

# Public Document Pack

Legal and Democratic Services



## PLANNING COMMITTEE

Thursday 7 October 2021 at 7.30 pm

Place: Council Chamber, Epsom Town Hall

Link for public online access to this meeting:

<https://attendee.gotowebinar.com/register/1934219490306331660>

Webinar ID: 325-297-123

Telephone (Listen only): 020 3713 5012, Telephone Access Code: 285-419-382

The members listed below are summoned to attend the Planning Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Monica Coleman (Chair)  
Councillor Steven McCormick (Vice-Chair)  
Councillor Kate Chinn  
Councillor Nigel Collin  
Councillor Neil Dallen  
Councillor David Gulland  
Councillor Previn Jagutpal

Councillor Jan Mason  
Councillor Lucie McIntyre  
Councillor Phil Neale  
Councillor Humphrey Reynolds  
Councillor Clive Smitheram  
Councillor Clive Woodbridge

Yours sincerely

Chief Executive

For further information, please contact Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk) or tel: 01372 732000

### **EMERGENCY EVACUATION PROCEDURE**

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

## **Public information**

**Please note that this meeting will be held in the Town Hall, Epsom and will be available to observe live on the internet.**

This meeting will be open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection. A limited number of seats will also be available in the public gallery at the Town Hall. For further information please contact Democratic Services, email: [Democraticservices@epsom-ewell.gov.uk](mailto:Democraticservices@epsom-ewell.gov.uk) , telephone: 01372 732000.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at [Democraticservices@epsom-ewell.gov.uk](mailto:Democraticservices@epsom-ewell.gov.uk).

## **Public speaking**

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. If you wish to speak at a Planning Committee meeting, you should come to the reception area of the town hall in person between 6.00pm and 7.00pm on the night of the meeting to register. It is not possible to pre-register prior to this. If a number of people wish to speak on a particular application you will normally be asked to nominate a single representative from amongst you. Further information is available from our [website](#) or by contacting [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk).

## **Exclusion of the Press and the Public**

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the below items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

## **Filming and recording of meetings:**

Those wishing to take photographs or record meetings are asked to read the Council's 'Recording, Photography and Use of Social Media Protocol and Guidance' ([Section 10, Part 5 of the Constitution](#)), which sets out the processes and procedure for doing so.

## **Security:**

Please be aware that you may be subject to bag searches and will be asked to sign in at meetings. Failure to comply with these requirements could mean you are denied access to the meeting. There is also limited seating which is allocated on a first come first serve basis, you should aim to arrive at least 15 minutes before the meeting commences.

## **Guidance on Predetermination /Predisposition**

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well-established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

### **Predisposition**

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

### **Pre-determination / Bias**

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

## **AGENDA**

### **1. DECLARATIONS OF INTEREST**

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

### **2. MINUTES OF THE PREVIOUS MEETING** (Pages 5 - 8)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 22 July (attached) and authorise the Chairman to sign them.

### **3. 13 OAKLAND WAY, EWELL, SURREY, KT19 0EW** (Pages 9 - 16)

The application seeks planning permission for the erection of a single storey rear and side extension.

### **4. CLAYHILL LODGE, WEST HILL, EPSOM, SURREY, KT19 8JP - WITHDRAWN**

**This item has been withdrawn and will not be considered at this meeting.**

### **5. 2 CHRIST CHURCH ROAD, EPSOM, SURREY, KT19 8NE** (Pages 17 - 22)

T1: Holm Oak (Surrey Highways) - Reduce lateral branches overhanging No2 by up to 3m to boundary fence line. T3: Purple Leaf Plum - Crown reduce by up to 2m. Crown thin 20%.

### **6. MONTHLY APPEALS** (Pages 23 - 34)

The Planning Service has received the following Appeal decisions between 23 June 2021 and 20 September 2021.

**Minutes of the Meeting of the PLANNING COMMITTEE held on 22 July 2021**

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**PRESENT -**

Councillor Monica Coleman (Chair); Councillor Steven McCormick (Vice-Chair); Councillors Kate Chinn, Nigel Collin, Neil Dallen, Bernice Froud (as nominated substitute for Councillor Clive Smitheram), David Gulland, Previn Jagutpal, Jan Mason, Lucie McIntyre, Phil Neale, Humphrey Reynolds and Clive Woodbridge

Absent: Councillor Clive Smitheram

Officers present: Amardip Healy (Chief Legal Officer), Viv Evans (Interim Head of Planning), Euan Cheyne (Planning Officer), Mehdi Rezaie (Interim Planning Development Manager) and Tim Richardson (Committee Administrator)

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**4 DECLARATIONS OF INTEREST**

The following declarations of interest were made in relation to items of business to be discussed at the meeting:

In the interests of openness and transparency, Councillor Bernice Froud declared that she is a member of Epsom Civic Society. Councillor Froud stated that she came to the meeting with a clear and open mind.

In the interests of openness and transparency, Councillor Kate Chinn declared that she is a member of Epsom Civic Society. Councillor Chinn stated that she came to the meeting with a clear and open mind.

In the interests of openness and transparency, Councillor Neil Dallen declared that he is a member of Epsom Civic Society and Epsom Town Residents' Association. Councillor Dallen stated that he came to the meeting with a clear and open mind.

In the interests of openness and transparency, Councillor Steven McCormick declared that he is a member of Epsom Civic Society and Woodcote (Epsom) Residents' Society. Councillor McCormick stated that he came to the meeting with a clear and open mind.

Item 3: 107-111 East Street

In the interests of openness and transparency, Councillor Monica Coleman declared on behalf of all Councillors that all Councillors had received a number of email correspondence from the Agent to Item 3. Councillor Coleman also

declared that all Councillors are familiar with the family occupying the property next door to the property that Item 3 relates to. Councillor Coleman stated that all Councillors came to the meeting without predetermination.

## 5 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous meeting of the Committee held on 17 June were agreed as a true record and signed by the Chair.

## 6 107-111 EAST STREET, EPSOM

### Description

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.

### Decision

The Committee received a verbal introduction from the Planning Officer.

The Committee was addressed by the Agent to the Applicant.

The following matters were raised by the Committee:

- a) **Access road:** Members raised concerns regarding the traffic flow and access from the adjacent Kiln Lane. Officers noted that Surrey County Council Highways have no objections to the proposed development.
- b) **Housing mix:** Members raised concerns regarding the proposed housing mix. It was noted that there was a shortfall of proposed 3-bedroom properties in relation to policy DM22.
- c) **Housing density:** Members noted the shortage of delivery of housing land supply within the Borough and how the proposed development would be of substantial benefit in fulfilling need and making use of a brownfield site.
- d) **Location:** Members noted the sustainability of the site, which is situated a short distance from the train station as well as bus routes.
- e) **Drainage:** Members raised concerns regarding the Critical Drainage Area. Following a question from a Member, the Officer confirmed that they are satisfied with the conditions imposed to address these issues.
- f) **Parking provision:** Members noted the high number of proposed cycle spaces and shortfall of car parking spaces. The Officer noted that the Highways Authority had no objections to the proposed parking provision.
- g) **Design of building:** Members raised concerns regarding the height, scale and design of the proposed development. Members noted the size

and scale of the proposal and its materials and spoke about whether it would adversely impact the character and appearance of the surrounding area. The Officer confirmed that the Council would have full control over the colours and materials used.

- h) **Landscaping and biodiversity:** Members noted the proposals for landscaping. Following a question from a Member, the Officer noted that further details regarding landscaping and biodiversity may be agreed by Condition. This may be completed by recommending a percentage of tree enhancement, for example. The Officer noted a number of proposals which would promote biodiversity, including bat boxes, green roofing and bee bricks.
- i) **Amenity space:** Members noted the proposed provision of amenity space, which included seating areas located on the frontage for ground level flats, and terraces/balconies for the upper floors. Members also noted the local recreation ground which is situated a short distance from the site.

A deferral was proposed by Councillor Neil Dallen, and seconded by Councillor Humphrey Reynolds.

Following consideration, 6 Members voted for, and 6 Members voted against the deferral. The Chair then used their casting vote to vote against the deferral. It was therefore resolved that the deferral was **NOT ACCEPTED**.

A refusal was proposed by Councillor Neil Dallen, and seconded by Councillor Nigel Collin. The reasons for this refusal were based on concerns regarding the following:

- Access road
- Parking
- Density

Following consideration, it was resolved with 7 Members voting for, and 5 Members voting against that the Application be **REFUSED** based on the following reasons:

- (1) The proposed rear access road is considered to be insufficient in width to accommodate two passing vehicles, nor is there sufficient pedestrian width for the footpath to the side of the access road. By reason of its layout the proposed vehicular access arrangements would give rise to highway and pedestrian safety, in conflict with Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015) and guidance contained within the National Planning Policy Framework (2021).

- (2) The proposal would fail to provide an appropriate level of on-site car parking resulting in harm on the amenities of surrounding residential occupiers' in terms of streetscene and availability of on-street car parking. The proposed 17 on-site car parking spaces would not meet the minimum parking standards set out in Table 1 of the Council's Parking Standards for Residential Development SPD (2015), in conflict with Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policy DM37 (Parking Standards) of the LDF Development Management Policies Document (2015), and guidance contained within the national Planning Policy framework (2021).
- (3) The proposal, by reason of its bulk, mass and density, would adversely impact and harm the character and appearance and visual amenities of the surrounding area, in conflict with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness), DM10 and Policy DM10 (Design Requirements for New Developments (including House Extensions)) and Policy DM11 (Housing Density) of the LDF Development Management Policies Document (2015) and guidance contained within the national Planning Policy framework (2021).
- (4) In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure an affordable housing contribution, the applicant has failed to comply with Policy CS9 (Affordable Housing and meeting Housing Needs) of the LDF Core Strategy (2007).

## 7 APPEALS SUMMARY

The Planning Service noted the Appeal decisions from 8 April 2021 to 23 June 2021.

*The meeting began at 7.30 pm and ended at 9.33 pm*

COUNCILLOR MONICA COLEMAN (CHAIR)



<b>Ward:</b>	<b>Ewell Court</b>
<b>Site:</b>	<b>13 Oakland Way, Ewell, Surrey, KT19 0EW</b>
<b>Application for:</b>	<b>Erection of single storey rear and side extension</b>
<b>Contact Officer:</b>	<b>Euan Cheyne</b>

## 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: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QWHNXSGYL8L00>

## 2 Summary

- 2.1 The application seeks planning permission for the erection of a single storey rear and side extension.
- 2.2 The proposed single storey rear and side extension would be a subordinate addition that would not be visible from the streetscene, therefore there is not considered to be any significant impact upon the character and appearance of the area.
- 2.3 The proposed single storey rear and side extension, by reason of its siting in relation to the neighbouring built form, is not considered to have any significant impact upon the residential amenities of No's. 11 or 15 Oakland Way.
- 2.4 The applicant is an Epsom and Ewell Borough Councillor, therefore the case is referred to the Planning Committee, in accordance with the Council's Scheme of Delegation.
- 2.5 The application is recommended for APPROVAL subject to planning conditions being imposed.

## 3 Site Description

- 3.1 The site comprises a semi-detached bungalow located on the south east side of Oakland Way.
- 3.2 The surrounding area is predominantly residential in character and appearance consisting of semi-detached bungalows and two storey semi-detached properties. The site backs onto Ewell Court House, a Grade II Listed Building.

- 3.3 The site does not contain a Listed Building and is not located within a Conservation Area. The site does not contain any Tree Preservation Orders (TPOs).

#### **4 Proposal**

- 4.1 The application proposes the erection of a single storey rear and side extension.

#### **5 Comments from Third Parties**

- 5.1 The application was advertised by means of letters of notification to 4 neighbouring properties and no representations have been received to date (09/09/2021).

#### **6 Relevant Planning History**

<b>Application Number</b>	<b>Decision Date</b>	<b>Application Detail</b>	<b>Decision</b>
05/00878/CLP	19/12/2005	Erection of a rear conservatory	Application Permitted

#### **7 Planning Policy**

National Planning Policy Framework (2021)

LDF Core Strategy (2007)

Policy CS5 The Built Environment

LDF Development Management Policies Document (2015)

Policy DM9 Townscape Character and Local Distinctiveness

Policy DM10 Design Requirements for New Developments

#### **8 Planning Considerations**

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

- Impact upon Character and Appearance of the Area
- Impact upon Neighbouring Residential Amenities

**Impact upon Character and Appearance of the Area**

- 8.2 The National Planning Policy Framework (NPPF) (2021) attaches great importance to the design of the built environment. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 8.3 Paragraph 3.7.5 of the Council's LDF 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.
- 8.4 Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's LDF Development Management Policies Document (2015) states 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.
- 8.5 The proposed single storey rear and side extension would wrap-around the north east and south east flank elevation walls. The proposed single storey side extension element would be located behind the existing side porch entrance and would have a depth of approximately 4.71 metres. The proposed single storey rear extension element would have a depth of approximately 3.2 metres. The proposed side extension would be designed with a hipped roof form. The proposed rear extension would be designed with a flat roof form to a maximum height of approximately 2.715 metres matching the existing eaves height.
- 8.6 The proposed single storey rear and side extension is considered to be a subordinate addition that would utilise considerably less than 50% of the rear garden. It would not be visible from the streetscene, therefore there is not considered to be any impact upon character and appearance.

- 8.7 The proposed materials and finishes would be in keeping with those existing which would ensure that the proposed extension integrates with the host dwelling.
- 8.8 As such, it is considered that the proposal would comply with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

#### **Impact upon Neighbouring Residential Amenities**

- 8.9 Policy DM10 (Design Requirements for New Developments (including House Extensions)) Council's LDF Development Management Policies Document (2015) seeks to safeguard residential amenities in terms of privacy, outlook, daylight/sunlight and, noise and disturbance. The main dwellings to consider in any assessment of the impacts upon the residential amenities of neighbouring properties are No's. 11 and 15 Oakland Way.
- 8.10 The proposed single storey rear and side extension, by reason of its siting in relation to the neighbouring built form, is not considered to have any significant impact upon the residential amenities of No. 11 Oakland Way. A shared driveway to the rear detached garages separates the host dwelling and No. 11 Oakland Way.
- 8.11 The proposed single storey rear and side extension would extend an approximate 3.2 metres along the shared boundary with No. 15 Oakland Way. This neighbouring property benefits from a single storey conservatory structure. Dwg No. PJ131/10/003 indicates that the depth of the proposed single storey rear and side extension would match the rear building line of No. 15 Oakland Way. As such, by reason of its siting in relation to the neighbouring built form, there is not considered to be any significant impact upon the residential amenities of No. 15 Oakland Way.
- 8.12 The proposed circular side window serving a bathroom would be fairly high level, therefore there is not considered to be any significant undue overlooking or issues regarding privacy. It is likely that this window would be obscure glazed.
- 8.13 As such, it is considered that the proposal would not have any detrimental impact upon the residential amenities of neighbouring properties in terms of loss of natural light, overshadowing, loss of privacy, overlooking or loss of outlook and would comply with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

## 9 Conclusion

- 9.1 The application is recommended for APPROVAL, subject to the below following conditions.

### **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:

PJ131/10/003 Ground Floor Plan as Proposed (Received 06/08/2021)

PJ131/10/004 Roof Plan as Proposed (Received 06/08/2021)

PJ131/10/005 Front and Rear Elevation as Proposed (Received 06/08/2021)

PJ131/10/006 Side Elevation as Proposed (Received 06/08/2021)

PJ131/10/007 Block Plan, Site Location Plan (Received 06/08/2021)

**Reason:** For the avoidance of doubt and in the interests of proper planning.

- (3) The materials and finishes of the external walls and roof of the development hereby permitted shall match in colour and texture those of the existing building, or such other materials shall have been approved in writing by the Local Planning Authority, and shall thereafter be retained as such.

**Reason:** To ensure a satisfactory appearance on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (4) The roof of the single storey rear and side extension hereby permitted shall not be converted or used as a balcony or sitting out area, and no access shall be gained except for maintenance purposes.

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

INFORMATIVE(S)

- (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) 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.
- (3) You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, 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.
- (4) 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".

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**2 Christ Church Road, Epsom, Surrey. KT 19 8NE**

<b>Ward:</b>	<b>Stamford Ward</b>
<b>Site:</b>	<b>2 Christ Church Road Epsom Surrey KT19 8NE</b>
<b>Application for:</b>	<b>T1: Holm Oak (Surrey Highways) - Reduce lateral branches overhanging No2 by up to 3m to boundary fence line. T3: Purple Leaf Plum - Crown reduce by up to 2m. Crown thin 20%.</b>
<b>Contact Officer:</b>	<b>Jeremy Young</b>

**1 Plans and Representations**

- 1.20 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: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QVIMUWGYL3B00>

**2 Summary**

- 2.20 This is a Councillor Tree Works Notification reported to Planning Committee.

**3 Site description**

2. 2 Christchurch Road is a detached, much extended, chalet bungalow situated within the Stamford Green Conservation Area. The bungalow faces out over Stamford Green and is set on a corner plot adjacent to Manor Green Road. The rear boundary abuts 172 Manor Green Road to the north and the west boundary adjoins 4 Christchurch Road. Located to the side of No.2, in the highway verge of Manor Green Road, is the mature Holm Oak tree which is subject of this notification, numerically designated T1. The Holm Oak stands adjacent to a middle-aged Wild Plum also located in the highway verge but not subject to this conservation area tree work notification.
3. The verge is deemed to be part of the public highway as Manor Green Road is classed as public highway and not a private road.
4. Located in the front garden is the second tree listed in the notification as T3, which is a mature Purple Leaf Plum.

5. The Holm Oak, because of its larger size and prominent position, is a notable tree in the landscape. Manor Green Road has a fine collection of mature street trees most noticeably Lime trees. Visually, as one of the first street trees encountered as you enter the road, the Holm Oak is eye-catching and it reinforces the composition of street trees to provide an attractive mature treescape.

#### **4 Proposal**

6. Trees in a conservation area that are not protected by a Tree Preservation Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a section 211 notice, 6 weeks before carrying out certain work on such trees, unless an exception applies.

7. The proposed tree work specified in this section 211 notice are stated below:

T1 - Holm Oak – Reduce lateral branches overhanging No.2 by up to 3m to the boundary fence line.

T3 - Purple Leaf Plum - Crown reduce by up to 2m. Crown thin 20%.

8. It should be noted that the Wild Plum on the verge is marked as T2 on the notification plan. Tree work to this tree does not form part of this notice as the intended tree work was just removal of dead wood which is one of the exception. This tree also has some stem decay.

#### **5 Comments from third parties**

9. No comments have been received from any third parties.

#### **6 Consultations**

10. Surrey County Council Highways were notified of this tree work proposal as the Holm Oak is located on the highway verge. No comments were made by Surrey County Council.

Application number	Decision date	Application detail	Decision
21/00807/CAT	12/05/2021	T1: Holm Oak (Surrey Highways) - Reduce lateral branches overhanging No2 by up to 3m to boundary fence line.  T3: Purple Leaf Plum - Crown reduce by up to 2m. Crown thin 20%.	Withdrawn (application did not specify the applicant was a Borough Councillor)
20/01543/FLH	15.12.2020	Single storey rear-side extension Proposed two storey rear extension, 1st floor side extension, and conversion of existing dwelling to provide 4 No. 2 bed flats and 1 No. 1 bed flat, including parking and landscaping	Permitted
05/00160/CAT	09.08.2005	Felling of two Lawson Cypress	No Objection

## 7 Planning Policy

National Policy Planning Framework (NPPF) 2021

Core Strategy 2007

Development Management Policies Document November 2015

CS3	Biodiversity and designated nature conservation areas
CS5	The built environment
DM4	Biodiversity and new development
DM5	Trees and landscape
DM8	Heritage assets
DM9	Townscape character and local distinctiveness

## 7 Planning Considerations

### Background

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11. The Borough Tree Officer undertook a site inspection before the six-week expiry of this current notification (application number 21/01120/CAT) on 11/08/2021 and observed that the tree work specified had already been undertaken. It is understood that the tree work was undertaken on either the 9<sup>th</sup> or 10<sup>th</sup> August 2021 before the six week notification period had elapsed.

Tree details and the impact of the works on visual amenity

12. The Holm Oak is a mature specimen of 15m height with a stem diameter of approximately 782mm measured at 1.3m above ground level. It is estimated that the tree is about 70 years old. It is in a good condition. However, the lateral crown of the Holm Oak has been reduced in the direction of No.2 in the past and the crown has become historically asymmetrical.
13. This tree work to reduce all the branches back to the boundary constitutes poor arboricultural practice. The work is excessive and has further unbalanced the crown of the tree. Current crown radius on the four cardinal points of the compass measures; north 7.6m, south 9.5m east 9m and west 1m. The tree work has caused a negative impact on landscape amenity because the tree looks misshapen. Such work might encourage other to undertake similar tree work which is contrary to the promotion of good standards of arboriculture. There does appear to be a very localised trend in this area of pruning which is leaving neighbouring trees unbalanced.
14. In considering tree work notifications within the conservation area the only options available to the Planning Authority are to block the works by making a Tree Preservation Order or to raise no objection.
15. Officers advise that despite the pruning causing unbalance to the Holm Oak tree the actual harm to public landscape amenity is not that significant because from most angles in the public realm the canopy looks intact. Officers believe it would be difficult to justify making a tree preservation order under these circumstances but there is nothing in the legislation to prevent the making of a tree preservation order if deemed necessary. There is a minor degree of seasonal nuisance from the overhanging branches encroaching towards the conservatory and overhanging the garden decking area. Had the work not already been undertaken Officers would have sought to lessen the extent of lateral branch reduction on the west face of the crown as the most appropriate resolution.
16. In this case a further consideration is that the Holm Oak is a highway tree. It is advised general practice that it would not normally be appropriate for one Local Authority to protect another Local Authorities trees unless the land was planned for redevelopment. A tree preservation order made on the Holm Oak would on one hand be more restrictive to the management of the tree by Surrey County Council but on the other hand would enable the Borough to have more control over its maintenance in the interest of amenity. The County Council would have the right to raise objection to the protection of the Holm Oak and those objections would be reported back to the Planning Committee for consideration before a Tree Preservation Order could be confirmed.
17. Under the circumstances Officers do not feel that it is appropriate to place the Holm Oak under tree preservation order because the pruning has caused crown imbalance and it is felt that the County Council should be allowed to exercise prudent maintenance as necessary to ensure highway compatibility.
18. Officers raise no objection to the pruning as proposed to the Purple Leaf Plum tree located in the front garden. This is a mature tree of 6m height (post pruning) and approximately 60-70 years age. The trees stem diameter at 1.3m of approximately 600mm. Containment pruning is advised to reduce crown weight because this is an aged tree close to the house with some areas of dysfunctional woody tissue.

## **8 Conclusion**

20. The pruning undertaken cannot be undone and it appears unjustifiable to make a tree preservation order under the circumstance, especially in view of the ownership of the tree being the highway authority. Officers recommend that an informative is applied expressing concern that the works have caused canopy imbalance. The Council's Tree Officer should also be instructed to point out these concerns in writing to the highway authority.

## **9 Recommendation**

21. Epsom & Ewell Borough Council has considered your proposal and raises no objections to the proposed work described above. These works must be carried out within 2 years from the date of this notice. If for any reason the work is not carried out within that time a new notification should be made to the Council.

### **Informative**

Although the Local Planning Authority have raised no objection to your tree work proposal this is on the basis that it is not considered appropriate to protect the trees by tree preservation order. However, the tree work to the Holm Oak tree located on the verge does not constitute sound arboricultural practice and results in canopy imbalance. It is recommended that the applicant informs the Highway Authority about the impact of the tree work on the balance of tree over the public highway.

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<b>Ward</b>	<b>(All Wards)</b>
<b>Contact officer</b>	<b>Mehdi Rezaie</b>

The Planning Service has received the following Appeal decisions between 23<sup>rd</sup> June 2021 and 20<sup>th</sup> September 2021.

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			C2, 24 key worker units Use Class C3, children's nursery Use Class E, as well as associated back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space.	
4	D H Provisions, 3 Dell Lane, Stoneleigh, Surrey, KT17 2NE	Appeal Ref: 3270934 LPA Ref: 20/00071/FUL	Demolition of existing building and the erection of a block of 9 apartments.	Dismissed 10.08.21
5	11, Rona Maclean Close, Epsom, KT19 8FU	Appeal Ref: 3281236 LPA Ref: 21/00215/FLH	Partial garage conversion, insertion of rear bifold doors, and loft conversion including two dormers.	PINS Withdrawn 27.08.21
6	Dormans Court, Cheam Road, Ewell, Surrey, KT17 1QY	Appeal Ref: 3263592 LPA Ref: 20/01237/PDE	Prior Notification of the proposal to create a two storey roof extension providing 6 no. of new flats.	Dismissed 10.08.21

### Summary of Appeal Decisions Continued:

#### 1. Rear of Fairbriar Court, (Appeal Ref: 3269414)

The main issues were whether removal of a Silver Birch Tree would preserve or enhance the character or appearance of the Church Street Conservation Area and/or the setting of Melrose Cottage (a Grade II Listed Building).

The inspectorate noted that the tree is in good condition, is aesthetically pleasant, and contributes to the Conservation Area's verdant character, despite the fact that it is not protected by a Tree Preservation Order.

The inspectorate took note of the Appellant's case, which involved an Arboricultural Report recommending that the tree be removed to avoid conflict with Melrose Cottage and the ongoing costs of eliminating any nuisance. The report noted that the tree had undergone and will require periodic pruning to maintain it within the dimensions to alleviate causing nuisance or damage to Melrose Cottage.

In light of the foregoing, the inspectorate took note of the appellant's reference to spacing requirements, emphasising that he had not been presented with evidence demonstrating that future pruning could not be carried out, thereby protecting Melrose Cottage. As a consequence, based on the information presented to him, he concluded that this public benefit offers only minimal justification for the proposal.

Another public benefit considered by the inspectorate was that it would create one parking space in connection with Fairbriar Court, reducing on-street parking in Hereford Close and the adjacent area and potentially creating an extra on-street space for public use. However, commented here that given the scarcity of parking near the town centre as well as the fact that



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only one parking space was proposed, this benefit provides only a sliver of support for the proposal.

The inspectorate concluded that the proposal would neither preserve nor enhance the Conservation Area's character or appearance, nor would it preserve the setting of Melrose Cottage, and thereby falls in conflict with Policies DM8, DM9, and DM10 of the Development Management Policies Document (adopted 2015) and Policy CS5 of the Core Strategy (adopted 2007) and Section 16 of the Framework.

**2. 4 Little Orchards, Worple Road, (Appeal Ref: 3266127)**

The main issues were whether replacement windows would preserve or enhance the character and appearance of the dwelling, the streetscene or the Worple Road Conservation Area.

The inspectorate noted that a garage conversion was permitted in 2017 and that all of its fenestration was approved in uPVC rather than a match for the original wood, as would be expected here, and flagged out this inconsistency.

The inspectorate took note of the Appellant's argument that new wooden window frames and uPVC seen side by side would only be incongruous in closer views of the property, and that it would be difficult to discern between the two materials when viewed from the public domain (Worple Road). In this case, the inspectorate agreed with the appellant.

The inspectorate commented that, the use of uPVC would comprise some slight elements of technical conflict with Policies DM8, DM9 & DM10 of the Epsom & Ewell Development Management Policies Document 2015 and Policy CS5 of the Council's Core Strategy 2007.

Notwithstanding the above, the inspectorate concluded that the circumstances of this case are such that no harm would be caused to the appearance of the building, the character and appearance of the Worple Road street scene or the significance of the Conservation Area given the building's relatively recent construction date, the acceptance of uPVC in the garage conversion, and above all, his agreement with the appellant that in public views of the group of four houses the differences would not be apparent. The inspectorate moved to allow the appeal and grant planning permission.

**3. Epsom General Hospital, Dorking Road, (Appeals Ref: 3272074 and 3276483)**

**Appeal A:** (APP/P3610/W/21/3272074) *demolition of the existing hospital buildings, accommodation block and associated structures and redevelopment of the site to provide a new care community for older people arranged in two buildings, comprising 302 care residences, 10 care apartments and 28 care suites providing transitional care, together with ancillary communal and support services Use Class C2, 24 key worker units Use Class C3, children's nursery Use Class E, as well as associated back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space*

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**Appeal B:** (APP/P3610/W/21/3276483) *demolition of the existing hospital buildings, accommodation block and associated structures and redevelopment of the site to provide a new care community for older people arranged in two buildings, comprising 267 care residences, 10 care apartments and 28 care suites providing transitional care, together with ancillary communal and support services Use Class C2, 24 key worker units Use Class C3, children's nursery Use Class E, as well as associated back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space.*

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The Inspector's decision on these appeals was issued on 13.09.21 less than 3 weeks after the close of the Inquiry (25.08.21). He has dismissed Appeal A and allowed Appeal B (ie granted planning permission).

The Inspector identified 4 main issues on which his decision would turn:

1. the effect of the proposals on the character and appearance of the area;
2. the effect of the proposals on the historic environment;
3. the effect of the proposals on the living conditions of neighbouring residents; and
4. whether the proposals would make satisfactory provision for affordable housing and the infrastructure required to support the development.

In terms of the impact on the character and appearance of the area, his decision turned on the impact of the height of the development. With respect to other aspects of the scheme design he found favour with the overall mix of uses, provision of public realm, landscaping and the general design of the buildings. It was the way the Scheme A responded to its context that he had concerns. The difference in the highest parts of the two schemes (9 and 8 stories respectively) was the crucial issue for him. He found the 9-story building to be intrusive, particularly from Woodcote Green Road. The reduction in a floor and other adjustments to produce an overall 6-metre reduction in height for Appeal B was sufficient to ameliorate those impacts and enabled him to support Appeal B. He therefore dismissed Appeal A on this ground alone.

He considered the impact on heritage assets was broadly the same for both appeals. He found harm (at the lower end of less than substantial harm) for the Chalk Lane Conservation Area and the following listed buildings:

- The Hylands (Grade II\*)
- Hylands House (Grade II\*)
- West Hylands (Grade II)
- Nos 67 and 69 Dorking Road (Grade II)

In the planning balance however, he did consider that this harm was outweighed by the public benefits which he identified as the contribution to housing land supply, the provision of extra care accommodation and the use of previously developed land, to which he attributed significant weight and the provision of affordable housing and the economic benefits, to which he attributed moderate weight.

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With respect to the impact on the living conditions of neighbours, he only identified the effects on 40 & 46 Woodcote Green Road and 22-24 Digidens Rise as being significant and found that, apart from the issues of the balconies in Appeal B on the south elevation of building A, all the impacts were acceptable due to the separation distances involved and the existence of extensive boundary planting.

The final issue of affordable housing provision was agreed between the principal parties and the Inspector accepted that the provision offered was the best that could reasonably be expected due to viability considerations.

With respect to planning conditions, the Inspector has imposed all the conditions recommended by the Council, including the restrictions on the use of roofs (nos 25 & 26) put forward during the Inquiry. The Inspector dealt with the anomalies in the plans with respect to the balconies on the southern elevation of building A by imposing a condition (no 4) preventing their construction unless details of them have been approved by the LPA.

### *Scheme benefits*

Significant weight is attached to each of the following public benefits:

- contribution to housing land supply
- provision of extra care accommodation
- use of previously developed land.

Moderate weight is attached to the provision of affordable housing and moderate weight attached to economic benefits.

### *Housing need*

Emphasis given to the pressing need for housing in Epsom and Ewell, as shown by the Housing Delivery Test outcomes and housing land supply. Significant weight was attached to the contribution that the proposals would make to housing land supply.

Both schemes would contribute towards unit numbers, which is not merely a theoretical contribution to housing land supply, given that the proposals would also enable older people to move from existing housing, freeing up that stock for use by others. This is a benefit of the proposals. Evidence shows that a significant proportion of new residents would move from further afield which would include locations outside the Council's area. Nevertheless, the NPPF emphasises the importance of significantly boosting the supply of homes and this objective is not confined to specific areas.

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### *Extra-care accommodation*

Surrey County Council's needs estimate should not be read as a limit on the amount of care accommodation to be provided. Nor should the benefits of provision in excess of the number be given less weight than would otherwise be attached. There is no evidence that there would be any harmful consequences of providing the amount of extra care accommodation proposed at the Appeal Site.

### *Height and density*

In 2018 the Council recognised that Policy DM11 (which seeks to limit the density of new housing unless certain exceptions apply) together with Policy DM13 (which seeks to limit building heights to 12m outside the town centre), could act to restrict the capacity of housing sites in a way that could conflict with the objective of optimising housing delivery on such sites. These policies remain as part of the development plan and must be taken into account accordingly. That said, the fact that the Council has expressly acknowledged a conflict with National policy in relation to housing delivery should be taken into account when considering the weight to be attached to any conflicts with these policies.

The surrounding townscape does not have the capacity to accommodate the Appeal A scheme. The surrounding townscape could accommodate the Appeal B scheme. Whilst the Site is not in the town centre, it is in a reasonably accessible location. Consequently, the Appeal B proposal would accord with Policy DM11. The density of this scheme would be high compared with surrounding residential areas, but significant harm has not been identified as a result of that density, for example in relation to the living conditions of nearby residents.

The proposal would conflict with Policy DM13, but this is a policy which is likely to have the effect of restricting housing delivery on sites that are suitable for housing. Limited weight was attached to the conflict with this policy and greater weight to the policies of the Framework relating to design, housing delivery and reuse of previously developed land.

### *Surrounding context*

The Appeal A scheme makes efficient use of land, but the scale, height and form of development would be harmful to the character and local distinctiveness of the area.

The Appeal B scheme is well related to its context, with positive design attributes, including those relating to land use, public spaces and movement patterns, which would outweigh the harmful visual and townscape effects.

### *Design*

The Appeal A scheme would achieve many of the characteristics of well-designed places, including mixed and integrated uses, safe and inclusive public spaces and a coherent pattern of development. The design details and use of materials would provide articulation to the elevations and the approach to tree planting and landscaping would enhance the frontage to

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Woodcote Green Road. Nevertheless, the Appeal A scheme would not be well related to its context due to the height and massing of the proposed buildings and the proximity of the tallest buildings to Woodcote Green Road. Viewed in the round, Appeal A would not amount to good design. It would not add to the overall quality of the area, nor would it be sympathetic to the local character and the surrounding built environment.

Appeal B would represent high quality design that would create attractive and safe environments, complement the attractive characteristics of the Borough and make efficient use of land. It seeks to avoid significant loss of trees, hedgerows or other landscape features, unless suitable replacements are proposed. It would make a positive contribution to the Borough's visual character and appearance represent good design.

### *Neighbouring amenity*

Both Appeal A and Appeal B would have some potential impacts on living conditions at 40 and 46 Woodcote Green Road and 22 and 24 Didgens Rise, but, subject to conditions, these impacts would not be so great to result in unacceptable poor living conditions.

### *Affordable housing*

The s106 Agreement for Appeal B does not envisage the delivery of affordable housing on Site. There would be a financial contribution of £1.5 million. Given that the Appeal B scheme would contain fewer units, it is to be expected that the affordable housing offer would be lower.

Like Appeal A, the offer for Appeal B was agreed following a process of negotiation. The Planning Inspector accepted that this is the most that can reasonably be achieved, having regard to viability considerations.

### *Transport*

Surrey County Council Highways agreed the level of parking proposed for the development and advised that existing parking restrictions in the locality would avoid any issues with illegal parking in the surrounding area. The effect of generated traffic on specific road junctions has been modelled and the County highways authority has accepted that the local highway network would not be adversely affected. The Planning Inspector saw no reason to take a different view on these matters.

Opportunities to promote walking, cycling and public transport use have been identified and appropriate transport measures would be incorporated in the proposals.

*Trees and landscaping*

All but one of the good quality trees in the north western part of the Appeal Site are to be retained within new areas of boundary landscaping. Protection during the construction phase could be secured by a condition. One high quality tree would be removed to facilitate the proposed development, with the loss of this being outweighed by the extent of new planting.

The existing trees along the Woodcote Green Road frontage would be removed to facilitate the development and to make way for new planting. In general, these existing trees are of limited amenity value and their replacement with new planting offers scope to improve the appearance of the area. The landscape proposals were considered to make a positive contribution to the character and appearance of the Woodcote Green Road frontage.

**4. 3 Dell Lane, Stoneleigh, Surrey, KT17 2NE, (Appeal Ref: 3270934)**

The main issue in this appeal is the effect of the proposed development on the character and appearance of the area, the living conditions of the neighbouring occupiers of Nos 84 and 86 Briarwood Road with regard to outlook and privacy and whether the proposed development would accord with the Council's development plan strategy for housing with regard to loss of employment use; and whether any adverse effects of the proposal would significantly and demonstrably outweigh the benefits.

On the topic of visual amenity, the inspectorate commented that the proposal would result in a three-storey building which would have a significantly larger massing than its immediate neighbours to either side and that the front elevation would be dominated by a large two storey rectangular rendered panel with four windows which would dominate the street scene resulting in a bland appearance that would be out of keeping with the character of the nearby buildings of Dell Lane and the more articulated rear elevations of the commercial units of Stoneleigh Broadway. Moreover, he noted that the proportions of the large rendered panel would result in an awkward composition that would appear discordant and have an adverse effect on the character and appearance of the area, and similarly, the rear elevation would have a similar, large rendered panel that would appear out of keeping and would be visible from the dwellings to the rear of the site.

The inspectorate took note of the Appellant's argument that the site which benefits from planning permission for a part single/ part three storey building, and that development was taking place at land rear of No 72 Broadway. However, he concluded that even if this scheme was built, the elevations would appear more articulated than the appeal scheme and the façade would appear less blank, and that the adjoining site was not directly comparable to the appeal site in terms of character and appearance and any event, each case must be determined on its individual merits.

On the topic of neighbour/occupier impacts, the inspectorate commented that proposal would result in unacceptable harm to the living conditions of neighbouring occupiers, especially given the proximity of the proposed building to the rear boundary, future occupiers residing on the

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first and second floors would gain views at close proximity into large parts of the rear gardens of Nos 84 and 86 from their living room, balcony and bedroom window.

On the topic of loss of employment use, the inspectorate commented that there is little evidence to indicate that the site as it stands is no longer suitable for its existing or other employment uses. In addition, there is no evidence to indicate that a mixed-use development as sought by DMP Policy DM 24 has been explored.

For the reasons outlined above, the inspectorate concluded that the proposal would conflict with Policies DM9, DM10 and DM24 of the Development Management Policies Document September 2015 (DMP). The inspectorate moved to dismiss the appeal.

**5. 11, Rona Maclean Close, Epsom, KT19 8FU, (Appeal Ref: 3281236)**

Letter received by PINS on 27.08.2021 advising that the appeal was received on 18.08.2021 and that all the essential supporting documentation should have reached them within 12 weeks of the date of the Local Planning Authority's notice of the decision. As the information was received after the time limit, PINS were unable to take any action on it.

Officers can confirm that the Decision Notice was issued on 06.04.2021 and the Householder Appeal deadline would have fell on the 29.06.2021, the appeal submission was some 7 weeks late.

**6. Dormans Court, Cheam Road, Ewell, Surrey, KT17 1QY, (Appeal Ref: 3263592)**

The main issue in this appeal is whether the proposed development would benefit from permitted development rights under Schedule 2 Part 20, Class A.

The inspectorate outlined that Under Paragraph A.1.(c) development is not permitted if the building was constructed before 1 July 1948 or after 5 March 2018. Article 2(1) of the GPDO defines a building as including any part of the building.

Paragraph A.2.(1) states that *"Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority..."*

Paragraph B.(16) states that *"The development must not begin before the receipt .... of a written notice giving their prior approval."*

The inspectorate noted that the building on site now is a four storey block. Due to the recent addition of the fourth storey, this proposal would fail the limitation under A.1(c) as part of the building was constructed after 5 March 2018.

The letter dated 1 September 2021 confirms this appeal was submitted on 20 November 2020 and that at this stage the appellant decided, for commercial reasons, to implement the prior approval application proposal for the two storeys Ref 20/01237/PDE. The letter adds that the

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new fourth floor should therefore be viewed as the partial completion of that two-storey extension. Accordingly, as the development applied for has begun, the proposal fails the condition at Paragraph B.(16).

The inspectorate commented that that the proposal does not benefit from permitted development rights under Schedule 2 Part 20, Class A as it does not comply with all of the conditions and limitations. On this basis, the inspectorate concluded it is unnecessary and inappropriate for him to proceed to further consider whether prior approval should be granted. The inspectorate moved to dismiss the appeal.

**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
20 Spa Drive Epsom, Surrey, KT18 7LR	Appeal Ref: 3279856 LPA Ref: 21/00871/FLH	Part single part two storey rear extension	Non-determination	Received: 28.07.2021
9 Cudas Close, Epsom, Surrey, KT19 0QF	Appeal Ref: 3279827 LPA Ref: 21/00518/OUT	Erection of 2 x 2 bedroom semi-detached houses including associated external works and parking (landscaping reserved)	Non-determination	Received: 28.07.2021  Started: 09.09.2021
9 Cudas Close, Epsom, Surrey, KT19 0QF	Appeal Ref: 3273879 LPA Ref: 21/00076/FUL	Erection of 1 x 3 bedroom detached house including associated external works and parking;	Delegated Refusal	Received: 27.04.2021  Started: 07.09.2021
45 Upper High Street, Epsom, Surrey, KT17 4RA	Appeal Ref: 3278152 LPA Ref: 21/00555/ADV	Advertisement Consent - New internally illuminated fascia (5200mm x 750mm fascia sign) (Resubmission for Ref No: 20/01027/ADV).	Delegated Refusal	Received: 01.07.2021
63 Derek Avenue West Ewell, Surrey, KT19 9HP	Appeal Ref: 3278918 LPA Ref: 21/00375/FLH	Erection of first floor wrap-around side and rear extension.	Delegated Refusal	Received: 13.07.2021
42 Longdown Lane North, Ewell, Surrey, KT17 3JQ	Appeal Ref: 3278057 LPA Ref: 21/00299/COND	Details pursuant to Conditions 3 (details and samples of the external materials) of planning consent Ref No: 18/00960/FLH.	Delegated Refusal	Received: 30.06.2021



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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
12 Northey Avenue, Cheam, Surrey, SM2 7HR	Appeal Ref: 3278037 LPA Ref: 20/01913/FLH	Alterations to main roof involving replace existing front roofslope with pitched roof and rear roof dormer; conversion of loft space to habitable accommodation.	Delegated Refusal	Received: 30.06.2021
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
31 Victoria Place Epsom, Surrey, KT17 1BX	Appeal Ref: 3278417 LPA Ref: 20/01120/CLP	Formation of vehicular access crossover (involving drop kerb) (Application for a certificate of Lawfulness for a Proposed Development)	Delegated Refusal	Received: 06.07.2021 Started: 22.07.2021
Holland House, Mospey Crescent, EPSOM, KT17 4LZ	Appeal Ref: 3275697 LPA Ref: 21/00110/FLH	Installation of 1.8 metre steel fence within existing green hedge along front and part side boundary and extension to existing dropped kerb.	Delegated Refusal	Received: 25.05.2021 Started: 26.08.2021
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
C D Mitchell Ltd, 64 South Street, EPSOM, KT18 7PH	Appeal Ref: 3274710 LPA Ref: 20/00041/FUL	Change of use from B1 (Business) to C3 (Residential) including demolition of existing builders yard buildings. Construction of 6 number two-storey, two bedroom dwellings.	Delegated Refusal	Received: 10.05.2021 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,	Delegated Refusal	Received: 07.04.2021 Started: 14.09.2021

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		following demolition of No. 7 Chase End).		
45 - 53 High Street, Epsom Surrey, KT19 8DH	Appeal Ref: 3273805 LPA Ref: 20/01586/FUL	Replace front and rear windows at first floor and second floor levels, with white double glazed UPVC windows.	Delegated Refusal	Received: 26.04.2021  Started: 09.09.2021
12 Northey Avenue, Cheam Surrey, SM2 7HR	Appeal Ref: 3278037 LPA Ref: 20/01913/FLH	Alterations to main roof involving replace existing front roofslope with pitched roof and rear roof dormer; conversion of loft space to habitable accommodation.	Delegated Refusal	Received: 30.06.2021  Started: 20.09.2021