

Planning Appeals Update

Ward	(All Wards)
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Report prepared by Justin Turvey (Planning Development & Enforcement Manager).

The Planning Service has received the following recent planning appeal decisions which relate to non-householder developments.

Summary of Appeal Decisions:

Item 1	Site Address	Planning Reference	Description of Development	Decision and Costs
1	9 Cudas Close, Epsom	21/00076/FUL	Erection of one 3-bedroom detached house including associated external works and parking	Dismissed
		21/00518/OUT	Erection of two 2-bedroom semi-detached houses including associated external works and parking	Dismissed
2	45 Upper High Street, Epsom	21/00555/ADV	Application for advertisement consent - '5200mm x 750mm fascia sign'.	Allowed
3	29 & 31 Waterloo Road, Epsom	21/00903/OUT	Erection of 2 x 3 bedroom flats, 4 x 2 bedroom flats and 2 x 1 bedroom flats and associated external works following demolition of the existing building (landscaping reserved)	Allowed
4	Garages rear of 52 Curtis Road, Epsom	20/01883/FUL	Erection of 4 x two-bedroom flats and 2 x one bedroom flats.	Dismissed
5	Garages 1-19, Ebbisham Road, Epsom	20/01882/FUL	Erection of 4 x two-bedroom dwellings	Allowed

Summary of Issues:

1. 9 Cudas Close, Epsom

Two appeals were submitted relating to proposals for 1 house (Full permission) and 2 houses (Outline permission). The Inspector considered that the two appeals were similar in nature and considered them together in a single decision notice. In both appeals, the Inspector believed that the main issues were i) backland character ii) impact upon the amenity space and privacy of the original dwelling iii) impact upon character and appearance of the area and iv) impact upon adjoining dwellings.

Planning Committee

16 June 2022

In relation to the backland nature of the development, the Inspector found that given the position of the site at the end of a cul-de-sac, and that the developments would continue the linear nature of housing along the street, both schemes would only be in minor conflict with the aims of the Council's policy in respect of backland development and gave this limited negative weight.

Considering the impact upon the amenity of the host dwelling, the Inspector found that both schemes would leave the property with adequate amenity space and would not be unacceptable in terms of privacy.

However, the Inspector considered that in both schemes, the overall scale of development and its contrasting appearance, they would not sit comfortably within the plot and would be harmful to the character and appearance of the area.

The Inspector did consider the impact of the schemes on the amenity of neighbouring properties, but found there to be no harm. Representations from local residents in respect of parking, noise and disturbance, construction issues and tree impact were all considered by the Inspector, who felt there was either no harm, or that any harm could be adequately controlled through conditions were the schemes allowed.

2. 45 Upper High Street, Epsom

The main issue was the effect of the advertisement (signage above the shopfront) on visual amenity. The Inspector found that the advertisement was typical of the area and would not be harmful to the character or appearance of the Conservation Area. The appeal was therefore allowed.

3. 29 & 31 Waterloo Road, Epsom

The main issues were i) the effect of the development upon the character and appearance of the area and ii) living conditions of future occupiers of the development.

In relation to character and appearance, the Inspector considered that there was a mix of styles and sizes of property within the area and that a larger building would be appropriate for this corner plot. He felt that it would enhance the area, rather than be out of keeping as the Council had argued.

In relation to private amenity space, the Inspector felt that the shortfall was justified given the constraints of the site, its edge of town centre location and the proximity of local parks and play space. The Inspector did feel that the poor outlook for one of the units counted against the scheme, but that overall this was a minor negative impact which prospective occupants would be aware of if they intended to purchase the unit. Taking into account the presumption in favour of sustainable development, the Inspector considered that the adverse impacts of the scheme did not outweigh its benefits and it should therefore be approved.

4. Garages rear of 52 Curtis Road, Epsom

The main issues were i) the suitability of the development on the site ii) the housing mix and iii) impact on trees.

The Inspector found that the site was appropriate for residential development in principle; however, the incongruous design, orientation of the building, lack of space around the building and neighbour impact meant that the scheme was not appropriate for the site. In relation to mix and overall number of units, the Inspector considered that the proposal represented an overdevelopment of the site.

Information was submitted by the appellant in relation to trees during the appeal. As the Inspector found the proposal unacceptable on other grounds, he did not consider it necessary to delay the decision to await technical evidence from the Council but noted that the proposed layout of the scheme would result in pressure from future occupants to undertake works to nearby trees that would result in harm.

5. Garages 1-19, Ebbisham Road, Epsom

The Inspector considered that the main issue was the impact of the scheme on highway safety through free flow of traffic and adequate access to the site.

The Inspector considered that it was unlikely a refuse vehicle would enter the site and although the collection distance from the highway for refuse vehicles was in excess of 'Manual for Streets' guidance, this was by a marginal amount and residents could bring their refuse closer to the collection point if necessary. The Inspector did not consider that a refuse vehicle stopping to collect in either arrangement would be unacceptable in terms of the free flow of traffic. The Inspector considered that although the parking and turning area within the site was tight, it could be accessed by small delivery vehicles. Taking into account the presumption in favour of sustainable development, the Inspector considered that the small impact on the free flow of traffic and convenience of road users would not outweigh the benefits of the scheme. The appeal was therefore allowed.

Planning Committee
16 June 2022

Summary of Pending Appeals:

Site Address	Appeal/LPA Reference	Description of Development	Grounds	Status
22-24 Dorking Road, Epsom, Surrey, KT18 7LX	Appeal Ref: 3264154 LPA Ref: 19/01365/FUL	Demolition of existing houses and erection of a part two, part three storey building with rooms in the roof and basement providing 20 flats. Basement parking for cars and cycles. Bins stores and associated hard and soft landscaping including new boundary walls and railings. (Amended scheme received 6 May 2020)	Committee Refusal	Received: 02.12.2020 Valid 29.07.2021 Started: 29.07.2021
Swilcan, 11B Richmond Crescent, Epsom Surrey, KT19 8JA	Appeal Ref: 3279955 LPA Ref: 21/00067/FLH	Single storey front extension with pitched roof forming new front door entrance.	Delegated Refusal	Received: 29.07.2021
6 The Grove, Epsom, Surrey, KT17 4DQ	Appeal Ref: 3279703 LPA Ref: 20/01855/FUL	Erection of 7 x two bedrooms flats and 2 x three bedrooms flats and associated external works following demolition of the existing building.	Delegated Refusal	Received: 26.07.2021
Garages 1-6, Westmorland Close, Epsom,	Appeal Ref: 3279685 LPA Ref: 20/01758/FUL	Erection of two storey building to create 2 x two bedroom flats.	Non-determination	Received: 26.07.2021
Garages 8-11, Westmorland Close, Epsom	Appeal Ref: 3279684 LPA Ref: 20/01759/FUL	Erection of two storey building to create 2 x two bedroom flats.	Non-determination	Received: 26.07.2021
Garages 1-7, Somerset Close, Epsom, Surrey	Appeal Ref: 3279683 LPA Ref: 20/01760/FUL	Erection of two storey building to create 2 x two bedroom flats.	Non-determination	Received: 26.07.2021
Milroys, 1 Corner House Parade, Epsom Road, Ewell, Surrey, KT17 1NX	Appeal Ref: 3271131 LPA Ref: 20/01538/FUL	Proposed extension to side of shop (over existing timber decked seating area).	Delegated Refusal	Received: 16.03.2021 Started: 15.09.2021
7 Chase End Epsom, Surrey KT19 8TN	Appeal Ref: 3272651 LPA Ref: 20/01874/REM	Removal of Condition 7 (Removal of Permitted Development Rights (Schedule 2, Part 1, Classes A, B, C, D and E)) of Planning Permission 20/00728/OUT (Erection of 1 x 2 bedroom and 2 x 3 bedroom semi-detached houses including new access, associated external works and parking, following demolition of No. 7 Chase End).	Delegated Refusal	Received: 07.04.2021 Started: 14.09.2021
Langley Bottom Farm, Langley Vale Road Epsom	Appeal Ref: 21/00044 LPA Ref: 20/00475/FUL	Demolition of the existing buildings on the site and construction of twenty residential dwellings, of which eight (40%) would be affordable together with associated access, landscaping and parking. (Amended site location plan received 06.08.2020)	Committee Refusal	Started 12.08.2021 Hearing Date: 06.07.2022

Planning Committee
16 June 2022

36, 38 & 40 Rowden Road West Ewell	Appeal Ref: 21/00037 LPA Ref: 19/01617/FUL	Demolition of Nos 36, 38 & 40 Rowden Road, and garage block at Crane Court; and the erection of 12no new dwellings (including 8no 1 bedroom flats, 2no 2 bedroom flats, and 2no 3 bedroom houses); including associated landscaping, access and parking	Committee Refusal	Started 13.08.2021
Land Adjoining Glebe Cottage North Looe Reigate Road Ewell	Appeal Ref: 21/00052 LPA Ref: 21/00635/PDCOU	Change of use of Agricultural Buildings to Residential (Use Class C3)	Delegated Refusal	Started 03.11.2021
324 Kingston Road Ewell	Appeal Ref: 21/00055 LPA Ref: 21/00146/FUL	Demolition of existing dwelling and garage and erection of a two-storey building (with loft accommodation) comprising 7 flat units and associated parking	Non-determination	Started 07.12.2021
Land At Rear Of 89 And 91 Park Avenue East Stoneleigh	Appeal Ref: 21/00015 LPA Ref: 21/01428/FUL	Demolition of the existing pool house at 89 and detached bungalow at 91, and the erection of four houses (comprising 4 no four bedroom detached chalet bungalows) with associated access and parking.	Non-determination	Started 11.02.2022
Land At 336 To 368 Kingston Road	Appeal Ref: 22/00002 LPA Ref: 21/01647/FUL	Erection of a 1 no. two bedroom end of terrace dwellinghouse with undercroft access to land at the rear.	Non-determination	Started 23.02.2022
107-111 East Street, Epsom	Appeal Ref: 21/00046 LPA Ref: 20/00797/FUL	Demolition of the existing buildings and erection of part 3 storey, part 4 storey building comprising 23 residential flats (8 x 1 bedroom, 11 x 2 bedroom and 4 x 3 bedroom) with associated car and cycle parking and refuse storage	Committee Refusal	Started 20.09.2021
107-111 East Street, Epsom	Appeal Ref: 22/00016 LPA Ref: 21/01708/FUL	Demolition of the existing buildings and erection of part 3 storey, part 4 storey building comprising 21 residential flats with associated car and cycle parking and refuse storage.	Committee Refusal	Lodged 24.05.2022
Epsom General Hospital Dorking Road Epsom	Appeal Ref: 22/00053 LPA Ref: 20/00249/FUL	Erection of a multi storey car park comprising ground plus 5 storeys and 527 car parking spaces, reconfiguration of surface parking to provide 104 car parking spaces and improvement to the access road from Dorking Road.	Committee Refusal	Lodged 26.11.2021
140 - 142 Ruxley Lane West Ewell	Appeal Ref: 22/00013 LPA Ref: 20/01406/FUL	Demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping.	Non-determination	Started 04.05.2022