

## Planning Appeals Report

<b>Ward</b>	<b>(All Wards)</b>
<b>Contact officer</b>	<b>Justin Turvey</b>

Report prepared by Justin Turvey (Planning Development & Enforcement Manager).

The Planning Service has received the following planning appeal decisions which relate to non-householder developments:

### Summary of Appeal Decisions:

Item 1	Site Address	Planning Reference	Description of Development	Decision and Costs
1	Epsom General Hospital, Dorking Road, Epsom	20/00249/FUL	Erection of a multi storey car park comprising ground plus 5 storeys and 527 car parking spaces, reconfiguration of surface parking to provide 104 car parking spaces and improvement to the access road from Dorking Road	ALLOWED
2	91 Park Avenue East, Stoneleigh	21/01428/FUL	Demolition of the existing pool house at 89 and detached bungalow at 91, and the erection of four houses (comprising 4 no four bedroom detached chalet bungalows) with associated access and parking.	DISMISSED
3	113 Longdown Lane South, Epsom	-	Enforcement Notice: Without planning permission, there has been a change of use of the outbuildings, shaded yellow on the attached plan, to a separate dwelling house	QUASHED (ALLOWED)
4	Clayhill Lodge, West Hill, Epsom	21/00167/FUL	Demolition of existing single storey outbuilding and erection of five terraced houses and integrated cycle store. Associated landscaping works.	DISMISSED

### Summary of Issues:

#### 1. Epsom General Hospital

The appeal was dealt with as a Hearing on 2<sup>nd</sup> November 2022, with a site visit made on 3<sup>rd</sup> November. The main considerations in the appeal related to the effect of the proposals on the general character and appearance of the surrounding area and the effect of the proposals on the historic environment.

In relation to character and appearance, the Inspector considered that the site itself was fairly utilitarian, with minimal landscaping, poor legibility and buildings of a large scale with varying appearance, but did note that the area surrounding this part of the hospital site was more green and pleasant. The Inspector accepted that the multi-storey car park would be taller than the surrounding structures, but found its size and appearance to be compatible with the character of the hospital site within which it would be located. The Inspector gave weight to the features proposed to reduce the bulky appearance and add detail to the structure, including the green wall and metal fins, as well as improvements to the legibility of the site and the potential for increased landscaping. The Inspector also considered that views of the structure would be limited from the public realm and that where the car park was visible, it

would be seen in the context of existing hospital buildings and would not be harmful. In consideration of this issue, the Inspector concluded that:

*‘whilst the proposed multi-storey car park would appear as a bold, functional and contemporary structure of considerable height and massing it would nonetheless appropriately assimilate into the general scale and utilitarian appearance of the host hospital complex such that it would not result in any significant harm to the general character and appearance of the surrounding area’.*

In relation to heritage, the Inspector accepted that there would be some harm to the setting of the Woodcote and Chalk Lane Conservation Areas, however, the harm would be moderated by the existing buildings and would be at the lowest end of the scale of harm and found that there would no harm to any surrounding Listed Buildings.

The Inspector also considered other matters raised at appeal. In relation to the need for the level of parking proposed, he concluded that the amount of parking was proportionate to the needs of the hospital, particularly taking into account the level of parking displaced by the Guild Living scheme, which was previously allowed at appeal. In technical terms the Inspector found that the proposed spaces and internal layout of the car park was acceptable subject to a Car Park Management Plan condition. The Inspector dismissed concerns regarding the potential for overlooking, safeguarding issues and impact on the amenity of nearby residential properties. The Inspector agreed that a financial contribution towards monitoring of a Travel Plan was necessary.

Undertaking the planning balance, the Inspector concluded that the proposal would not result in significant harm to the general character and appearance of the surrounding area and that there would be very limited harm to the significance of the Woodcote and Chalk Lane Conservation Areas. The Inspector considered the public benefits of the scheme including the efficient use of land, allowing consolidation of operations on site, more efficient access and exit for hospital users and improved legibility and landscaping. The Inspector was satisfied that *the overall public benefits in this case clearly outweigh the heritage harm identified* and this warranted approval of the scheme, despite the identified conflict with the Development Plan. The appeal was allowed subject to conditions.

## **2. 91 Park Avenue East, Stoneleigh**

The main issues related to character and appearance, highways safety, and biodiversity.

In relation to character, the Inspector found that the backland development would be at odds with the established character, harmfully eroding the well-established and characterful pattern of housing along the frontage and spacious rear gardens. Proposed landscaping would not have been sufficient to mitigate this harm in the Inspector’s view.

The Inspector noted that the County Highway Authority raised no objection in terms of movements and highways capacity; however, the Inspector considered that the submitted tracking details showed that the movement of larger vehicles would conflict with pedestrian areas of the site and drivers may need to carry out reversing manoeuvres where there was limited visibility, resulting in conditions prejudicial to highway safety.

The site was located within an area with some ecological value. The Inspector found that in the absence of any ecological appraisal, it was not possible to rule out potentially harmful impacts and accordingly the appeal failed in relation to ecological impact.

### **3. 113 Longdown Lane South, Epsom**

By way of background, planning permission was granted for an outbuilding for ancillary residential accommodation in 2010, and for use of a stable block as ancillary residential accommodation in 2011. In 2014 an Enforcement Notice was served on the basis that a change of use to separate dwellings had occurred, and required removal of the kitchens. The Inspector considered that there was issue with the 2014 Notice as it only required removal of the kitchens, not the cessation of the use.

In 2020 a second Notice was served, the subject of this appeal, requiring the use as separate dwellinghouses to cease. At appeal, the Inspector found that because of the issue with the 2014 Notice, the 2020 Notice could not require the use to cease as it had effectively been granted consent under the previous Notice. Accordingly, the 2020 Notice was quashed.

### **4. Clayhill Lodge, West Hill, Epsom**

The main issues related to the impact of the development on the Stamford Green Conservation Area and the provision of amenity space for the proposed dwellings.

The Inspector considered that the development would erode the spacious and green character of this part of the Conservation Area and would not be able to mitigate this loss with the landscaping proposed given the amount of built form proposed – the scheme would therefore fail to preserve or enhance the Conservation Area.

The Inspector also found that the proposed gardens were small for properties of the size proposed and that some would be enclosed by high walls, making them less attractive to use. Accordingly, the Inspector concluded that the properties would not be provided with adequate levels of amenity space.

### Summary of Pending Appeals:

Site Address	Appeal/LPA Reference	Description of Development	Grounds	Status
140 - 142 Ruxley Lane West Ewell	Appeal Ref: 22/00013 LPA Ref: 20/01406/FUL	Demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping.	Non-determination	Started 04.05.2022
Chessington Road West Ewell	Appeal Ref: 22/00007/REF LPA Ref: 21/01557/T56	15m phase 8 monopole c/w wrapround cabinet at base and associated ancillary works	Delegated refusal	Started 22.03.22
Upper High Street Epsom	Appeal Ref: 22/00014/REF LPA Ref: 22/00052/T56	17m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets	Delegated refusal	Started 13.05.22
The Stoneleigh Inn Stoneleigh Broadway	Appeal Ref: 22/00023/REF & 22/00024/REF LPA Ref: 21/00790/FUL & 21/00791/LBA	Upgrade of an existing base station consisting of the proposed removal of 3 no existing antennas to be replaced with proposed 2no antennas on new steelwork fixed to chimney brickwork, together with the replacement of 3 no cabinets and ancillary development.	Delegated refusal	Started 27.06.22
Land Adjacent To Hollycroft Epsom Road Ewell	Appeal Ref: 21/01167/FUL LPA Ref: 21/01167/FUL	Erection of a two-storey detached dwelling with associated soft landscaping	Delegated refusal	Started 17.06.22
289 London Road Ewell	Appeal Ref: 22/00030/REF LPA Ref: 22/00966/FUL	Erection of 3-bedroom detached dwelling following the demolition of existing garage (amended scheme)	Delegated refusal	Started 21.09.2022
81 College Road Epsom	Appeal Ref: 22/00032/REF LPA Ref: 22/01028/FUL	Erection of a 3-bed, detached 1 1/2 storey family dwelling with landscaping and other associated works	Delegated refusal	Started 27.10.2022
Epsom Lodge 1 Burgh Heath Road Epsom	Appeal Ref: 22/00037/REF LPA Ref: 22/00431/FUL	Change of use of vacant Care Home (Use Class C2) to Dwellinghouses (Use Class C3) including associated alterations and erection of two storey side extension (to create 6 flats (1 x 1 bed and 5 x 2 bed).	Delegated refusal	Started 22.12.2022
39 Manor Green Road Epsom	Appeal Ref: 22/00034/REF LPA Ref: 22/00695/FUL	Change of use of gym/yoga studio to residential to create a 1 bedroom dwelling with associated garden and parking	Delegated refusal	Started 29.11.2022
52A Park Avenue East Stoneleigh	Appeal Ref: 22/00036/REF LPA Ref: 22/01085/FUL	Erection of additional storey and subdivision of the existing bungalow to provide a pair of semi-detached dwellings	Delegated refusal	Started 08.12.2022
52A Park Avenue East Stoneleigh	Appeal Ref: 22/00035/REF LPA Ref: 22/01086/FUL	Erection of additional storey and subdivision of the existing bungalow to provide a pair of semi-detached dwellings and single storey dwelling in rear garden	Delegated refusal	Started 06.12.2022