

23/00079/FUL Penecroft, 19 Downs Avenue, Epsom, Surrey, KT18 5HQ

Ward:	College Ward;
Site:	Penecroft 19 Downs Avenue Epsom Surrey KT18 5HQ
Application for:	Erection of a two storey dwelling following demolition of existing bungalow
Contact Officer:	Gemma Paterson

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication and will not be updated.

Link: [Penecroft](#)

2 Summary

- 2.1 **The application is recommended for APPROVAL subject to appropriate planning conditions and informatives as laid out in the report.**
- 2.2 This application was called in to the Planning Committee by a Ward Member on 15 March 2023 in accordance with Epsom and Ewell Borough Council's Scheme of Delegation.
- 2.3 The application seeks planning permission for the demolition of the existing single storey bungalow and the erection of a two storey dwelling.

- 2.4 The proposal would result in less than substantial harm to designated and non-designated heritage assets. Where a development will lead to less than substantial harm to the significance of a designated heritage, this harm is weighted against the public benefits of the proposal. In this case the public benefits arising from the proposal have been weighed against the less than substantial harm to the heritage assets (giving great weight to the preservation of the heritage asset) and been found to outweigh that harm.
- 2.5 Although the proposal would result in the loss of an existing tree from the site, this tree does not contribute to the amenity of the area and will be replaced by a new tree planted within the site, of a suitable species and at suitable distance from the proposed development.
- 2.6 The proposal would provide good quality living accommodation by exceeding national and local policies for internal and external private amenity areas.
- 2.7 The proposal would meet the Council's Parking Standards on site and would not result in the displacement of vehicles into the surrounding highway network.
- 2.8 The architectural design of the development is considered to respond sympathetically to the site's surroundings.
- 2.9 It has been satisfactorily demonstrated that, subject to recommended conditions in the event that permission is granted, a development of this scale could be provided on the site without having a significantly detrimental harmful impact on neighbouring residential amenity.
- 2.10 The proposal would accord with the Council's policies in relation to ecology, flood risk and sustainable measures.
- 2.11 Overall, there are no adverse effects of the proposed development that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

3 Site description

Application Site

- 3.1 The site comprises a residential plot, with the topography sloping down to the east, resulting in a 4.0 metre levels difference between the far eastern rear boundary to the western boundary within the main highway.

- 3.2 The plot contains a single storey bungalow with a detached garage. The boundary treatment surrounding the site comprises 1.8 metres high close board fencing and 2.0 metre high boundary wall.

Surroundings

- 3.3 The built form surrounding the site is diverse, but comprises mainly large, detached family homes. Downs Avenue benefits from open and green frontages, providing a verdant character to the area.
- 3.4 The site is located within the built up area and the Burgh Heath Road Conservation Area. The frontage of the site lies within a Critical Drainage Area.

4 Proposal

- 4.1 The proposed development involves the demolition of the existing single storey bungalow, measuring 14.6 metres in width, 13.6 metres in depth, with an overall height of 5.3 metres and the erection of a two storey, five bedroom dwelling with integral garage, measuring 18 metres in width (5.0 metres of which is the integral garage), 15.0 metres in depth, with an overall height of 8.0 metres.
- 4.2 The design of the proposed development would be fairly traditional, with a gable roof and front protruding gable element. The proposed materials include hanging tiling to the first floor gable end, antique brick, clay tiles and oak styled windows and doors.
- 4.3 The proposed development would provide 3 no vehicle parking spaces within the site.

5 Comments from third parties

- 5.1 The application was advertised by means of a site notice displayed from 08.03.2023 and a press notice, and letters of notification were sent to 8 neighbouring properties. Two letters of objection had been received and the issues raised are summarised as follows:

- The proposal is out of keeping with the Burgh Heath Road Conservation Area
- The proposal is too large for the plot
- No plans to provide sufficient parking for a house designed for six people
- Parking and turning issues during construction phase that would obstruct emergency vehicles on Downs Avenue.
- Loss of a view to Millwood

- Loss of privacy to Millwood and 17 Downs Avenue
- Loss of light and overshadowing to 17 Downs Avenue
- No acoustics report for proposed heating pump

5.2 The comments material to the planning merits of this proposal (character, neighbour amenity, parking) are addressed within the contents of this report.

6 Consultations

6.1 **Council's Tree Officer:** No objection

6.2 **Conservation Officer:** Assigns less than significant harm to the designated heritage assets from the proposed development

7 Relevant Planning History

7.1 None

8 Planning Policy

National Planning Policy Framework 2021

Chapter 2	Achieving Sustainable Development
Chapter 9	Promoting sustainable transport
Chapter 12	Achieving Well-Designed Places
Chapter 15	Conserving and Enhancing the Natural Environment
Chapter 16	Conserving and enhancing the historic environment

Core Strategy 2007

Policy CS1	General Policy
Policy CS3	Biodiversity and Designated Nature Conservation Areas
Policy CS5	The Built Environment
Policy CS6	Sustainability in New Development

Development Management Policies 2015

Policy DM4	Biodiversity and New Development
Policy DM5	Trees and Landscape
Policy DM9	Townscape Character/Distinctiveness
Policy DM8	Heritage Assets
Policy DM10	Design for New Developments
Policy DM12	Housing Standards
Policy DM19	Development and Flood Risk

Policy DM35 Transport and New Development
Policy DM37 Parking Standards

Other Material Documents

Planning Practice Guidance 2021
Technical Housing Standards – Nationally Described Space Standards 2015
Parking Standards for Residential Development SPD 2015
Surrey County Council Vehicular and Cycle Parking Guidance 2021
Burgh Heath Conservation Area Character Appraisal and Management Proposals
2009The Epsom and Ewell Borough Council Householder Applications SPG 2004

9 Planning Considerations

9.1 The main planning considerations material to the determination of this application are:

- Presumption in Favour of Sustainable Development
- Principle of Development
- Impact on Heritage Assets
- Trees and Landscaping
- Quality of Accommodation
- Proposed Amenity Space
- Design and Visual Impact
- Impact upon Neighbouring Residential Amenity
- Highways, Parking and Cycle Parking
- Refuse and Recycling Facilities
- Planning Balance

10 Presumption in Favour of Sustainable Development

10.1 The National Planning Policy Framework 2021 (NPPF 2021) sets out the Government's planning policies for England and how they should be applied. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.

10.2 Paragraph 12 of the NPPF 2021 stipulates that development proposals which accord with an up-to-date development plan should be approved and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted.

10.3 Policy CS7 of the Core Strategy 2007 is considered out of date under the terms of the NPPF 2021. The South East Plan was revoked in 2012, with housing requirements then to be determined by local need.

- 10.4 As such, paragraph 11d of the NPPF 2021 is engaged via Footnote 8 for planning applications involving the provision of housing where Local Planning Authorities cannot demonstrate a five year supply of deliverable housing sites. The practical application and consequence of this is that, unless the site is located in an area or affects an asset of particular importance that provides a clear reason for refusal, then permission must be granted, unless it can be demonstrated that any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF 2021 as a whole.
- 10.5 The site is located within a built up area and although the proposal requires the application of policies in the NPPF2021 that protect assets of particular importance, in this case designated heritage assets, following the tests of paragraph 202 of the NPPF, there are no policies within the Framework which provide a clear reason for refusal. The proposal therefore falls to be considered within paragraph 11 d (ii) of the NPPF 2021 and when considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.

11 Principle of Development

- 11.1 Paragraph 122 of the NPPF 2021 states that planning policies and decisions should support development that makes sufficient use of land taking into account: (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change.
- 11.2 The proposal would result in the retention of a residential unit within a sustainable location. The replacement of the existing dwelling is therefore acceptable in principle, subject to the below other material planning considerations.

12 Impact on Heritage Asset

- 12.1 Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 impose a statutory duty upon local planning authorities to consider the impact of proposals upon Conservation Areas.
- 12.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications within a Conservation Area, Local Planning Authorities must 'pay special attention to the desirability of preserving or enhancing the character or appearance of that area'.

- 12.3 Additionally, the NPPF 2021 attaches great importance to the conservation and enhancement of the historic environment. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 12.4 Paragraph 200 of the NPPF 2021 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional
- 12.5 Paragraph 201 of the NPPF 2021 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 12.6 Paragraph 202 of the NPPF 2021 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 12.7 The application of the statutory duties within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF 2021 means that when harm is identified, whether that be less than substantial or substantial harm, it must be given considerable importance and great weight.
- 12.8 Policy DM8 of the Development Management Policies Document 2015, set outs the Council's intention to resist the loss of our Heritage Assets and take every opportunity to conserve and enhance them. It states that development proposals that involve or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will be taken into account (namely whether it is a designated Heritage Asset or a non-designated Heritage Asset) when determining whether the impact of any proposed development is acceptable.
- 12.9 The site is located within Burgh Heath Road Conservation Area. The significance of this heritage asset lies in the survival of the historic alleyways, the use of Surrey Vernacular Revival or Arts and Crafts details and the spacious plots, mature trees, areas of woodland, and former chalk pits.
- 12.10 The Conservation Officer is of the opinion that the existing building does not contribute anything to the character and appearance of the local area.
- 12.11 The Council's Conservation Officer has recognised that the site lies next to a modern house and towards the end of Downs Avenue where the properties are not as characteristic, or of age, as the predominant built form.
- 12.12 The Conservation Officer has not raised any objection to the overall scale and form of the building, although some recommendations were made in respect of materials, which have since been incorporated by the proposed design as minor amendments. As the proposal would have a greater presence within the street scene, this would be causing less than substantial harm to the significance of the Conservation Area.
- 12.13 As less than substantial harm to the significance of designated heritage asset has been identified, in accordance with paragraph 202 of the NPPF 2021, this harm must be weighed against any public benefits of the proposal. Great weight should be given to the asset's conservation irrespective of the scale of harm identified.
- 12.14 Furthermore, in accordance with paragraph 207 of the NPPF 2021, the loss of the existing unlisted, non-designated heritage asset should be treated under paragraph 202 of the NPPF 2021.

12.15 The NPPF 2021 identifies that public benefits could be anything that delivers economic, social or environmental progress, as described in paragraph 8. The NPPG 2021 further states that public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits (020 Reference ID: 18a-020-2019072).

12.16 The public benefits of the proposed development are considered to be:

- Increase in choice and types of homes
- The generation of employment during the construction phase of the proposed development.
- A more energy efficient scheme
- Biodiversity enhancements as conditioned.

12.17 Officers have carefully weighed the public benefits of the proposed development against the less than substantial harm caused to the designated heritage assets and the buildings that make a positive contribution in a Conservation Area. Whilst great weight has been attributed to the conservation of the identified heritage asset, it is considered that the public benefits of the scheme would be sufficient to outweigh the less than substantial harm caused by the proposed development on the significance of these identified assets.

13 Trees and Landscaping

13.1 Paragraph 131 of the NPPF 2021 notes the important contribution that trees make to the character and quality of urban environments, as well as helping to mitigate climate change. Planning decisions should take opportunities to incorporate trees elsewhere in development, that appropriate measures are in place to secure the long term maintenance of newly planted trees and that existing trees are retained wherever possible.

13.2 Policy DM5 of the Development Management Policies Document 2015 sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by [inter alia]:

- continuing to maintain trees in streets and public open spaces and selectively removing, where absolutely necessary, and replacing and replanting trees; and

- requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature trees and other planting.
- 13.3 The proposal would result in the removal of a conifer tree from the front curtilage of the site. The Council's Tree Officer has reviewed the details submitted in support of this application and raises no objection to the loss of this tree. It is noted that this particular tree does not contribute to the verdant amenity of the area.
- 13.4 The details supporting this application identify that a replacement tree would be planted on the site in a similar position to that removed, albeit at a suitable distance from the proposed development. In order to ensure that the replacement tree is of a suitable species and is planted in a location that would allow it to grow and thrive in the future, it is reasonable to secure a landscaping condition prior to the commencement of development, in the event permission is granted. Subject to such a condition, Officers are satisfied that the proposal accords with paragraph 131 of the NPPF 2021 and Policy DM5 of the Development Management Policies Document 2015.

14 Quality of Accommodation/ Proposed Amenity Space

- 14.1 Paragraph 130 of the NPPF 2021 states that planning decision should ensure that developments (inter alia) create places that are accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 14.2 Policy DM12 of the Development Management Policies Document 2015 states that all new housing developments including conversions, are required to comply with external and internal space standards and must provide appropriate external private and/or communal amenity space to meet the needs generated by the development.
- 14.3 Paragraph 3.36 of the supporting text for Policy DM12 of the Development Management Policies Document 2015 states that to provide adequate private amenity space, a minimum of outdoor space of 70m² shall be provided for 3 or more bedrooms, and a minimum depth of 10 metres will be sought.
- 14.4 The Nationally Described Space Standards 2015 sets out internal space standards for new dwellings at a defined level of occupancy. It further states that in order to provide two bed spaces, a double (or twin bedroom) must have a floor area of at least 11.5m².

- 14.5 A two storey, five bedroom property accommodation up to 8 people would be expected to provide 128m² of floor area to meet the Technical Housing Standards. The proposed dwelling would have a floor area of 374m². All bedrooms would meet the standards for double/twin bedrooms and provide sufficient storage to meet the standards.
- 14.6 The replacement dwelling would therefore exceed the technical housing standards. Furthermore, all internal primary accommodation would be served by unrestricted windows, allowing for light and air to enter and circulate the rooms they serve.
- 14.7 The proposed development would be served by private amenity space that would significantly exceed the requirements of Policy DM12 of the Development Management Policies Document 2015. It is therefore considered that the proposed units and would therefore provide sufficiently good, private amenity space to future occupiers of the development, in compliance with policy
- 14.8 Officers are satisfied that the proposed dwelling would have an acceptable level of internal and external amenity, complying with Policy DM12 of the Development Management Policies Document 2015 and the Nationally Described Space Standards 2015.

15 Design and Visual Impact

- 15.1 The NPPF 2021 attaches great importance to the design of the built environment. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 15.2 Paragraph 130 of the NPPF 2021 states [inter alia] that developments should function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history.
- 15.3 Paragraph 3.7.5 of the Core Strategy 2007 sets out that new development should enhance and complement local character and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm, and which positively contributes to the townscape.

- 15.4 Policy DM9 of the Development Management Policies Document 2015 states the Council supports development that would make a positive contribution to the Borough's visual character and appearance.
- 15.5 Policy DM10 of the Development Management Policies Document 2015 states [inter alia] that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to the following:
- Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 15.6 The Burgh Heath Road Conservation Area Character Appraisal and Management Proposals 2009 identifies Downs Avenue as having a sylvan character that contains mainly high quality late 19th or early 20th century detached houses of Surrey Vernacular Revival or Arts and Crafts styles and details, set in large plots. The area is quiet, as a result of it being a no through route and the planting is tall, to provide privacy to the houses from the street.
- 15.7 Downs Avenue is a private residential no through route, comprising of a main spine road with three spur roads leading to three culs-de-sac. Although Downs Avenue does have an established building line, it is not uniform and is sporadically encroached by built form. Nevertheless, the built form is orientated towards and set back from the main highway, to provide front curtilage parking.
- 15.8 Plots sizes are generous and there are significant spacious gaps between the built form. Whilst there is diversity in house design, the style is very much traditional Surrey Vernacular Revival or Arts and Crafts, with hipped roofs, gable features, prominent chimneys and use of traditional materials.
- 15.9 The proposal would result in the loss of the character and appearance of the existing building. However, it is acknowledged that the existing single storey dwelling is not of any great architectural merit that warrants its retention and therefore there is no objection to its loss.

- 15.10 The existing dwelling is clearly modest in scale and of a simple design in comparison to the surrounding dwellings, which are larger and complex. Therefore, the principle of a larger dwelling on this plot is considered to be acceptable.
- 15.11 Although the proposed replacement dwelling would extend the width of the built form within the plot, it would sit comfortably, retaining space between the adjacent built form to prevent a cramped appearance. Whilst it would extend further forward within the plot than the existing dwelling, it would not further erode or adversely interrupt the established building line.
- 15.12 Whilst the overall height of the proposed development would exceed that of the existing dwelling, it would be of a height consistent with the ridge heights of the surrounding two storey neighbouring properties and the predominant two storey form of development in Downs Avenue.
- 15.13 Whilst the proposed development appears to be more Edwardian eclectic inspired than the predominant Arts and Crafts of the locale, it is noted that there are examples of architectural diversity from the predominant character in the immediate vicinity of the site, an example of which being neighbouring property 17 Downs Avenue, a modern infill development which has since been extended to the side and rear and finished with contemporary slate grey/timber cladding. The height and massing of the proposed development would not be dissimilar to the neighbour development and whilst the design may also be diverse, it would sit comfortably within the surrounding context of built form.
- 15.14 High quality materials are key to the proposed development fully integrating within the established character and appearance of the area, and the proposed development seeks to utilise red brick and clay tiles.
- 15.15 Should permission be granted, Officers would recommend a condition to seek samples of the proposed material prior to the commencement of development. This would ensure that the materials proposed harmonise successfully with surrounding development and environment.
- 15.16 In light of the above, it is considered that the proposal would accord with Policy CS5 Core Strategy 2007, Policies DM9 and DM10 of the Development Management Policies Document 2015 and the Council's Character Appraisal and Management Proposals 2010.

16 Impact upon Neighbouring Residential Amenity

- 16.1 Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policy Document 2015 sets out that development proposals will be required to incorporate principles of good design. Development proposals should also have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 16.2 As a result of the height and form of the proposed development, it is key to consider the impact upon surrounding residents from the built form in terms of outlook, daylight/sun lighting and privacy.
- 16.3 The proposed development would extend to within 1.7 metres of the boundary shared with 21 Downs Avenue and 4.8 metres from its north (side) elevation.
- 16.4 Whilst there are no windows located on the north side elevation of 21 Downs Avenue, the west elevation contains a number of windows, the closest to the shared boundary serving primary accommodation at ground floor and a bathroom at first floor. The application of the 45° test on the window serving primary accommodation demonstrates that the proposed development would minimally breach this rule, but not to the extent that it would cause a significant loss to the levels of light currently received by these windows. Notwithstanding this, the living accommodation to which this window serves is also served by a window to the rear. The levels of light loss would not cause significant harm to the occupiers of this neighbouring property.
- 16.5 The proposed development would extend further beyond the rear elevation of 21 Downs Avenue than the existing built form and would be two storey in scale. However, due to the orientation of 21 Downs Avenue, this rear protrusion would not cause any loss of light to the rear facing windows nor would result in a significant loss of light to the rear curtilage.
- 16.6 Whilst it is acknowledged that the resulting built form would therefore have a greater presence upon the occupiers of 21 Downs Avenue than the existing situation, Officers are satisfied that it would not cause any overbearing issues upon the private amenity area of this neighbouring property.
- 16.7 The proposed development would retain its distance to the boundary with 17 Downs Avenue. Due to the topography of the site, the front of the site would be 0.6 metres higher than the front of 17 Downs Avenue, although the land levels to the rear.

- 16.8 Whilst the proposed development would not extend beyond the rear elevation of 17 Downs Avenue, it would create a two storey uplift along a significant proportion of the shared boundary. This neighbouring property also features a significant single storey element that features full length glazed walling and sliding doors and whilst the site benefits from 2.0 metre high boundary treatment, the additional two storey of the proposal would have a greater presence upon the occupiers of this neighbouring property than the existing situation.
- 16.9 Notwithstanding that a distance of 3.5 metres would be retained between this glazed element and the proposed development, it is likely that the proposed development would create some overbearing/loss of light impacts to the glazed element alongside the south elevation. However, as the primary accommodation to which this glazed element is served is dual aspect and can gain light from the substantial glazing along the east rear elevation, Officers are satisfied that the proposed development would not create a gloomy or enclosed living accommodation to the detriment of the amenities of the occupiers within 17 Downs Avenue.
- 16.10 The proposed development would extend 4.5 metres to the front, to lie flush with the front elevation of 17 Downs Avenue. Notwithstanding the single storey glazed rear element, the remaining openings on the south elevation of 17 Downs Avenue are a ground floor door and a first floor bathroom window. Notwithstanding that this first floor south window does not serve primary accommodation, it would be located 8.0 metres from the north elevation of the proposed development, which would prevent any loss of daylight to this window.
- 16.11 Whilst the proposal would have a much greater presence when viewed from the front curtilage of 17 Downs Avenue as a result of the scale and height of the proposal in combination with the differing land levels, it would not be overbearing upon or cause loss of light to the existing front windows associated with this neighbouring property.
- 16.12 The proposal would feature six windows along the north elevation at ground floor level and one window at first floor level. The ground floor windows would be high level secondary windows to rooms that would be served by primary windows on the east and west elevations and therefore to ensure no direct overlooking into the private internal amenity areas of 17 Downs Road, it is considered reasonable to recommend a condition, in the event permission is granted, to ensure that these windows are obscure glazed and non-opening to a height of 1.7 metres from finished floor level from the room they serve.

- 16.13 The proposed development would introduce first floor rear windows, therefore creating new opportunities for overlooking into the rear curtilages associated with 17 and 19 Downs Avenue, as well as Yorktown and Downs Lea, which lies to the far rear of the site, beyond a public footpath. However, such overlooking opportunities from the new windows would be focused towards the far rear curtilage of these neighbouring properties, rather than the more private patio areas, which is a level of indirect overlooking considered to be typical in dense residential areas such as this. There is also 18m separation to the rear boundary, which is adequate for privacy purposes. To protect the private amenities of 17 and 19 Downs Avenue in the future, in the event planning permission was granted, it would be reasonable to recommend a condition to prevent any new openings at first floor level or above in the north and south side elevations of the proposed development.
- 16.14 The proposed development would be located 23 metres from the boundary of the property beyond the highway, Millwood, and over 30 metres from the windows associated with this property, which would prevent any issues of overlooking and loss of privacy from the development. The loss of a view is not a material planning consideration.
- 16.15 In terms of general amenity, the construction phase of the development has the potential to cause disruption and inconvenience to nearby occupiers and users of the local highway network. However, these issues are transient and could be minimised through the requirements of planning conditions if permission were to be granted.
- 16.16 In light of the above, Officers are satisfied that the proposed development would not cause harm to the amenities of the occupiers of neighbouring properties, in accordance with Policy DM10 of the Development Management Policy Document 2015 and the guidance set out in the Council's Residential Infill Development SPG 2003.

17 Highways, Parking and Cycle Parking

- 17.1 Paragraph 111 of the NPPF 2021 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 17.2 Policy CS16 of the Core Strategy 2007 encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities.

- 17.3 Policy DM37 of the Development Management Policies Document 2015 seeks to ensure that new schemes provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. It further states that the Council will consider exceptions to this approach if an applicant can robustly demonstrate that the level of on-site parking associated with the proposal would have no harmful impact on the surrounding area in terms of street scene or availability of on-street parking.
- 17.4 The proposal would provide parking for 3.0 vehicles. 1.0 vehicle parking space could be accommodated within the garage, the internal measurements of 3.0m x 7.0m would meet the Council's Parking Standards and 2.0 vehicle parking spaces can be provided tandem within the front curtilage of the site.
- 17.5 In light of the above, the proposal would meet the requirements of Policy DM37 of the Development Management Policies Document 2015 and the Council's Residential Parking SPD.

18 Biodiversity and Ecology

- 18.1 The Local Planning Authority have a duty of care under Section 41 of the Natural Environment and Rural Communities Act 2006 to ensure that planning permission is not granted for any development that has potential to unlawfully impact on protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 18.2 Paragraph 180 of the NPPF 2021 states (inter alia) that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 18.3 Policy CS3 of the Core Strategy 2007 sets out that development that is detrimental to the Borough's biodiversity will be minimised, and where it does take place, adequate mitigating measures should be provided. Wherever possible, new development should contribute positively towards the Borough's biodiversity.
- 18.4 Policy DM4 of the Development Management Policies Document 2015 seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a site and secure a net benefit to biodiversity. It sets out that development affecting any site or building that supports species protected by Law including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.

- 18.5 The site does not fall within and European or National Ecological Designations and is in an area identified as low for newt habitations. As a result of its location in a built up urban area, the site is considered to have low ecological value.
- 18.6 The application is not supported by any ecological information that would demonstrate that the proposal would secure a net benefit to biodiversity on site.
- 18.7 In order to secure some biodiversity enhancements at the site, in accordance with the requirements set out in Policy DM4 of the Development Management Policies Document 2015 and paragraph 180 of the NPPF 2021, in the event permission was granted, Officers would recommend a condition to secure bird, insect and bat boxes, hedgehog permeability, log piles and native planting at the site.
- 18.8 Subject to the abovementioned conditions should permission be granted; the Local Planning Authority are satisfied that they have carried out their duty of care under Section 41 of the Natural Environment and Rural Communities Act to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 18.9 The proposal would not prejudice the existing ecological value of the site and would enhance the conservation potential of a site in accordance with Policy CS3 of the Core Strategy 2007, Policy DM4 of the Development Management Policies Document 2015 and the requirements of the NPPF 2021.

19 Flood Risk

- 19.1 The site lies within a Critical Drainage Area. For areas at risk for a source of flooding, Policy CS6 of the Core Strategy 2007 requires, inter alia, new development to avoid increasing the risk of, or from, flooding.
- 19.2 Policy DM19 of the Development Management Policies Document 2015 seeks demonstration, by way of a site Flood Risk Assessment that the proposal would, where practicable, reduce risk both to and from the development or at least be risk neutral.

- 19.3 Whilst part of the front curtilage of the site falls within a Critical Drainage Area, the application not supported by a site Flood Risk Assessment. As the proposal would increase the impermeability of the site through the additional built form, in the event that permission is granted, a pre-commencement condition is recommended to secure a strategy of surface water drainage for the site using a proportional Sustainable Drainage System, in order to ensure that the proposal would have a neutral risk on the source of flooding, in accordance with Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies Document 2015.

20 Sustainability

- 20.1 The National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7). It sets out that sustainable development has overarching economic, social and environmental objectives - the environmental objectives include mitigating and adapting to climate change. Paragraph 9 of the Framework states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account. requirements of construction and incorporates waste management processes.
- 20.2 Consideration of sustainability and climate change are embedded within the Council's current adopted Core Strategy and Development Management Policies Document. Specifically, Policy CS1 sets out that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development - both in Epsom and Ewell, and more widely. Changes should protect and enhance the natural and built environments of the Borough and should achieve high quality sustainable environments for the present, and protect the quality of life of future, generations. Policy CS6 sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change
- 20.3 The application is supported by a Design and Access Statement, revision 2 dated 20 May 2022, which (at section 4.4.3.4) demonstrates how the proposed development would incorporate an air source heat pump that would meet the noise regulations mandated by Building Control regulations.
- 20.4 As such, it is considered that the proposal would be able to secure a sustainable development outcome and would there accord with Policies CS1 and CS6 of the Core Strategy.

21 Community Infrastructure Levy (CIL)

21.1 The proposal will be CIL liable.

22 Planning Balance

22.1 The presumption is to grant permission for sustainable development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.

22.2 The proposal would replace a three bedroom bungalow in need of significant improvement with the large family dwelling, thereby providing a choice of suitable family homes for the community. This benefit is given minor weight in the planning balance.

22.3 The proposal would create short term economic benefits during the construction period. However, given the domestic nature of the proposal, the construction employment would be very modest. This benefit is given minor weight in the planning balance.

22.4 The proposal would result in less than substantial harm to designated and non-designated heritage assets. However, when public benefits arising from the proposal are weighed in the balance (giving great weight to the preservation of the heritage asset), they are considered to outweigh the low level harm to the designated heritage assets and the proposed development is considered acceptable in this respect.

22.5 The proposal would accord with the Council's policies in relation to design, highways, ecology and critical drainage. It has also been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a harmful impact on neighbouring residential amenity. These are not considered to be benefits of the scheme, as new development is expected to be policy compliant.

22.6 Officers consider that there are no adverse effects of the proposed development that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.

23 Recommendation

To grant planning permission subject to the following conditions:

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and reports:

Site Location Plan at 1:1250
Drawing Number 19DA-PE-001/Rev 1
Drawing Number 19DA-SP-001/Rev 1
Drawing Number 19DA-ss-001/Rev 1
Drawing Number DA-FP-001/Rev 0

Reason: For the avoidance of doubt and in the interests of proper planning as required by Policy CS5 of the Core Strategy (2007).

3. Prior to the commencement of development hereby approved, details and samples of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies (2015).

4. Prior to the commencement of development hereby approved, full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

5. The development hereby approved shall not be first occupied until details of the siting and scale of bird boxes and bat boxes, log piles, hedgehog permeability and other enhancements are submitted to and approved by the Local Planning Authority. The bird boxes and bat boxes shall be installed in accordance with the agreed details prior to the first occupation of the proposed development.

Reason: To preserve and enhance biodiversity and habitats in accordance with Policy CS3 of the Core Strategy 2007 and Policy DM4 of the Development Management Policies 2015.

6. No development shall take place until a strategy of surface water drainage for the site using a Sustainable Drainage System (SuDS) has been submitted to and approved in writing by the local planning authority. The approved development shall be implemented in accordance with the approved strategy prior to the first use/or occupation of the cemetery and thereafter retained in that condition.

Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

7. The development shall be carried out in strict accordance with the sustainable design measures contained in the Design and Access Statement, Revision 2 dated 20 May 2023, prior to the first occupation of the building, and shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development in accordance with Policy CS6 of the Core Strategy 2007

8. The windows on the north elevation of the development hereby permitted shall be non-opening to a height of 1.7m from the internal finished floor level and glazed with obscure glazing to the extent that intervisibility is excluded and shall be retained.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies Document 2015.

9. 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 windows/dormer windows shall be constructed in the north or south elevations of the development hereby approved without the written permission of the Local Planning Authority.

Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the Development Management Policies Document 2015.

10. Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies Document 2015.

Informatives

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
2. It is an offence to cause harm to protect species. Should the presence of bats be discovered during any tree removal or demolition works, works must immediately cease on site and Natural England contacted on 0300 060 3900 for further advice.
3. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings,

installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts.

A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

4. Please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.
5. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
 - carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".