

# Public Document Pack

Legal and Democratic Services



## PLANNING COMMITTEE

Thursday 10 December 2020 at 7.30 pm

Place: Remote Meeting

PLEASE NOTE: this will be a 'virtual meeting'.

The link to the meeting is: <https://attendee.gotowebinar.com/register/6415978412984786956>  
Webinar ID: 383-053-955

Telephone (listen-only): 0330 221 9922, Telephone Access code: 851-382-369

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 Clive Woodbridge (Chair)  
Councillor Monica Coleman (Vice-Chair)  
Councillor Alex Coley  
Councillor Neil Dallen  
Councillor David Gulland  
Councillor Previn Jagutpal  
Councillor Colin Keane

Councillor Jan Mason  
Councillor Steven McCormick  
Councillor Lucie McIntyre  
Councillor Debbie Monksfield  
Councillor Peter O'Donovan  
Councillor Clive Smitheram

Yours sincerely

A handwritten signature in black ink that reads 'K. Beldan'.

Chief Executive

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

## Public information

### Information & Assistance:

#### Please note that this meeting will be a 'virtual meeting'

This meeting will be held online and is 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.

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).

#### 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.

#### Public speaking

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. As this meeting of the Committee will be held online, **you must register in advance if you wish to speak.**

To register to speak at this Planning Committee meeting, please contact Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk), tel: 01372 732000 in advance of the deadline for registration, which is given below.

We will ask you to submit a written statement that can be read out at the meeting in the event of any technical issues during the meeting. The statement must be of no more than 3 minutes in length when read aloud.

If a number of people wish to speak on a particular application, public speaking will normally be allocated in order of registration. If you fail to submit your written statement, then your place may be allocated to those on the speakers waiting list. Further information is available by contacting Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk), tel: 01372 732000.

**Deadline for public speaking registration: Noon, 7 December.**

## **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 - 14)**

The Committee is asked to confirm as a true record the Minutes of the Special Meetings of the Planning Committee held on the 23 September and 18 November (to follow) and the Minutes of the Meeting of the Planning Committee held on 5 November (attached) and authorise the Chairman to sign them.

### **3. 15 BEECH ROAD, EPSOM, KT17 4NH (Pages 15 - 28)**

Proposed ground and first floor rear extension, ground and first floor side extension and internal alterations.

### **4. MONTHLY APPEAL AND HOUSING NUMBER REPORT (Pages 29 - 30)**

The Planning Service has received the following Appeal decisions from 13th October 2020 to 18th November 2020.

**Minutes of the Meeting of the PLANNING COMMITTEE held on 5 November 2020**

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**PRESENT -**

Councillor Clive Woodbridge (Chair); Councillor Clive Smitheram (Vice-Chair); Councillors Alex Coley, Neil Dallen, David Gulland, Previn Jagutpal (Present for Items 1-4 only.), Colin Keane, Jan Mason, Steven McCormick, Lucie McIntyre, Debbie Monksfield, Phil Neale and Peter O'Donovan (Present for Items 1-3 and 5-6 only)

Absent: Councillor Monica Coleman

Officers present: Viv Evans (Interim Head of Planning), Tom Bagshaw (Planner), Steven Lewis (Planning Development Manager), John Robinson (Senior Planner), Danny Surowiak (Principal Solicitor), Sarah Keeble (Democratic Services Officer) and Tim Richardson (Committee Administrator)

**11 DECLARATIONS OF INTEREST**

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

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

24 Danetree Road West Ewell Surrey KT19 9RZ

Councillor Peter O'Donovan, Other Interest: In the interests of openness and transparency, Councillor Peter O'Donovan declared that Item 4 of the Agenda relates to his own property, and that he would exit the meeting when this Item is heard by the Committee.

29 Horsley Close, Epsom, Surrey, KT19 8HB

Councillor Neil Dallen, Other Interest: In the interests of openness and transparency, Councillor Neil Dallen declared that he knows the Applicant of Item 5. He stated that this is not a prejudicial position so he will remain present for the duration of this Item.

29 Horsley Close, Epsom, Surrey, KT19 8HB

Councillor Previn Jagutpal, Other Interest: In the interests of openness and transparency, Councillor Previn Jagutpal declared that Item 5 of the Agenda is an application in relation to a family member, and that he would exit the meeting when this Item is heard by the Committee.

## 12 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous meeting of the Planning Committee held on 8 October as a true record and the Committee authorised the Chair to sign them.

## 13 140 &amp; 142 RUXLEY LANE WEST EWELL KT19 9JS

## Description

Demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping.

## Decision

The Committee noted a presentation from the Senior Planning Officer.

A statement was read out on behalf of an objector to the Application.

The following points were raised by the Committee:

**Housing:** Members noted the shortage of housing within the Borough and how the proposed development would be of benefit in fulfilling need. Members raised concerns regarding the number of proposed houses being offered as affordable.

**Character of building:** Members noted concerns regarding the proposed residential development. Members noted the colouring and materials of the proposed development and spoke about whether it may be out of character of the surrounding buildings.

**Sustainability of location:** Members noted the sustainability of the location, including its proximity to a number of schools and local bus routes. It was noted that some of these bus routes did not pass by the site directly, and required a short journey to reach them. Members also noted the Traffic Safety Report that had been completed

**Density:** Members noted concerns regarding the proposed housing density, sitting in excess of the 40 units per hectare as set out in DM11. It was noted that this may be seen as a possible overuse of site.

**Amenity space:** Members raised concerns with the amenity space of the proposed development, and noted that not all of the proposed housing units would meet the standard of amenity space.

A refusal was proposed by Councillor Steven McCormick. This was seconded by Councillor Jan Mason. The reasons for refusal were based on concerns raised by the Committee relating to:

- Noncompliance with policies DM 9 and DM 10 relating to size, scale and character of building against the local area.

- Noncompliance with CS 5 – Failure to reinforce distinctiveness of local area.

Following consideration it was resolved with 9 Members voting for, 1 Member voting against, 2 abstentions and the Chair not voting that:

The Application be **REFUSED** based on the following reasons:

- The proposed development by reason of its design, scale, and massing, gives rise to an unacceptably cramped and over-developed layout, leading to an overbearing relationship with the adjacent properties and the local street scene, contrary to the established character, and local distinctiveness of the local area. The proposal is contrary to para 127 (c) of the NPPF, Policy DM9 and DM10 of the Development Management Policies Document 2015 and CS5 of the Core Strategy 2007.

Should the item reach an appeal and conditions be requested, Members requested an amendment to:

Condition:

(11) No development shall commence until a Construction Transport Management Plan, to include details of:

(h) No HGV movements to or from the site shall take place between the hours of 8.15 and 9.00 am and 3.00 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Ruxley Lane during these times.

Members noted the importance of this condition detailing that construction traffic be timed in line with the opening hours of local schools. The Officer agreed to make note of this in their response in an appeal submission.

#### 14 24 DANETREE ROAD WEST EWELL SURREY KT19 9RZ

##### Description

Single storey rear infill extension with new side window at ground floor and alteration of roof from hip to gable end and rear roof dormer extension (involving conversion of roofspace to habitable use) and installation of three rooflights to front roofslope (Application for a certificate of Lawfulness for a Proposed Development).

##### Decision

The Committee noted a presentation from the Planning Officer.

Following consideration, the Committee resolved unanimously that:

A Lawful Development Certificate is **GRANTED**, taking into account the following:

Informative(s):

- (1) A Certificate of Lawful Development is granted for the following reason: The proposed development is Permitted Development under Schedule 2, Part 1 Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- (2) This decision relates to the following drawings:  
  
1113 - S-100- Site Location and Block Plan – 08/09/2020  
  
1113-E-100 Rev 06 – Elevation Plans – 02/09/2020  
  
1113-L-101 Rev 06- Floor Plans – 02/09/2020.
- (3) Class A (The enlargement, improvement or other alteration of a dwellinghouse.) Conditions Development is permitted by Class A subject to the following conditions—
  - (a) Materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
  - (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
    - (i) obscure-glazed, and
    - (ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
  - (c) Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse
- (4) Class B (additions etc to the roof of a dwellinghouse) Conditions Development is permitted by Class B subject to the following conditions—
  - (a) The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
  - (b) The enlargement must be constructed so that—
    - (i) Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension— (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof is, so far



- as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
- (ii) Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and
- (c) Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be —
- (i) Obscure-glazed, and
  - (ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
- (5) Class C (Other alterations to the roof of a dwellinghouse) Condition Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—
- (a) obscure-glazed; and
  - (b) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
- (6) 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. If you need any advice regarding Building Regulations please do not hesitate to contact Epsom & Ewell Borough Council Building Control on 01372 732000 or [contactus@epsom-ewell.gov.uk](mailto:contactus@epsom-ewell.gov.uk).
- (7) You have been granted 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.

**15** 29 HORSLEY CLOSE, EPSOM, SURREY, KT19 8HB

## Description

Change of use of a residential dwelling (use Class C3) to an 8 bedroom house in Multiple Occupation (HMO). The proposed changes would include the insertion of a side triangular window to the first floor bedroom 6 and 2 rooflights on the side roofslope of the property.

## Decision

The Committee noted an introduction from the Planning Officer.

The following points were raised by the Committee:

**Parking spaces**: Members raised concerns regarding the number of available parking spaces. Members noted the available road parking nearby, and that the Highways Assessment found this acceptable.

Following consideration, the Committee resolved unanimously that:

Planning Permission is **GRANTED** subject to the following:

Condition(s):

- (1) The development hereby permitted shall be begun 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:

1546 Drg. No. 01 [dated August 2020] - Existing and Proposed Drawings

**Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).**

- (3) The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form.

**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 Policies DM9 and DM10 of the Development Management Policies 2015.**

- (4) The physical works hereby granted planning permission to bedrooms 2 and 6 as shown on the approved plans shall be completed prior to the

occupation of those bedrooms. If bedrooms 2 and 6 are occupied the all physical works shall be completed within 3 months of the date of this approval. All of the proposed physical works relating to this application shall be retained unless otherwise agreed in writing by the Local Planning Authority.

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

- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings (other than those hereby approved) shall be formed in the side walls of the extensions hereby approved without the prior written consent of the Local Planning Authority.

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

- (6) Before any occupation of the development hereby permitted, any windows above ground floor level on the roof slope of the north elevation and the rear facing triangular window on the north elevation shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing of a patterned type only which shall thereafter be retained as such. Obscure glazed windows should be obscured to minimum of level 3 of the Pilkington Scale. The use of any type of film or material affixed to clear glass is not acceptable for the purposes of this Condition.

**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 LDF Development Management Policies Document Adopted October 2015.**

- (7) The development hereby approved shall not be first occupied unless and until facilities have been provided for the secure parking of a minimum of 8 bicycles in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

**Reason: The above condition is required in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019.**

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”.

**16 MONTHLY REPORT ON PLANNING APPEALS DECISION AND HOUSING NUMBERS**

The Committee noted the appeal decisions from 15 September 2020 to 12 October 2020.

*The meeting began at 7.30 pm and ended at 9.48 pm*

COUNCILLOR CLIVE WOODBRIDGE (CHAIR)

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**15 Beech Road, Epsom, Surrey, KT17 4NH**

<b>Ward:</b>	<b>College Ward;</b>
<b>Site:</b>	<b>15 Beech Road, Epsom, Surrey, KT17 4NH</b>
<b>Application for:</b>	<b>Proposed ground and first floor rear extension, ground and first floor side extension and internal alterations</b>
<b>Contact Officer:</b>	<b>Tom Bagshaw</b>

**1 Plans and Representations**

- 1.1 The application is referred to committee as it was subject to a call in request by Councillor Julie Morris due to the application being an overdevelopment of the site.
- 1.2 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: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QA7I6LGYHSR00>

**2 Summary**

- 2.1 This application was heard by planning committee in September and a resolution to grant planning permission was passed. The application is returned to planning committee as the applicant has made amendments to the single storey side and two storey side extension requiring re-determination.
- 2.2 The amendments to the application in this case consist of reducing the width of the two storey extension by 0.3 metres and reducing the width of the single storey side extension by 0.3 metres. Following these amendments a 21 day consultation was sent to neighbouring properties.
- 2.3 The proposal seeks planning permission for the erection of a single and two storey side extension, with a single and two storey rear extension and a front porch

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- 2.4 The proposed two storey side extension is a modest size and would appear subordinate to the main property. It is set back from the front of the property and set in from the boundary of the neighbouring property by 1 metre and would maintain characteristic gaps between properties preventing a terracing effect. As such, it would not result in any unacceptable impact upon the character of the area or appearance of the property.
- 2.5 The proposed front porch and single storey side extension are designed to be subordinate to the main dwelling and are in keeping with the character of the property and the surrounding area. The roof form of the extensions are in keeping with the main property.
- 2.6 The two storey rear and single storey rear extension are only visible from the rear of the property. It is noted that the two storey rear extension would be visible from the gardens of neighbouring properties. However, this is not considered to be significant enough to warrant the refusal of the scheme on these grounds. As such the proposed rear extensions are considered to be acceptable in terms of design.
- 2.7 The materials of the proposals would match the existing property and therefore would be in keeping with the character of the surrounding area.
- 2.8 The proposed side extensions are separated from the boundary of the neighbouring property at No. 13a Beech Road. They would not be located adjacent to any useable private amenity space and they are located next to two windows both of which do not serve habitable rooms. As such, the proposed extensions would not be considered to result in any unacceptable impacts upon neighbouring amenity in terms of overbearing, overshadowing or daylighting/sunlighting.
- 2.9 The proposed single storey rear extension is 3 metres in depth and would not project beyond the rear of the building lines of either No. 17 or No. 13a Beech Road. As such, it is not located adjacent to any useable private amenity space at either property and it is not of a height or massing that would result in any unacceptable impacts upon the neighbouring properties in terms of overbearing, overshadowing or daylighting/sunlighting.
- 2.10 The proposed two storey rear extension would not breach the BRE 45 degree daylighting/sunlighting guidance to both neighbouring properties and it would not project beyond the rear building line of either property. As such, it would not be considered to result in any unacceptable impacts upon either property in terms of overbearing, overshadowing or daylighting/sunlighting.



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- 2.11 The proposal will have conditions restricting the use of the flat roofs of the property to maintenance purposes only and the side windows above ground floor will be required to be none openable and obscurely glazed to 1.7 metres from finished floor level and as such, the proposal will not result in any unacceptable impacts upon neighbouring amenity in terms of overlooking.

### **3 Site description**

- 3.1 The property is located within a built up area. The Site is comprised of a two storey semi-detached property in an area comprised mainly of two storey terrace and semi-detached dwellings. Many of the nearby semi-detached properties have been extended at the side. Separation distances between properties vary between no separation to one metre plus. The property is located on the south side of Beech Road. The properties in the surrounding area are post war properties with a mixture of white render and pebble dash.
- 3.2 The property is not listed nor is it located within a Conservation Area.

### **4 Proposal**

- 4.1 The application seeks planning permission for the erection of a single and two storey side extension, a single and two storey rear extension and a front porch.
- 4.2 The proposed two storey rear extension would be 2.5 metres in depth; 5.5 metres to the eaves; 7.9 metres to the roof ridge; and 3.4 metres in width.
- 4.3 The proposed single storey rear extension would be 3.2 metres in height; 3 metres in depth; and, 7.6 metres in width.
- 4.4 The proposed two storey side extension would be 7 metres in depth; 5.6 metres in height to the eaves; 8.2 metres to the ridge; and 0.8 metres in width.
- 4.5 The proposed single storey side extension would be 3.2 metres in height; 8.2 metres in depth; and, 1.5 metres in width.
- 4.6 The proposed porch would be 0.7 metres in depth; 3 metres in height to the eaves; 3.6 metres in height to the roof ridge; and 4 metres in width.

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

- 5.1 The application was advertised by means of letters of notification to 11 neighbouring properties. To date (07.09.2020) 9 letters of objection have been received regarding:
- Overdevelopment

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- Loss of light to 13a
- Overbearing
- Contrary to Householder design Guidance
- Lack of spacing between properties
- Materials out of character
- traffic/parking implications

5.2 8 letters of support were received regarding:

- Redevelopment of an old house
- Extensions in keeping
- No out of character due to mixed composition of surrounding area

5.3 Following amendments to the scheme a secondary round of consultation was sent out up until 25.11.2020 six objections have been received regarding the following issues.

- Overdevelopment
- Loss of light to 13a
- Overbearing
- Contrary to Householder design Guidance
- Lack of spacing between properties
- Materials out of character
- traffic/parking implications
- building on neighbouring land
- maintenance between properties

5.4 Officers note that all letters from both rounds of consultation are considered as a part of this application

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**6 Consultations**

6.1 N/A

**7 Relevant planning history**

Application number	Decision date	Application detail	Decision
20/00562/CLP	29.04.2020	Hip/gable loft conversion, rear dormer extension	Permit

**8 Planning Policy**

National Policy Planning Framework (NPPF) 2019

Chapter 4: Decision Making

Chapter 12: Achieving well-designed places

Core Strategy 2007

- Policy CS01 - General Policy
- Policy CS05 - The Built Environment

Development Management Policies Document 2015

- DM4 - Biodiversity and New development
- Policy DM09 - Townscape Character and Local Distinctiveness
- Policy DM10 - Design Requirements

Householder Applications: Supplementary Planning Guidance 2004

**9 Planning considerations**

9.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the plan unless material considerations indicate otherwise.

9.2 The main issues identified in this case are design of the proposal; and its impact upon the character and appearance of the area, the neighbouring amenity (eg. Light, privacy, outlook) and in addition other material considerations, in this case there is a potential ‘fallback’ position under permitted development which should be given appropriate weight in decision making.

**Design and Character**

9.3 The NPPF promotes attractive environments by creating well-designed buildings in terms of appropriate massing, bulk, materials and details, and in doing so, raising the profile of the borough in a positive way.

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- 9.4 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state 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.
- 9.5 Policy CS05 also states that the settings of heritage assets such as historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest will require higher standards of design to protect and enhance these assets.
- 9.6 DM10 (Design Requirements for New Developments) identifies the most essential elements which contribute toward the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced, and includes 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.
- 9.7 Epsom and Ewell Borough Council has a Householder Design SPG 2004 that offers guidance that on type of extensions that may be acceptable. However officers note that this is guidance and each case is judge up[on its own merits.

*Rear two storey and single storey extension*

- 9.8 The proposed two storey rear and single storey rear extensions would not be visible from the streetscene. However, they would be visible from the rear gardens of neighbouring properties.
- 9.9 Single storey rear extensions are common in the surrounding area and therefore this element of the proposed extensions is considered to be acceptable in terms of principle. The extension is not of an excessive size or scale and would not have any unacceptable impacts upon the design or character of the area. Therefore, this element of the proposal is acceptable in terms of design and character.

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- 9.10 It is noted that two storey rear extensions are not common in the surrounding area. However, the location of the proposed two storey rear extension is not considered to be detrimental to the character of the area and the surrounding character is not a conservation area. The two storey rear extension is not considered to be of a size or scale that would have any detrimental impacts upon the character or appearance of the surrounding area from the rear of the property and would be acceptable in terms of design.

*Single and two storey side extension.*

- 9.11 The proposal includes a two storey/single storey side extension. Neighbours have raised that the proposed extensions would be out of character and disproportionate with the streetscene.
- 9.12 The proposed two storey side extension is set back from the front of the property by 0.5 metres and is set in from the boundary of the neighbouring property by 1 metre and would be 1.3 metres from the neighbouring property. The extension is a modest size with a width of 0.8 metres. This is well below 50% the width of the original property which has a width of 5.9 metres. Therefore, the design of the proposed extension would ensure that the extension remains subordinate to the main dwelling and officers consider this to be a modest and proportionate addition to the property.
- 9.13 The proposed single storey side extension would be set 0.3 metres from the boundary of the property which would allow space for guttering and would be 0.6 metres from the neighbouring property. The extension is a modest size with a width of 1.8 metres and in unison with the two storey side extension would not be considered to result in an unacceptable increase in the bulk or massing of the property and is designed to be proportionate to the main property.

*Porch*

- 9.14 The proposed porch would span the width of both the single storey and two storey side extension and as such form a part of their character.
- 9.15 The porch is designed to match the character of the main property and the roof relates well to the main dwelling. The main roof would be a mono pitch roof whilst the doorway would be a small gable end which relates to the front bay of the main dwelling.
- 9.16 Overall the porch is a modest addition and would not be considered to result in any acceptable impacts upon the character or appearance of the surrounding area as many nearby properties also feature front porches.

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**Impact Upon Amenity**

- 9.17 Policy CS05 of the Core Strategy and Development Management Policy DM10 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 9.18 The main dwelling to consider in an assessment of the impacts upon neighbouring amenity are the neighbouring properties at No. 17 Beech Road to the west and No. 13a Beech Road to the east.
- 9.19 In addition to policy and when considering the amenity impact of the proposal it is also identified that the applicant has a viable 'fallback' position, which should be given weight as a material consideration in this case.
- 9.20 A 'Fallback' position refers to what development could take place if planning permission under an application currently being considered is not granted. This might be as a result of permitted development rights or an existing planning permission.
- 9.21 In this case the applicant does not have a certificate of lawfulness to formally confirm that a rear extension is permitted development, but Officers confirm that a single storey rear extension to the height of 3m would be permissible and is a realistic prospect in this case.

*13a Beech Road*

- 9.22 The proposed two storey side extension would not exceed the existing depth of the property and would be set 1 metres from the boundary and 1.3 metres from the neighbouring property at No.13a Beech Road. As the extension does not project beyond the existing rear of the property it is considered that it would not result in any overshadowing or overbearing issues that would warrant the refusal of the proposal.
- 9.23 Neighbour concern has been raised regarding the opening of a ground and first floor side window at No. 13a Beech Road being restricted by the two storey side extension and ground floor side extension. The proposed two storey side extension is set 1.3 metres from the neighbouring property which is considered to be sufficient to open these windows. Furthermore, these windows serve non-habitable rooms and thus it is not considered to result in any unacceptable loss of daylighting/sunlighting to any neighbouring habitable rooms.

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- 9.24 The proposed single storey side extension is set 0.3 metres from the boundary of the property and the finished extension would be 0.6 metres from the neighbouring property. At the side of No. 13a Beech Road which is a side passage way and is not considered to be of a high amenity value in regards to the use and enjoyment of private amenity space and as such, the proposed single storey side element of the extensions would not be considered to result in any unacceptable overbearing, overshadowing or daylighting/sunlighting to the neighbouring property at No. 13a Beech Road. The proposal is set and 0.6 metres from the dwellinghouse which is considered to be sufficient to allow for the opening of the ground floor window for ventilation purposes.
- 9.25 The proposed two storey rear extension is set 2.1 metres from the boundary of the neighbouring property at No. 13a Beech Road and is approximately 2.5 metres in depth. The height and depth of the extension would not breach the BRE 45 degree Daylighting Sunlighting guidance to any habitable room windows at neighbouring No. 13a Beech Road. The property at 13a Beech Road has a deeper rear building line and is approximately 3.5 metres in depth beyond the rear of No. 15 Beech Road and as such, the proposed extension would not project beyond the existing rear of No. 13a Beech Road. Therefore the location of the extension in unison with its height and depth would not result in any unacceptable impacts upon the amenity of No. 13a Beech Road.
- 9.26 The proposed single storey rear extension would be set 0.3 metres from the boundary of No. 13a Beech Road and is 3 metres in depth and it would not project beyond the rear building line of the neighbouring property. It is not located adjacent to any useable private amenity space nor is it a height scale or location that is considered to result in any unacceptable impacts upon neighbouring amenity in terms of overbearing, overshadowing or daylighting/sunlighting.
- 9.27 The proposed porch would be located at the front of the property and would not be situated adjacent to any useable private amenity space. As such, the proposed front porch would not be considered to result in any unacceptable impacts upon neighbouring amenity in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting.
- 9.28 The proposed two storey side extension includes a first floor window on the side elevation. In order to ensure that this window does not cause any unacceptable overlooking impacts a condition will be imposed which requires the window to be obscurely gazed and non openable below 1.7 metres from finished floor level. Furthermore the roof of the single storey extension will be conditioned to ensure that it is only accessible for maintenance purposes. Therefore, the proposals are not considered to result in any unacceptable overlooking impacts to the neighbouring property at No. 13a Beech Road.

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*17 Beech Road*

- 9.29 The proposed single storey rear extension is approximately 3 metres in depth and would abut the boundary of the neighbouring property at No. 17 Beech Road. The 3.2 metre height of the extension would not be permissible via permitted development however it is not uncommon for 3 metre depth extensions to be built along neighbouring boundaries via permitted development rights. Officers consider that the additional height of 0.2 metres to be the main issue in regards to the neighbouring amenity due to the presence of what is a viable fall back option. Furthermore, the neighbouring property at No. 17 features its own single storey rear extension of a similar depth. These material considerations accounted for the additional 0.2 metres above that which would be permitted development would not result in any unacceptable impacts upon the neighbouring property in terms of overbearing, overshadowing or daylighting/sunlighting to No. 17 Beech Road.
- 9.30 The proposed two storey rear extension is set 2.5 metres from the boundary of the neighbouring property at No. 17 Beech Road and is approximately 2.5 metres in depth. The height and depth of the extension would not breach the BRE 45 degree Daylighting sunlighting guidance to any windows at neighbouring No. 17 Beech Road. The property at 17 Beech Road has an existing single storey rear extension that abuts the boundary and is approximately 3 metres in depth and as such, the proposed extension would not be of a location that would have any significant overshadowing impacts to the neighbouring property due to the presence of an existing extension of a greater depth. The location of the extension in unison with its height and depth would not be considered to result in any unacceptable impacts upon the amenity of the property the scheme on the ground of overbearing to No. 17 Beech Road.
- 9.31 Neither properties feature side facing windows above ground floor level and the extension will be conditioned to only be accessible for maintenance purposes. Therefore it would not be considered to result in any unacceptable overlooking impacts to the neighbouring property.
- 9.32 The proposed porch is located at the front of the property and on the eastern side of the property. It would not be in close proximity to No. 17 Beech Road and as such, it would not be considered to have any unacceptable impacts upon neighbouring amenity in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting to No. 17 Beech Road.

## Ecology

- 9.33 It has been raised that bats are common in the surrounding area.



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- 9.34 Upon site inspection officers have looked for and have not seen any evidence of bats at the site. The Local Planning Authority has taken advice from Epsom and Ewell Borough Council's ecologist on this matter who stated that the scale of the application does not warrant a bat survey as a determination requirement. As there is a lack of evidence of bats, Officers do not feel that it is necessary to request one as a part of this application.
- 9.35 It is noted that Epsom and Ewell's Ecologist did state that should the applicants discover the presence of bats whilst undertaking works, a bat survey must be carried out prior to any works commencing. If the presence of bats is discovered and work does commence then the applicants should be reported to the local wildlife crime officer.
- 9.36 Therefore given the lack of evidence of bats on site and advice from the boroughs trained ecologist there are not any ecological concerns regarding this application.

## 10 Conclusion

- 10.1 The proposed two storey side extension has no unacceptable impacts in terms of design and character or neighbouring amenity as it is not located adjacent to any useable amenity space and is a modest size and scale.
- 10.2 The proposed single storey side extension and front porch are modest additions to the property and relate well to the main dwelling. They are not of a size scale or location that would result in any unacceptable impacts upon neighbouring amenity to the neighbouring property.
- 10.3 The single storey rear extension is not visible from the streetscene and it would not project beyond the rear of the neighbouring properties and as such it would not result in any unacceptable impacts upon neighbouring amenity.
- 10.4 The proposed two storey extension would not have unacceptable visual impact to the character of the area due to its located at the rear of the property. It is a sufficient separation from both neighbouring properties in order to mitigate any amenity impacts to neighbouring windows in terms of daylighting/sunlighting or outlook.
- 10.5 There is not any evidence of bats on site and therefore there is no requirement for a survey. However, should bats be found this should be reported and a survey carried out, or the applicants run the risk of legal action.
- 10.6 There are therefore no harms that can be attributed to the proposed development that would warrant the refusal of the scheme.

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## 11 Recommendation

### 11.1 Approve subject to conditions

Planning permission is granted subject to the following conditions:

1. The development hereby permitted shall be begun 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:

Drawing No 04 Rev F – Proposed Plans  
Drawing No 05 Rev F – Proposed Elevations

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).

3. The external materials used in the construction of the extension shall match as close as possible to those which are present at the existing property. The materials shall thereafter be retained.

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 Policies DM9 and DM10 of the Development Management Policies 2015.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings (other than those hereby approved) shall be formed in the side walls of the extensions hereby approved without the prior written consent of the Local Planning Authority.

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

5. The roof of the extension hereby permitted shall not be converted or used as a balcony or a sitting out area, and no access shall be gained except for maintenance purposes.

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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 LDF Development Management Policies Document Adopted October 2015.

6. Before any occupation of the development hereby permitted, any windows above ground floor level on the east elevation shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing of a patterned type only which shall thereafter be retained as such. Obscure glazed windows should be obscured to minimum of level 3 of the Pilkington Scale. The use of any type of film or material affixed to clear glass is not acceptable for the purposes of this Condition.

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 LDF Development Management Policies Document Adopted October 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.

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- 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".
- 5 All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If any presence of bats is found on the site during development, then development should cease and it is the responsibility of the applicant to alert a trained ecologist and perform the necessary surveys and form a wildlife mitigation plan in order to avoid causing any harm to the protected species. Should the applicant fail to perform the necessary surveys in a situation where bats have been discovered at the site, they may be committing a statutory offence and could open themselves up to prosecution from the Local Wildlife Crime Officer.

## Monthly Report on Planning Appeals Decisions

<b>Ward</b>	<b>(All Wards);</b>
<b>Contact officer</b>	<b>Steven Lewis</b>

Report by Steven Lewis, Planning Development Manager/Viv Evans Head of Planning

The Planning Service has received the following Appeal decisions from 13<sup>th</sup> October 2020 to 18<sup>th</sup> November 2020.

<b>Site Address</b>	<b>Planning reference</b>	<b>Description of development</b>	<b>Decision and Costs</b>
<b>259 Kingston Road Ewell Surrey KT19 0BN</b>	<b>20/00109/FLH APP/P3610/D/20/3245919</b>	<b>Demolition and replacement of part of the garage, ground rear floor extension, part side and rear extension at first floor level and loft conversion.</b>	<b>Dismissed – No Costs</b>
<b>The White Horse Public House 63 Dorking Road Epsom Surrey</b>	<b>19/00443/ADV APP/P3610/Z/19/3230805</b>	<b>Externally illuminated fascia sign , projecting sign , internally illuminated panel sign, 2 externally illuminated wall panel signs, 2 internally illuminated projecting signs</b>	<b>Split decision – No costs</b>

### Summary of Appeal Decisions:

#### **259 Kingston Road, Ewell, Surrey KT19 0BN**

The Inspector determined that the main issue was the effect on the character and appearance of the area and the Living conditions of residents.

In combination, the proposed first floor side extension and hip to gable extension would held to substantially increase the size of the property, fundamentally altering its shape. By virtue of its bulk and mass the development it was felt to represent an

incongruous addition that would disrupt the marked balance of the pair of semi-detached properties and rhythm of development in the area.

As a result of its scale, bulk and proximity to No 261 it was held to have an enclosing effect and be a dominant and overbearing feature in the outlook from the garden area adjacent to the conservatory and from the conservatory windows, therefore having a harmful effect upon the living conditions of the occupiers of the neighbouring residential property at No 261 with particular regard to outlook and sunlight.

**The White Horse Public House, 63 Dorking Road, Epsom**

The appeal was dismissed in relation to the fascia signs applied to the parapet and flank walls; and the three non-illuminated lockable poster frames to be fixed to the front boundary wall.

The appeal was allowed and express consent is granted for the display of a hanging sign; a wall mounted sign to each flank wall; 2 x wall mounted signs

The signage refused was held to result in harm to the special architectural and historic interest of the Grade II Listed Building and as a consequence result in material harm to the amenity of the area

The signage allowed was not held to interfere with the architectural detailing of the listed building, due to their location.

**Net No. of dwellings for which planning permission has been granted**

Month	Committee	Delegated	Appeal
April	0	2	1
May	55	2	0
June	0	3	0
July	14	7	0
August	0	18	0
September	0	1	0
October	0	14	0
<b>Total</b>		<b>117</b>	

**Annual target 695 dwellings**

It should be noted that the above table and figures only count decisions which have been formally issued and also exclude decisions where there is an extant planning permission to avoid double counting.