



Appeal Decision

Site visit made on 3 September 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Appeal Ref: APP/L3625/W/25/3361534

181-183 Great Tattenhams, Epsom Downs, KT18 5RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Turnbull Land against the decision of Reigate & Banstead Borough Council.
 - The application Ref is 24/00862/F.
 - The development proposed is demolition of existing buildings and construction of 7 x dwellings (6 x 3 bedroom and 1 x 4 bedroom) with associated access & parking.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings and construction of 7 x dwellings (6 x 3 bedroom and 1 x 4 bedroom) with associated access & parking at 181-183 Great Tattenhams, Epsom Downs KT18 5RA in accordance with the terms of the application, Ref: 24/00862/F, subject to the conditions set out in the schedule at the end of this decision letter.

Preliminary Matters

2. The application was amended to reduce the number of proposed units from 8 to 7 with additional information submitted to address amongst other matters, technical, environmental and tree related issues. My decision is based on the plans and information which were considered and determined by the Council.
3. There are references to the Appellant as both Turnbull Land and Caldwell Land but as the decision notice and appeal submissions are in the name of Turnbull Land, I have used that name in the decision.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the local area.

Reasons

5. The appeal site comprises two large, vacant dwellings, Nos 181 and 183, with a long rear extension to No 183, which have been in use as an HMO. It is situated on the south-west side of Great Tattenhams (B2221). Access to the site is via a service road running parallel to the main highway, leading to an open frontage, including hardstandings. This service road also serves the properties to the north-west of the site as well as to the south-east. The appeal site is irregularly shaped with an access road at the north-western end of the site between No 185 and Nos

187-189 Great Tattenhams and leading to the rear of the site. The detached dwelling at No 185 lies outside of the appeal site.

6. Tattenham Corner, which I understand is a designated local centre, comprises primarily 3 storey terraces of different designs, with retail and service uses at ground floor and residential above. It lies to the north-west of the appeal site, beyond further residential uses. There is predominantly residential uses to the south-east of the appeal site fronting Great Tattenhams and also to the rear, fronting Tattenham Grove. There is a variety of design styles in the immediate local area.
7. The proposal would redevelop the entire site for a total of 7 residential dwellings, 6 of which would have 3 bedrooms and 1 with 4 bedrooms. There would be 2 detached residential buildings fronting Great Tattenhams, each in the form of a semi-detached pair of dwellings with access from the front with parking, and gardens to the rear. The dwellings to the rear would be accessed off the existing access road between No 185 and Nos 187-189 Great Tattenhams, which would lead to a parking area with one pair of semi-detached properties and a detached dwelling, each with private amenity space to the rear.
8. Each property would be two storeys with accommodation in the roof space. The properties would be traditionally designed with a palette of materials primarily comprising brick with some render together with roof tiles.
9. The proposed properties fronting Great Tattenhams would be two pairs of semi-detached dwellings but they have been designed with a non-symmetrical frontage to give the appearance of two large detached properties. They would be traditional in appearance and would in terms of scale and massing as well as appearance, sit comfortably in relation to the pattern of development to the south-east. The spacing between the two buildings and to the adjoining buildings would respect the mixed pattern of development in the local area. The front of the houses would be primarily used for car parking but there would be some scope for planting and a number of the houses in the immediate surrounding area, have mainly open hardstandings to the front. Although not made clear on the refusal notice, the Council has elaborated in its appeal statement that, taken in isolation, there would be no objection to the four units facing onto Great Tattenhams.
10. The siting of the rear three dwellings, comprising a semi-detached pair and a detached dwelling would introduce development to the rear of the frontage properties. To the south-east and south of the appeal site, the predominant pattern of development comprises individual dwellings fronting their respective roads with generous rear gardens. However, the appeal site is part of a transitional area in character and appearance, being sited between the more densely developed area comprising the local centre to north-west and tighter forms of residential development with smaller gardens compared with the more established and spacious residential areas further to the south-east and south. In that regard there is a clear transition between plot sizes and spacing moving south-east away from Tattenham Corner.
11. The reason for refusal raises a number of specific points, each of which I have considered in turn and together. In terms of the roof forms, each of the properties would have an element of crown roof but such roof forms, as the Council acknowledges, are found in the local area. Furthermore, the extent of crown roof on

the proposed Plots 5-7 would be very modest in depth and would be seen in the immediate vicinity as mainly hipped roofs. The difference in height between the front properties and those behind would be minimal. As a result of the design approach and the height I do not consider that the roof forms and the overall properties would appear overly bulky and out of proportion in relation to surrounding properties. Given the very small difference in overall heights between the units at the front and at the rear, as well as the siting of the rear units in relation to surrounding development, I do not agree with the Council's contention that the rear units would therefore be more dominant in the site and wider street scene.

12. In terms of spacing, I am satisfied that Plots 1-4 would sit appropriately in the street scene, in terms of spacing to adjoining properties. Whilst I acknowledge that the spacing between Plots 5 – 6 and Plot 7 would be modest, there would be a generous spacing on either side to the side boundaries of the appeal site. I consider that this would not detract from the overall pattern of development in the local area, given the differing patterns of development to the north-west compared with to the south-east and south of the site.
13. Each property would be provided with its own private amenity space. Whilst the rear gardens would be smaller than those serving many of the houses further to the south-east and to the south, there is a much more varied pattern of development further to the north-west with much smaller plots and more limited space around buildings.
14. The Council has provided a comparison of densities between the proposed development and those further to the south and to the south-east as an additional reason to contend that the proposal would be an overdevelopment of the site. However, and for the reasons set out above, I consider that the proposed development has to be considered in the context of the surrounding development, including to the north-west and not solely to the south and south-east.
15. Taking all these matters into account, both individually and together, I consider that the scheme proposals would make efficient use of this site to provide 7 new dwellings which would respect the character and appearance of the local area. In reaching this view, I have taken into account the mixed character of the local area which becomes more spacious and verdant moving south and south-east away from the local centre and the immediate surrounding development. The proposal would result in a more intensive use of the proposed site, particularly in accommodating the properties to the rear compared with the more spacious character to the south-east and to the south. However, for the reasons already set out I consider that there is a mixed character and appearance to the local area, extending from the more intensive and mixed use development around Tattenham Corner through to the more spacious predominantly residential development to the south-east and south of the appeal site. I am therefore satisfied that the proposed development would respect the mixed character and appearance of the local area, forming an appropriate transition in scale and form between the more densely developed area to the north-west and more spacious area to the south-east and south.
16. I am therefore satisfied that the proposed development would respect the character and appearance of the local area. There would be no conflict with Policies DES1 and DES2 of the Reigate and Banstead Development Management Plan and the National Planning Policy Framework and in particular Section 12, all of which

amongst other matters, seek a high quality of design which respects the local context.

Other Considerations

17. Local residents have raised a number of matters, which I have taken into account in my consideration of this appeal, some of which I have addressed above.
18. Although some of the surrounding residents would be aware of the proposed development, from rear facing windows and rear gardens, I consider that the separation distances between the proposed houses and the surrounding houses would ensure that there would be no material overlooking and loss of privacy or effect on light or loss of outlook. The loss of a view is not a planning matter and therefore is not an issue I can take into account. Conditions would also be imposed regarding boundary treatments and possible future roof extensions to Plots 5-7 to further protect the amenities of surrounding residents. Taking into account the siting of most of the parking spaces to serve Plots 5-7 and the number of spaces proposed to the rear, I do not consider that there would be an unacceptable impact on the living conditions of the neighbours at No 185 Great Tattenhams as a result of noise and disturbance. The requirement for boundary treatments to be submitted and approved would further address the relationship between this existing property and the new development.
19. A further condition would also be imposed to require a construction management statement to protect the living conditions of surrounding residents during the construction phase. The Council also did not raise these issues as a reason for refusal.
20. The proposed development would use the existing service road and access road leading off Great Tattenhams. Given the scale of the proposed development and the current use of the existing access point, I do not consider that there would be any highway or pedestrian safety concerns with the proposal. This was not a reason for refusal by the Council.
21. I am only able to deal with the proposal before me rather than any alternative suggestions proposed. Issues raised in respect of covenants would need to be addressed separately.

Conditions

22. The Council has proposed a number of conditions in the event that planning permission is granted which the Appellant has indicated are acceptable. I shall list the approved plans for the avoidance of doubt and in the interests of good planning. Further details are required in respect of materials, boundary treatments and hard and soft landscaping, as well as finished levels to secure a scheme which respects the character and appearance of the local area as well as to protect the living conditions of surrounding residents.
23. Although plans and reports have been submitted in respect of refuse collection and tree protection, further details are required to ensure a scheme that respects the character and appearance of the local area. The submitted drainage scheme requires to be implemented to ensure that there is no increase in flood risk on or off site.

24. Conditions are required to ensure that the access and parking arrangements accord with the approved plans in the interests of highway and pedestrian safety. However, there is insufficient information before me to persuade me that further conditions are required and justified regarding the provision of tactile paving at the entrance to the service road off Great Tattenhams. I also do not consider that a condition is required to provide information to residents about local public transport provision given the scale of the scheme and the proximity of the scheme to the local centre, with bus and train provision.
25. Further details are required in respect of charging points for vehicles and e-bikes, as well as the storage of cycles and e-bikes, infrastructure for high speed broadband connections and water efficiency to ensure the scheme meets national and local objectives for sustainable forms of transport and efficient use of resources.
26. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless, first, a Biodiversity Gain Plan has been submitted to the planning authority, and the planning authority has then approved the plan. I shall include a requirement for a Habitat Management and Monitoring Plan (the HMMP) to be prepared and approved in accordance with the Biodiversity Gain Plan to provide enhancements to the biodiversity of the site and in addition and for other ecological mitigation measures to be delivered to ensure that potential impact to protected species is adequately mitigated.
27. In the particular circumstances of this case, I shall remove the permitted development rights for roof extensions or roof enlargements for Plots 5, 6 and 7 to protect the amenities of surrounding residents, with particular regard to overlooking and loss of privacy. A construction management statement is also required to protect the living conditions of the neighbours of surrounding properties during the course of construction.
28. For clarification, a condition should be imposed to specify the plots (2 and 3) which should meet the Building Regulations requirements for ‘accessible and adaptable dwellings (Part M4(2)).
29. The conditions to be imposed include pre-commencement conditions. The Appellant has already confirmed acceptance of the conditions as proposed by the Council. I have not introduced further conditions, albeit slightly modified the wording of some of the Council’s suggested conditions. I do not therefore consider it necessary to seek again the Appellant’s agreement to the imposition of the proposed pre-commencement conditions.

Conclusion

30. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 23032-S201A; 23032-S202A; E4-09-05; E4-09-06; E4-09-07; E4-09-08; E4-09-10; 5187-20; 23032/ C301; 23032/ C302; 23032 P301; 23032 P302; 23032 P303; 23032 P305; 23032 P306; 23032 P307; 23032 P310; 23032 P311; 23032 P312; 23032 P313.
- 3) No development, other than demolition and site clearance, shall take place until details of the finalised proposed ground levels and the proposed finished ground floor levels of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
- 4) No development, including demolition and site clearance, shall commence until a Construction Management Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of:
 - a) Prediction of potential impacts with regard to water, waste, noise and vibration, dust, emissions and odours. Where potential impacts are identified, mitigation measures should be identified to address these impacts.
 - b) Information about the measures that will be used to protect privacy and the amenity of surrounding sensitive uses; including provision of appropriate boundary protection.
 - c) Means of communication and liaison with neighbouring residents and businesses.
 - d) Hours of work.The development shall be undertaken in accordance with the approved CMS.
- 5) Prior to the commencement of the development hereby permitted, a Habitat Management and Monitoring Plan prepared in accordance with the approved Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning Authority. The habitat management and maintenance plan shall include:
 - a. Details of on-site habitat creation / enhancements to be included in the development hereby permitted.
 - b. Details of how the on-site habitats on site shall be managed.
 - c. Details and schedule of monitoring of habitats on the site including how and when monitoring will take place and how and when management proposals shall be reviewed.
 - d. Any changes to the management of the habitat to achieve the habitats or wider outcomes.The HMMP shall be implemented as agreed for a minimum period of 30 years.

- 6) No development shall commence including demolition, site clearance and or groundworks preparation until a detailed, scaled finalised Tree Protection Plan (TPP) and the related finalised Arboricultural Method Statement (AMS) has been 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, type of surfacing for the entrance drive and location of site offices. 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 accordance with the approved details.

- 7) No development above slab level shall commence on site until a scheme for the soft and hard landscaping and replacement tree planting of the site has been submitted and approved in writing by the Local Planning Authority.

The landscaping scheme shall include details of hard landscaping, external lighting, 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 programme.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to first occupation of the development hereby permitted or in accordance with the programme agreed in writing with the Local Planning Authority.

All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837. Trees in relation to construction. 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, and shrubs of the same size and species.

- 8) No development shall take place above slab level until written details of the elements listed below have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and all boundary treatment shall be completed before the first occupation of the development hereby permitted and thereafter retained.

a. materials to be used in the construction of the external surfaces of the buildings, including walls, fenestration and roofing materials.

b. the finalised positions, design, materials and type of boundary treatment to be erected, including provisions for wildlife access where practical and feasible.

- 9) The development hereby permitted shall be carried out in accordance with the sustainable urban drainage system and details set out within the Flood Risk Assessment and Suds Report Prepared by Nimbus Engineering Consultants Ltd dated September 2024 under Ref: C3070-R1-REV-B.

Prior to the first occupation of the development hereby permitted, a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing by the Local Planning Authority. This verification report must demonstrate that the drainage system has been constructed as per the agreed scheme. The drainage system shall thereafter be retained and maintained in accordance with the agreed details.

- 10) Notwithstanding the approved plans, prior to the first occupation of the development hereby permitted details in relation to refuse, including details of bin storage for each dwelling and a bin presentation point at the front of the site, adjacent to the service road, shall be submitted to and agreed in writing by the Local Planning Authority. The bin presentation point and refuse storage for each dwelling shall be constructed and made ready for use in accordance with the approved details prior to the first occupation of the development.
- 11) The development hereby permitted 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 and turning areas shall be retained and maintained for their designated purposes.
- 12) Notwithstanding the approved plans the development hereby permitted shall not be first occupied unless and until facilities for the secure, lit and covered parking of bicycles and the provision of a charging point with timer for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
- 13) The development hereby permitted shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.
- 14) The development hereby permitted shall not be first occupied unless and until a Water Efficiency Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how the development will ensure that the potential water consumption by occupants of each new dwelling does not exceed 110 litres per person per day.

The development shall be carried out in accordance with the approved details and any measures specific to an individual dwelling(s) shall be implemented, installed and operational prior to its first occupation.

- 15) All dwellings within the development hereby permitted shall be provided with the necessary infrastructure to facilitate connection to a high speed broadband. Unless otherwise agreed in writing with the Local Planning Authority, this shall include as a minimum:
 - a) A broadband connection accessed directly from the nearest exchange or cabinet

b) Cabling and associated installations which enable easy access for future repair, replacement or upgrading.

- 16) The development shall be carried out in accordance with the mitigation measures set out within the Preliminary Ecological Appraisal dated August 2023 and Bat Report dated July 2023 by the Ecology Partnership.

No development above ground level shall commence until a scheme to provide compensation measures for bats and nesting birds, informed by the submitted preliminary ecology appraisal and bat report, has been submitted to and approved in writing by the Local Planning Authority. This should be designed alongside the soft landscaping/biodiversity net gain proposals for the site. The compensation measures approved shall be carried out before first occupation of this development and retained maintained in accordance with these details.

- 17) 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 or roof enlargements permitted by Classes AA or B of Part 1 of Schedule 2 of the 2015 Order (as amended) shall be constructed on Plots 5, 6 or 7 without the prior approval of the Local Planning Authority.
- 18) The development shall be implemented so that plots 2 and 3 meet the Building Regulations requirements for 'accessible and adaptable dwellings' (Part M4(2)) prior to their first occupation.

End of Schedule