

Non-Determination Planning Appeal 91 Chessington Road West Ewell Surrey KT19 9UU

Demolition of existing dwelling and erection of 9 properties (3 X 2 bedroom and 6 X 3 bedroom) with associated works

Ward:	West Ewell Ward
Contact:	John Robinson Planning Officer

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: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OX2ZJ3GYHZG00>

2 Summary

- 2.1 This report is a result of an appeal which has been submitted against non-determination of planning application ref: 17/00976/FUL
- 2.2 This means that Epsom and Ewell Borough Council is not the determining authority, rather the Planning Inspectorate will consider the application, and our assessment of it and determine it.
- 2.3 The Officer's assessment of the application is set out below. The report makes a recommendation upon which Officers are seeking the views of Members: either to support the Officers assessment and advise the Planning Inspector that we would have been of a mind to refuse this application, or alternatively, consider the proposal and advise that we would have been of a mind to grant permission subject to conditions.

3 Background

- 3.1 Planning application 17/00976/FUL was validated on 4 October 2017 and sought full permission for the *Demolition of existing dwelling and erection of 9 properties (3 X 2 bedroom and 6 X 3 bedroom) with associated works*

- 3.2 The determination date of the application was 29 November 2017 and the decision (refusal) was issued on the 4 April 2018. An appeal for non-determination of the application was lodged with the Planning Inspectorate on the 28th March 2018. Although the Council issued a decision notice for refusal, as the appeal had already been lodged, the planning inspectorate will not take consideration of this. Councillors are therefore asked to read the officer report and state whether they would've agreed with the officer's decision. The member's indication of what decision they would have made, had the application not been appealed, will be sent to the Planning Inspectorate.
- 3.3 **The Officer's delegated report is attached as Annex 1 and the Decision notice as Annex 2.**
- 3.4 The views of the Committee are invited as part of the appeal procedure. The Planning Inspectorate will determine the appeal.

4 Options

- 4.1 Members are invited to indicate that had no appeals been made, they would have refused the planning application on the following grounds:
1. *Due to its design, siting, bulk and scale, plots 4 & 5 of the proposed development would have a harmful impact on the privacy and outlook of and would appear overbearing to the neighbouring occupants at No. 89 Chessington Road contrary to Policy CS5 of the Core Strategy (2007) and Policies DM10 and DM16 of the Development Management Policies (2015).*
 2. *Insufficient information has been submitted with the application to demonstrate that the proposal would not be harmful to bats with the result that the proposal would fail to comply with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies (2015).*
 3. *The close proximity of the proposed buildings (particularly at Plots 4 and 5) to the large Ash and Sycamore, is likely to have an adverse impact on the living conditions of the occupants of the proposed houses, and is therefore likely to result in future pressure to remove or heavily prune trees to the detriment of the visual amenity of the locality. Furthermore, due to the separation distance retained between Plots 3 and 9, the development would result in potential root damage to trees as during the construction of the proposed dwellings. The application is therefore contrary to the requirements of Policies CS1 and CS5 of the Core Strategy (2007) and Policies DM5, DM10 and DM12 of the Development Management Policies (2015).*

4. *The application proposal would have an unacceptable layout with parking spaces adjacent to Plot 1, which would cause significant harm to the amenities of the potential occupants of the proposed dwelling by reason of noise and disturbance, contrary to CS5 of the Core Strategy (2007) and Policies DM5, DM10 and DM12 of the Development Management Policies (2015).*
5. *Due to the proposed layout, the front windows of the proposed dwellings sited at Plot 7, Plot 8 and Plot 9 would be located in close proximity to rear gardens and to a lesser extent habitable windows of the dwellings at Plot 1, Plot 2 and Plot 3, which would cause overlooking. This would harm the privacy of the potential future occupants with the result that the proposal would fail to comply with Policies DM10 and DM12 of the Development Management Policies (2015).*

5 Recommendation

- 5.1 It is recommended that the above reasons for refusal be noted and agreed as the Council's position in defending this appeal.