

Monthly Appeals Report

Ward	(All Wards)
Contact officer	Justin Turvey

The Planning Service has received the following Appeal decisions between 9th December 2021 and 24th January 2022.

Summary of Appeal Decisions:

Item 1	Site Address	Planning Reference	Description of Development	Decision and Costs
1	22-24 Dorking Road, Epsom	19/01365/FUL	Demolition of the 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. Bin stores and associated hard and soft landscaping including new boundary walls and railings.	Dismissed 23.12.21 Costs claim refused
2	C D Mitchell Ltd, 64 South Street, Epsom	20/00041/FUL	Change of use from B1 Business to C3 Residential, including demolition of existing builders yard buildings. Construction of 6 number 2 storey, 2 bedroom dwellings	Dismissed 21.12.21
3	Fennies Day Nurseries, 1A Hook Road, Epsom	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.	Dismissed 19.01.22

Summary of Appeal Decisions Continued:

1. 22-24 Dorking Road, Epsom

The main issues were: (i) the effect of the development on the character and appearance of the area; (ii) the adequacy of the proposed parking provision in terms of its effect on the amenities of surrounding residential occupiers, and (iii) the effect of the proposal on the setting of nearby designated heritage assets

In relation to character, the Inspector considered that the proposal would fail to respond appropriately to the constraints of the site as the scheme was too large for the plot and incongruous in its suburban setting. It would therefore be harmful when viewed from both the Dorking Road and White Horse Drive street scenes, especially given its prominent location. The lack of landscaping and choice of materials were found to exacerbate this harm.

In relation to parking, the Inspector considered the appellants submissions in relation to likely parking demand but found that, in this location, which was not well served by local facilities, the significant shortfall in parking below standards was likely to add to parking pressure in the vicinity of the site, which would be harmful to the amenity of surrounding occupiers.

The Inspector considered that the harm in relation to designated heritage assets would be 'less than substantial'; however, combined with the harm to character identified above, would mean that the scheme's harm would outweigh the public benefits of the scheme.

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In relation to other matters raised by the Council and residents, the Inspector found that the scheme would not be overbearing upon neighbouring properties, and that the scheme would not result in an unacceptable level of traffic. However, these matters did not outweigh the harm he had identified above.

A costs claim was submitted by the appellant in relation to the addition of the third reason for refusal (heritage). The Inspector found that the appellant had made submissions in respect of heritage with the application (i.e. the appellant was aware that it would be a matter which the Council and Inspector would have to consider) and in undertaking his assessment of the scheme the Inspector was duty bound to consider the impact on designated heritage assets, so unreasonable behaviour had not occurred and the claim was dismissed.

2. C D Mitchell Ltd, 64 South Street, Epsom

The main issues were the effect of the proposal on: i) existing employment land, having regard to the requirements of local policy; ii) the living conditions for the occupants of neighbouring properties; iii) controlled waters; and iv) local ecology

In relation to policy, the Inspector found that the application had not justified the loss of employment land that would result from the scheme, and this weighed against it.

Considering neighbour amenity, the Inspector found that the proposed development would result in an overbearing and oppressive form of development that would be harmful to the levels of daylight and sunlight received by the adjoining dwelling, of detriment to their residential amenity.

The Inspector considered that the objections raised by the Environment Agency in respect of pollution had not been overcome by the appellants submissions and there was therefore a material risk that the scheme would be harmful to controlled waters. However, in relation to ecology, the Inspector found that the additional information provided by the appellant at appeal demonstrated that the scheme would not cause harm to ecology subject to conditions.

3. Fennies Day Nurseries, 1A Hook Road, Epsom

The sole issue was Whether the development preserves or enhances the character or appearance of the Adelphi Road Conservation Area including the effect on a lime tree and whether it preserves the setting of a listed building.

Although acknowledged as a small scale development, the Inspector found that the bin store would be highly visible and would detrimentally visually impact upon the existing railings, tree and the wider streetscene. Although the harm was less than substantial, the benefits of the scheme would not outweigh the harm and the appeal was dismissed.

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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
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
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

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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
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
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, following demolition of No. 7 Chase End).	Delegated Refusal	Received: 07.04.2021 Started: 14.09.2021
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
30 Lakehurst Road, Ewell KT19 0ES	Appeal Ref: 3254966 LPA Ref: 20/00321/FLH	Hip to gable roof extension with rear dormer involving conversion of loft space to habitable use (Resubmission of 19/01564/FLH)	Delegated Refusal	Started: 16.09.2021
22 The Greenway Epsom KT18 7HZ	Appeal Ref: 3277415 LPA Ref: 21/00595/FLH	Erection of two storey side extension, first floor rear extension and loft conversion including the erection of a roof dormer window.	Non-determination	Started: 24.11.2021