

Planning Committee

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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	PINS Withdrawn 27.08.21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.*

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.

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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, Mospsey 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