

Planning Committee Meeting
22 July 2021
Monthly Appeals Report

Ward	(All Wards)
Contact officer	Mehdi Rezaie

Report by Mehdi Rezaie (Planning Development Manager), Viv Evans (Head of Planning).

The Planning Service has received the following Appeal decisions from 8th April 2021 to 23rd June 2021.

Summary of Appeal Decisions:

Item 1	Site Address	Planning Reference	Description of Development	Decision and Costs
1	39 Manor Green Road, Epsom, Surrey, KT19 8RN	Appeal Ref: 3258490 LPA Ref: 20/00525/FUL	Change of use of Gym/yoga studio, comprising a single-storey, 40m ² building into a residential dwelling. The only external works required will be some landscaping, the rest is intern.	Dismissed 05.05.21
2	The Gables, 27 Longdown Lane North, Ewell, Surrey, KT17 3HY	Appeal Ref: 3260784 LPA Ref: 20/00995/FLH	Erection of first floor side extension, installation of Juliet balcony to existing rear dormer and creation of pitched roof over existing rear dormer.	Dismissed 05.05.21
3	Vale Road, Worcester Park, Surrey, KT4 7EE	Appeal Ref: 3267228 LPA Ref: 20/01703/T56	Proposed telecommunications installation: Proposed 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.	Dismissed 10.05.21
4	32 Victoria Place, Epsom, Surrey, KT17 1BY	Appeal Ref: 3263682 LPA Ref: 20/01224/FLH	Replacement of existing single glazed wooden front (including bay) windows with double glazed uPVC windows.	Dismissed 21.05.21
5	58 Nightingale Drive, West Ewell, Surrey, KT19 9EN	Appeal Ref: 3267146 LPA Ref: 20/01318/FLH	First floor side extension (over existing side garage).	Dismissed 21.05.21
6	Glenwood, Horton Hill, Epsom, Surrey, KT19 8SY	Appeal Ref: 3269481 LPA Ref: 20/01633/FLH	Loft conversion with hip to gable conversion and dormer as approved with two storey side extension, single storey rear extension.	Allowed 17.06.21
7	140 & 142 Ruxley Lane, West Ewell, Surrey, KT19 9JS	Appeal Ref: 3263842 LPA Ref: 20/00288/FUL	Demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping. (Amended scheme received 28.07.2020).	Dismissed (Decision Date Blank)

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Summary of Appeal Decisions Continued:

1. **39 Manor Green Road (Appeal Ref: 3258490)**

The main issues were the effect of the proposal on the living conditions of the occupants of the proposed dwelling in relation to the provision of outdoor amenity space; and the character and appearance of the area.

The inspectorate took note of and considered the argument made by Appellant, namely in respect of the 67m² of private amenity space to be made available to future occupants of the dwelling.

The inspectorate recognised that the proposal did not show that the back garden of No 39 would be severed, or that any dedicated outdoor space would be attached to the proposed dwelling. The inspectorate went on to say that the sections depicted were made up of the linear spaces, or 'gaps', on all 4 sides of the building, and thus provide little or no amenity value. The inspectorate then emphasised that the majority of this space is and would be necessary for circulation around and entrance into the structure, and that given the restricted dimensions of the space, it is unlikely that it would be of any practical use. The quality and functionality of the little patio seating area offered on the south side of the building were also examined by the inspectorate, and stated that even this room would be deplorable as a whole.

On the subject of character and appearance, the inspectorate recognised that the studio would have a visual presence in Hamilton Close, and that the streets are predominantly characterised by the presence of detached and semidetached two-storey dwellings characterised by the provision of large back gardens in addition to space on the street frontage, and that there are no instances of dwellings whose scale, form, or design resembles that of the studio, which could lead to a development that is wildly different from the norm. The inspectorate did perceive however, that the structure was largely enclosed by a high boundary wall which may remain as enclosed as it is now, which would help to reduce its visual significance within the neighbourhood. This would address its visual prominence within the streetscene to some extent, concluding that the development would not have an adverse impact on the area's character and appearance.

The inspectorate came to the conclusion that there was no obvious parallel for the cramped arrangement and poor standard of amenity space indicated in this case, and that the proposal would provide unacceptable living conditions for future occupants of the proposed dwelling in terms of outdoor amenity space. It would therefore conflict with Policy DM12 of the Development Management Policies Document (2015), which seeks to secure amenity space which is, amongst other things, usable, functional, of a sufficient size and orientated to take account of shading; and Policy CS5 of the Core Strategy 2007, which seeks to secure functional private environments.

2. **The Gables, 27 Longdown Lane (Appeal Ref: 3260784)**

The main issues were whether the development would preserve or enhance the character or appearance of the Conservation Area.

The inspectorate took note of Appellant's case, which involved the past extension of 21a Longdown Lane North, in addition to how the scheme provides them with more space to suit their domestic needs. The inspectorate did note, however, that this is a relatively new dwelling with a different design than No 27, which had little bearing on the merits of the appeal proposal.

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Furthermore, on the Appellants case of creating expanded space, this benefit received "minimal positive weight" because it was considered a private advantage rather than a public benefit, and thus did not receive any weight. The inspectorate further gave consideration to the appellant's claim that it would produce construction activity/jobs, and noted that given the small scale of the project, any broader economic benefits would be negligible.

The significance of the Conservation Area, according to the inspectorate, lies in the planned arrangement of largely interwar detached suburban homes, which comprises of an attractive range of mostly hipped building forms in often repeated designs. This, together with the dwelling's elevation above the highway, ensures that it is prominent and easily seen within the streetscape. The inspectorate acknowledged that the original design's integrity had been harmed by the installation of plastic windows, but emphasised that the building's original character remains clearly recognisable, which light of the foregoing, the building contributes to the Conservation Area's value in a good way. Furthermore, any first-floor side expansion would disrupt the frontage's symmetry, and in this case, the imbalance generated by the extension's scale and inadequate level of integration would be severe, obscuring the visual identity of the original building form.

The inspectorate concluded that the development would fail to preserve or enhance the character or appearance of the Conservation Area. As such it would conflict with Policies DM8, DM9 and DM10 of the Development Management Policies Document (2015) which seek to secure this objective, and more generally seeks to secure high quality design.

3. Vale Road (Appeal Ref: 3267228)

The main issues were the effect of the proposal on the character and appearance of the area and, in the event that any harm is identified, whether that harm would be outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

The inspectorate noted that various interested parties had expressed concerns about the proposal's possible health implications, among other things, when it came to procedural issues. On the other hand, the Appellant had presented a declaration stating that the plan was made in compliance with the recommendations of the International Commission on Non-ionizing Radiation Protection (ICNIRP). The inspectorate concluded that under these circumstances, the National Planning Policy Framework (the Framework) advises that health safeguards are not something which a decision-maker should determine. Moreover, no sufficiently authoritative evidence had been provided to indicate that the ICNIRP guidelines would not be complied with, or that a departure from national policy would be justified and so the appeal would thereby proceed accordingly.

The inspectorate took note of and considered the argument made by Appellant, that the installation of the proposed cabinets constitutes permitted development, and hence could be automatically introduced into the appeal site. Here the inspectorate stated that while the cabinets could be considered in this respect as a separate entity, and notwithstanding the limited dimensions of the cabinets, the cabinets appear to be required partners of the proposed 15m monopole.

The Appellant further contended that the position's 'visibility corridors' were limited. The inspectorate commented here that, based on his site inspection, he considers that the junction on Vale Road provides reasonably unrestricted views along Cuddington Avenue towards the

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Parish Church where local residents and customers to the shops opposite appreciate the wider local views.

The inspectorate highlighted that while the trees behind the site would provide some limited screening and provide a refuge for wildlife, the monopole would loom above the nearby two-story shops, houses, and surrounding trees and dominate the skyline when viewed from any direction, in contrast to the existing lamppost and public house sign, which are relatively modest in height. As a result, he finds the proposal overly prominent and overbearing on the built and landscaped environment, which he considers to appear as an alien feature in the surrounding views.

The inspectorate acknowledged that the proposal would be likely to enhance digital communication for residents and businesses in the surrounding Worcester Park and Stoneleigh area in line with Paragraph 112 of the Framework as supported by the Governments 'Future Telecoms Infrastructure Review' 2018, but concluded that his findings are not outweighed by the relatively modest sustainability and social and economic benefits associated with one telecommunications installation.

The inspectorate concluded that, although not determinative, the proposal would be contrary to Policy DM18 of the Development Management Policies Document (2015), which aims include, that the potential for physical interference has been minimised in the siting and design of the apparatus. Accordingly, the proposal does not meet the requirements for prior approval required by virtue of Schedule 2, Part 16, of the GPDO.

4. 32 Victoria Place (Appeal Ref: 3263682)

The main issues were the effect of the proposed development on the character and appearance of the host dwelling and whether it would preserve or enhance the character or appearance of the Conservation Area.

The inspectorate took note of and analysed the Appellant's position, particularly in light of specific examples provided by them, and came to the conclusion that, ultimately, each case must be judged on its own merits.

The inspectorate recognised that the fenestration pattern in Victoria Place is diverse and of varying quality, with many of the old timber sliding sash windows being replaced with more modern equivalents. According to the inspectorate's findings, sliding sash designs are substantially more sensitive to the street scene than uPVC equivalents, and in this case, the centre window within the bay would not even be a sliding sash, but a top opening light, which would appear particularly incongruous when open.

The inspectorate acknowledges that replacement windows may improve security, energy efficiency, and noise insulation, but also points out that similar benefits can be derived from wood units, and that there are no public benefits advanced that would outweigh the less than substantial harm cited above.

The inspectorate decided that the proposed replacement uPVC windows would be detrimental to the host dwelling's character and appearance, failing to preserve the Conservation Area's character and appearance. Concluding that the proposal is contrary to the Framework and the CACA, and conflicting with Policy CS5 of the LDF Core Strategy (2007) and Policies DM8, DM9 and DM10 of the LDF Development Management Policies Document (2015) which together seek to protect and enhance the Borough's heritage assets, requiring high quality

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design particularly in those areas where the character has been eroded as identified in Conservation Area Appraisals.

5. 58 Nightingale Drive (Appeal Ref: 3267146)

The main issues were the effect of the appeal proposal on the character and appearance of the area.

The inspectorate noted and analysed the Appellant's position, particularly in regard to creating direct and indirect employment with subsequent social and economic benefits, however, the inspectorate concluded that these benefits would not outweigh the harm that the proposal would cause to the area's character and appearance.

The inspectorate recognised that the proposal would essentially build over this garage, and that its width would prevent it from being subordinate in form to the host dwelling, thereby overpowering it, appearing incongruous in appearance due to the fact that its flank wall would continue to follow the alignment of the splayed boundary, resulting in a contrived roof form that would conflict with the simple architecture in the locality. Furthermore, the first-floor front window would be over-scaled and would visually conflict with No. 58's main elevation, further detracting from the dwelling's character and appearance as well as the street scene.

The inspectorate concluded that the development would conflict with Policies DM9 and DM10 of the Development Management Policies Document (2015) which seek to enhance the townscape of the Borough, ensuring compatibility with local character, whilst incorporating principles of good design and at the very least ensuring that local distinctiveness is respected having regard to, amongst other things, prevailing development typology in terms of scale, layout, height, form (including roof forms) and massing.

6. Glenwood, Horton Hill (Appeal Ref: 3269481)

The main issues were the effect of the 2-storey side extension on the character and appearance of the surrounding area.

The inspectorate recognises that the Council had no objection to the loft conversion with hip to gable conversion and dormer, and the single storey rear extension, but rather its first floor side extension which by reason of its width and scale was considered to unbalance the pair of adjoining properties and result in an unacceptable risk of creating a terracing effect.

The inspectorate acknowledged that the proposed two-storey side extension would not be mirrored on the adjoining dwelling which forms part of the semi-detached pair, however, decided that due to it being set down from the roof ridge of the host property, and set-back from its front it would appear subordinate to its host property meaning that it would not be especially noticeable in the street scene. It was the inspectorate's view that in taking account of the width of the proposed extension, due to the mixed pattern of development nearby the newly-extended semi-detached pair would not appear incongruous in its context.

In terms of terracing effect, the inspectorate evaluated the guidance provided under the Council's SPG, which specifically mentioned 1m separation gaps, and reiterated that each case should be judged on its own merits. The inspectorate stated that, based on his site inspection, he observed a number of rows of terraces along Horton Hill as having no clearly defined pattern of development with respect to gaps between properties on this street, and

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that the proposal would replicate this arrangement, and that, given the extension's height, the fair-sized access way itself would that no actual or perceived terracing effect would occur.

The inspectorate concluded that the 2-storey side extension would have an acceptable effect on the character and appearance of the surrounding area in accordance with Policy DM10 of the Development Management Policies Document (2015) and Policy CS5 of the Core Strategy (2007) which collectively provide that, amongst other things, development proposals should contribute to the character and local distinctiveness of a street or area.

The inspectorate also passed that all conditions suggested by the Council have been considered and agrees that they are necessary, in the interests of clarity and enforceability, setting out the timescale for the commencement of development and the approved plans, respectively. Additionally that the condition suggested for controlling external materials to secure an acceptable appearance for the development is also necessary together with a condition requiring that the roof area of the single storey rear extension shall not be used as a private amenity area, to protect the living conditions of the occupiers of neighbouring properties, with respect to privacy.

7. 140 & 142 Ruxley Lane (Appeal Ref: 3263842)

The main issues issue were the effect of the appeal proposal upon the character and appearance of the area.

The inspectorate noted and analysed the Appellant's position, particularly in regard to the Council's standpoint on demonstrating a five year housing land supply. The inspectorate commented here that, pursuant to paragraph 11.d) ii. of the National Planning Policy Framework (the 'Framework'), the presumption in favour of sustainable development applies, and therefore the 'tilted' balance is engaged and he has determined the appeal on this basis.

The inspectorate took note of and analysed the Appellant's position, particularly in light of specific examples provided by them, and came to the conclusion that, ultimately each case must be assessed on its own merits. The inspectorate also acknowledged the Appellant's argument that they had underwent extensive pre-application discussions with Officers of the Council, however, comments here that Members are not bound by their recommendations.

The inspectorate recognised that in order to provide access and parking for the development, a large amount of the land would be hard surfaced, including a private road close to 144 Ruxley Lane which encompasses a two-story semi-detached house on the site's south western boundary. The inspectorate stated that while he has no concerns about the design and appearance of the front block as a solo piece of architecture, it cannot be regarded in isolation from all other building forms in the local vicinity.

The inspectorate acknowledged that Willow Court is a prominent point within the street scene at the intersection of Ruxley Lane and Cox Lane, and is significantly more domestic in scale, with a mix of bungalows and two-story residences. Also that the combination of the two-story block to the back and the hard surfacing in between would appear overdeveloped and would be at odds with the considerably more aforementioned suburban development pattern.

The inspectorate believes that, in contrast, the front block of flats would have a much higher eaves height than Willow Court's two-story element, going against its current reduction in hierarchy and form, and that, despite the gap between this and the shared boundary with No.144, it would be roughly level with that dwelling's ridge, dwarfing it in comparison.

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The inspectorate concluded that he consider that by reason of its scale, the proposed development would give rise to an overbearing relationship with both adjacent buildings on Ruxley Lane, significantly so in respect of no144; and which would be harmful to the character and appearance of the street scene. Furthermore by virtue of the number of units proposed, the scheme would give rise to a significant area of the site being covered with buildings and hard standing, indicating an overdevelopment of the site and giving rise to an unhealthy relationship with the neighbouring houses that would remain.

In regards to tilted balance, the inspectorate found in the preceding section that the provision of both market and affordable housing can be afforded significant weight in the planning balance. However, concluded that the presence of flatted blocks both built and approved within the locality, he found that overall the harm that would be caused to the character and appearance of the area by the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The inspectorate found the proposal contrary to Paragraph 127. c) of the Framework which requires developments to be sympathetic to the surrounding built environment, as well as Policies DM9 and DM10 of the Council's Development Management Policies Document (2015) and Policy CS5 of the Council's Core Strategy (2007), which together seek high quality and inclusive design which reinforces local distinctiveness; and that state that permission will only be granted for proposals which make a positive contribution to the Borough's appearance in regard to compatibility with local character and the relationship to the existing townscape and prevailing development typology of the surrounding area.

Summary of Pending Appeals:

Site Address	Appeal/LPA Reference	Description of Development	Grounds	Status
63 Bramble Walk Epsom, Surrey KT18 7TB	Appeal Ref: 3273732 LPA Ref: 20/00779/FLH	Erection of two storey side infill extension	Delegated Refusal	Received: 23.04.21
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: 26.04.21
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: 27.04.21
89 Grosvenor Road, Epsom Surrey, KT18 6JF	Appeal Ref: 3250560 LPA Ref: 19/01702/FLH	Felling of Sycamore T39 of TPO 97 located in the rear garden.	Non-Determination	Received: 06.05.21
64 South Street, Epsom, Surrey, 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: 10.05.21

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81 Kingston Road, Ewell, Surrey, KT17 2ER	Appeal Ref: 3274902 LPA Ref: 20/01829/FLH	Part single part two storey rear extension.	Delegated Refusal	Received: 12.05.21
Holland House, Mospey Crescent, Epsom, Surrey, 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: 25.05.21
Fennies Nursery, The Old School, House, 1A Hook Road, Epsom, Surrey, KT19 8TH	Appeal Ref: 3276399 LPA Ref: 21/00041/FUL	Relocation of external bin store, erection of new timber fencing and new concrete slab to replace existing block paving at the entrance to the nursery school car park.	Delegated Refusal	Received: 03.06.21
Epsom General Hospital, Dorking Road, Epsom, Surrey, KT18 7EG	Appeal Ref: 3272074 LPA Ref: 19/01722/FUL	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 to 308 care residences, 8 to 12 care apartments and 26 to 30 care suites providing transitional care, together with ancillary communal and support services Use Class C2, 24 key worker units Use Class C3, childrens nursery Use Class D1 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	Committee Refusal	Received: 26.04.21
Epsom General Hospital, Dorking Road, Epsom, Surrey, KT18 7EG	Appeal Ref: 3276483 LPA Ref: 21/00252/FUL	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, childrens 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.	Committee Refusal	Received: 09.06.21