

Planning Appeals Report

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

The Planning Service has received the following 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	10A East Street, Epsom	21/01616/FUL	Conversion of ground floor to 1 no. one bedroom flat.	DISMISSED
2	324 Kingston Road, Ewell	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	DISMISSED Costs claim Dismissed
3	107 - 111 East Street, Epsom	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	DISMISSED
4	107 - 111 East Street	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.	DISMISSED
5	North Looe, Reigate Road, Ewell	21/00635/PDC OU	change of use of agricultural buildings to residential (Use Class C3)	DISMISSED

Summary of Issues:

1. 10A East Street, Epsom

The main considerations related to the living conditions of future occupiers and parking provision.

In relation to living conditions, the Inspector agreed with the Council that the proposed lightwell serving the bedroom would be unacceptable as the only window serving the room and therefore that the application had not demonstrated that it could provide adequate daylight and sunlight to the room. In addition, as it was unopenable, it would not allow adequate ventilation to the room. The Inspector also found that the lightwell to the rear would be significantly enclosed by surrounding buildings and would not allow adequate daylight and sunlight.

In relation to parking, the Inspector found that as the site is located within a very accessible location, where development using alternative means of transport should be encouraged, the addition of a single unit would be unlikely to harm highway safety and local amenity.

2. 324 Kingston Road, Ewell

The appeal was made on the basis of non-determination. The main issues were the effect of the proposed development on the character and appearance of the area, living conditions for future occupiers of the development, living conditions of neighbouring properties, and parking.

In relation to living conditions, the Inspector found that the development would cause an unacceptable degree of overlooking to neighbouring properties, resulting in loss of privacy. The Inspector found that in terms of amenity of occupiers, the development would afford adequate indoor and outdoor space.

In relation to character, the Inspector found that, as viewed from the street, the building would be comparable to other properties and that it would be reasonably set in from the boundaries, and therefore that it would not be harmful in terms of character.

In relation to parking, the Inspector considered that the site was well served by public transport and, given its accessibility, the shortfall in parking spaces against standards was acceptable in this instance.

A costs claim was made against the Council on the basis that the Council had not determined the application in time. However, given that the Council would have refused the planning application, an appeal would have been submitted whether or not the Council determined the application in time. The Inspector also noted that the Council had also been involved in dialogue with the applicant during the course of the application. The costs claim was therefore dismissed.

3 & 4. 107 - 111 East Street, Epsom

For both the 23-unit scheme and the 21-unit scheme the Inspector considered that the main issues were parking, highway safety, character and appearance of the surrounding area and the provision of affordable housing.

In both appeals the Inspector acknowledged the sustainable location of the site, but felt that the shortfall of parking proposed would lead to increased car parking issues in the vicinity of the site.

In relation to safety, the Inspector found that the rear access route was well used by pedestrians, and, given the resulting intensification of use in this access and its narrow width, both schemes were likely to increase the potential for conflict between pedestrians and vehicles. The Inspector considered that the covered walkway proposed under the 21-unit scheme would also be unacceptable in terms of pedestrian safety.

Although the Inspector noted that there were taller buildings in the wider area, he found that the more immediate context was of smaller scale residential buildings and as such, given the height and bulk of the building in both schemes, that they would be incongruous compared to the neighbouring dwellings. The Inspector felt that this was exacerbated by the prominent location of site and its visibility from a number of vantage points.

In relation to affordable housing, the Inspector concluded that the s106 Agreements submitted under the appeals would have provided appropriate levels of affordable housing had the appeals been allowed.

5. North Looe, Reigate Road, Ewell

'Permitted development' rights exist to permit the change of use of a building and any land within its curtilage from use as an agricultural building to a dwellinghouse, subject to certain criteria assessed through the submission of an application for prior approval.

The application had been refused by the Council on that basis that the proposal failed to meet one of the permitted development requirements (that the site is in an agricultural use). Assessing the evidence submitted by the appellant, the Inspector agreed with the Council that the agricultural use had not been demonstrated and therefore the appeal was dismissed as the proposal did not qualify as permitted development.

Summary of Pending Appeals:

Site Address	Appeal/LPA Reference	Description of Development	Grounds	Status
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
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 Hearing 02.11.2022
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
Chessington Road West Ewell	Appeal Ref: 22/00007/REF LPA Ref: 21/01557/T56	15m phase 8 monopole c/w wraparound cabinet at base and associated ancillary works	Delegated refusal	Started 22.03.22
Upper High Street Epsom	Appeal Ref: 22/00014/REF LPA Ref: 22/00052/T56	17m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets	Delegated refusal	Started 13.05.22
The Stoneleigh Inn Stoneleigh Broadway	Appeal Ref: 22/00023/REF & 22/00024/REF LPA Ref: 21/00790/FUL & 21/00791/LBA	Upgrade of an existing base station consisting of the proposed removal of 3 no existing antennas to be replaced with proposed 2no antennas on new steelwork fixed to chimney brickwork, together with the replacement of 3 no cabinets and ancillary development.	Delegated refusal	Started 27.06.22
Land Adjacent To Hollycroft Epsom Road Ewell	Appeal Ref: 21/01167/FUL LPA Ref: 21/01167/FUL	Erection of a two-storey detached dwelling with associated soft landscaping	Delegated refusal	Started 17.06.22
Clayhill Lodge West Hill Epsom	Appeal Ref: 22/00021/REF LPA Ref: 21/00167/FUL	Demolition of existing single storey outbuilding and erection of five terraced houses and integrated cycle store. Associated landscaping works.	Committee refusal	Started 21.06.22
289 London Road Ewell	Appeal Ref: 22/00030/REF LPA Ref: 22/00966/FUL	Erection of 3-bedroom detached dwelling following the demolition of existing garage (amended scheme)	Delegated refusal	Started 21.09.2022
81 College Road Epsom	Appeal Ref: 22/00032/REF LPA Ref: 22/01028/FUL	Erection of a 3-bed, detached 1 1/2 storey family dwelling with landscaping and other associated works	Delegated refusal	Started 27.10.2022