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# Appeal Decision

Site visit made on 11 April 2022

**by Robin Buchanan BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 April 2022**

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**Appeal Ref: APP/L3625/W/21/3279453**

**Land adjoining 56 - 58 Brighton Road, Hooley, Surrey CR5 3EE**

- 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 Locations Management Ltd against the decision of Reigate and Banstead Borough Council.
  - The application Ref 21/00756/F, dated 23 March 2021, was refused by notice dated 21 June 2021.
  - The development proposed is a two storey building, retail on the ground floor and office at first floor.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are whether the proposed development would make satisfactory provision for parking, and its effect on the character and appearance of the area.

## Reasons

### *Parking provision*

3. The proposal is for a small ground floor shop unit (Use Class A1<sup>1</sup>) and a small first floor office for financial or professional services (Use Class A2). It would be located at the end of a short parade of buildings, in mixed retail, commercial and residential use, facing a lay-by on one side of the A23 Brighton Road.
4. While it would be a relatively small-scale development, both uses would nonetheless employ staff and receive customers/clients. The Council's relevant car parking standard for the proposed floor areas is 2 spaces per use, so 4 spaces would be required in total. It is possible that some staff or customers/clients could walk or cycle to the proposed development but the parking standard already takes into account the relatively low accessibility level of the site, including by bus services (one route in this case). Both uses would, therefore, depend to a significant degree on access by car. No car parking spaces would be provided on the appeal site.
5. I counted that the lay-by has useable capacity for about 22 cars. These spaces are subject to parking and waiting restrictions including 1 hour between 0700 and 1900 Monday to Saturday and no return within 2 hours. There is conflicting evidence about how many spaces are typically in use. Albeit a snap-shot, in a

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<sup>1</sup> The Town and Country Planning (Use Classes) Order 1987 (as amended)

30 minute period I saw a car depart leaving 5 available spaces in total. Despite the restrictions, it is therefore possible that some customers/clients might be able to park in the lay-by during the normal working day with sufficient waiting time. These spaces already exist and their use by cars generated by the proposal would not itself be innately any more hazardous than use by other cars.

6. However, the proposal would nevertheless increase the intensity of parking activity and vehicle manoeuvring in the lay-by and next to Brighton Road, including cars slowing down to search for a space. While at this point subject to a 40mph speed limit, this busy main road is part of the strategic road network and narrows from two lanes to single lane width. The proposal would, therefore, add to congestion on this road and have an adverse effect on the free flow of traffic.
7. Notwithstanding the above, limited parking availability in the lay-by would increase the likelihood of customers/clients having to park elsewhere. Furthermore, due to the waiting restrictions, the lay-by would not be suitable for staff parking for either proposed use, even part-time workers, who would also have to park elsewhere (except Sundays or outside of the restricted times), although staff parking in the lay-by at any time would reduce the availability of this parking to customers/clients. In addition, the operation of either proposed use before 0700 or after 1900 Monday to Saturday, or anytime on Sunday, would be at a time of potential parking in the lay-by by local residents. These circumstances would be unacceptable for the same reasons explained above.
8. At the date of my site visit the lower part of Star Lane was being re-surfaced so it is not clear if there is on-street parking in this road, though other nearby residential roads have unrestricted on-street parking. I saw that these spaces are well used. Albeit small in number, the displacement of cars that could not park in the lay-by onto these roads would nevertheless be inconvenient to local residents and increase the pressure and competition for on-street parking space to the detriment of their living conditions and residential amenity. This would also apply to Star Lane.
9. Taking all of the above into account, I find that the proposal would not make satisfactory provision for staff or customer/client parking. It would therefore be contrary to Policy TAP1 of the Council's Development Management Plan 2019 (DMP). This policy includes that development should not unnecessarily impede the free flow of traffic, materially exacerbate traffic congestion on the highway, increase the risk of accidents or endanger the safety of road users. Where there would be unacceptable harm, it requires parking to be provided in accordance with the Council's adopted standards and to avoid unacceptable levels of on-street parking demand in existing streets.

#### *Character and appearance*

10. The row of buildings in the parade have up to three floors and (excluding a petrol station at one end) are between two and two and a half storeys in scale and massing. They are relatively closely spaced and occupy most of their plot widths behind the back edge of the pavement. They are similar in overall external design, including pitched roofs with decorative timber framing and render in forward facing roof gables and at first floor level.

11. The proposed building would span across most of its plot and be positioned against the back edge of the pavement, in these respects replicating the other buildings in the row. The design would also largely follow the style of the adjacent buildings. Moreover, the two floors would be within a building of appreciably less scale and massing. Although the appeal site lacks the depth of the other plots in the row, this would not be overly apparent in most public views from Brighton Road, nor in elevated public views from St Margarets Road to the rear due to the significant step down in levels and limited gaps between intervening built form. While it would make full use of the site, for these reasons, it would not be an overdevelopment or appear unduly cramped, nor would it have any negative visual or spatial effect on the significance of the row of terraced houses on the opposite side of Brighton Road which are locally listed buildings (non-designated heritage assets).
12. In terms of its visual impact, I find that the proposal would not cause harm to the character or appearance of the area. As a result it would comply with Policy CS1 of the Council's Core Strategy 2014 and DMP Policy DES1. These policies include that development should improve the environmental conditions of the area, reinforce local distinctiveness and respect the character of the surrounding area and visual appearance of the immediate street scene having regard to layout, plot sizes, siting, scale, massing, height, roofscapes, relationship to neighbouring buildings and important views.

### **Other Matters**

#### *Highway safety during construction works.*

13. With the appeal the appellant submitted a draft construction management plan. The Council has not addressed this in its appeal statement. The appeal site is limited in area and constrained by an adjoining building, sloping land and at the front by the proximity of the pavement. However, in its officer report the Council would normally anticipate resolving this matter by a planning condition. Moreover, its reason for refusal in this regard was due to the absence of any details at application stage and comments to that effect by Highways England. There is no evidence that it would not be possible to agree appropriate arrangements for the delivery and storage of construction materials without unduly obstructing the pavement. However, in light of my findings in the main issues above, this matter is not a determining factor in my decision.

#### *Other interested party comments*

14. The effect of the development on a private view is not relevant to my decision. Whether there is an identified need for it is also not relevant in this appeal because the Council's development plan policies support the proposed uses in principle. There is no objective evidence that satisfactory arrangements for refuse storage and drainage could not be made. Some trees have been removed from the site but these were not protected. There is no evidence that any important trees or wildlife habitat would be adversely affected. The site is not in a Conservation Area or in the Green Belt and there are no statutory listed buildings nearby.
15. Whether a subsequent planning application for residential use on the appeal site might be submitted is not relevant to my decision. A land ownership or covenant dispute would be a private matter between the respective parties. Any incomplete previously approved development on the adjoining site would

be a matter for the Council. I have considered the proposal and this appeal on its individual planning merits.

### **Planning Balance**

16. In terms of benefits, the shop and office uses would provide employment (including during construction works) and enhance the range of local facilities and services. The proposal would also make an effective and efficient use of this vacant land for a mixed use scheme and be well-designed. In these respects the proposal would be aligned with objectives of the National Planning Policy Framework (Framework) for economic growth and the provision of retail and office uses to meet people's needs. Considering the small-scale nature of the proposal, the economic, social and environmental benefits associated with building and occupying the development would be limited. I therefore give modest weight to these considerations in support of the proposal.
17. Having regard to the siting and design of the building, the position and design of windows and doors, and to the nature of the proposed uses, there would be no unacceptable adverse effect on the living conditions of existing occupiers of adjoining buildings with regard to outlook, natural light, privacy, noise or disturbance. In these respects, the absence of harm and compliance with the Council's development plan and the Framework are neutral factors in my decision.
18. However, the proposal would not make satisfactory provision for car parking. This would be at odds with aims of the Framework that parking should be integral to the design of schemes and which seek to manage patterns of growth so as to avoid unacceptable impact on highway safety and mitigate significant impacts on the transport network in terms of capacity and congestion. Accordingly, I give substantial weight to this consideration.
19. Consequently, the adverse impacts of the proposed development would outweigh the benefits.

### **Conclusion**

20. The proposal would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
21. Therefore, for the reasons given above I conclude that the appeal should not succeed.

*Robin Buchanan*

INSPECTOR