trees in Relation to Construction - Recommendations.'

### **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.

# 18/02453/F - Elvington Lodge, 40 Reigate Hill, Reigate





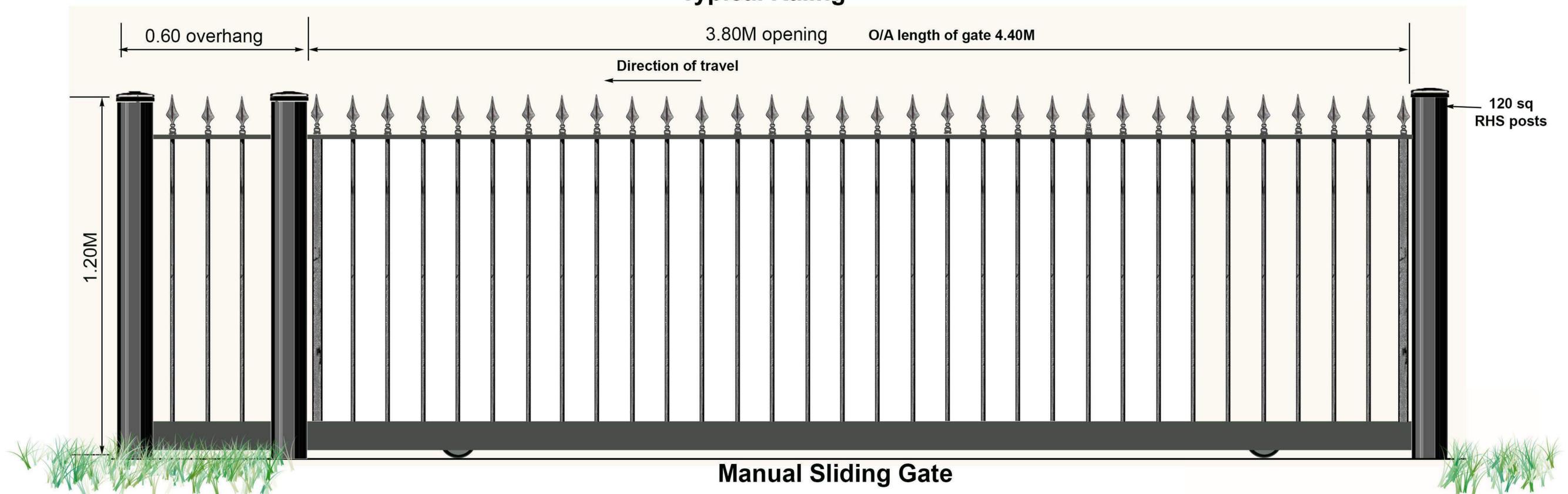
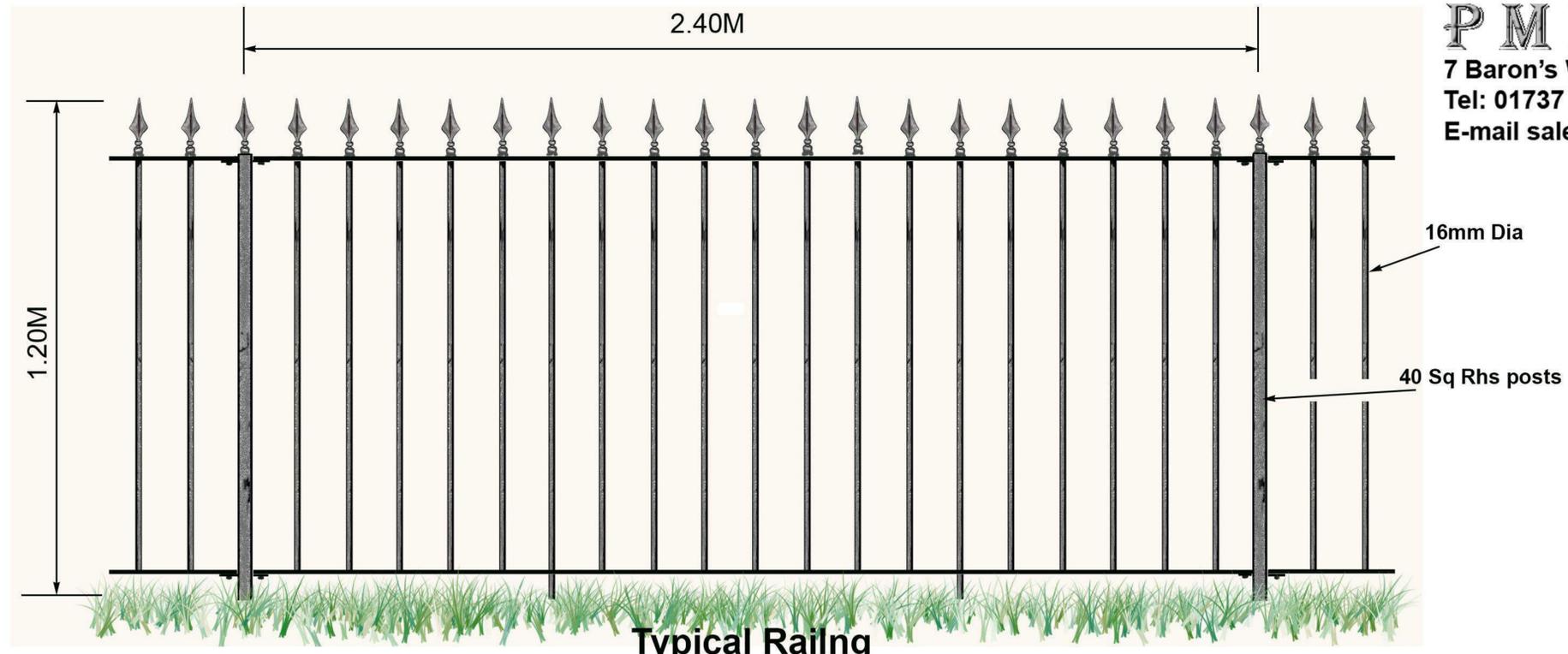
Issue B Sign wording altered

**Client:**  
 Elvington Lodge  
 Residents Assoc  
 40 Reigate Road. RH2 9NG.

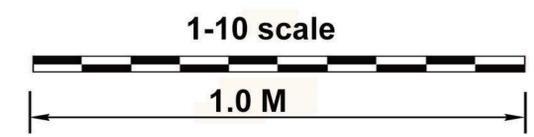


**Drg no 051-32 sht 2B**  
**Plan of proposed gates & railings**  
 Scale 1-100 22 Oct 2018  
 Drawn by DHB.

**P M IRONWORK**  
 7 Baron's Way, Reigate, Surrey, RH2 8EU.  
 Tel: 01737 226811. Mobile: 07956 662597  
 E-mail sales@pmironworks.co.uk



**Client**  
 Elvington Court Residents Assoc  
 40 Reigate Road  
 RH2 9NG



**Drng no 051-32 Sht 3**  
 Gate & Railing detail.  
 Scale 1-10. 22-10-2018  
 Drawn by DHB



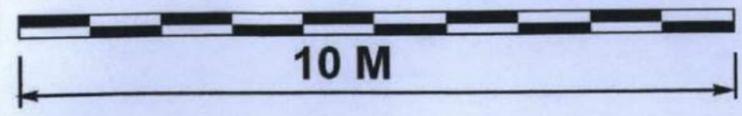
For sign details  
see sheet 2

Un-gated drive entrance

New frontage railings and Sliding gate , painted black.  
for details see sht 3

Issue A. Signs added. 8-2-2019

**Client:**  
Elvington Lodge  
Residents Assoc  
40 Reigate Road. RH2 9NG.



**Drg no 051-32 sht 4**  
Proposed Elevation  
Scale 1-100 22 Oct 2018  
Drawn by DHB.