

Planning Appeals Report - September Quarter

Ward	All Wards
Proposal	Summary of all Planning Appeal Decisions between June and September 2023
Contact Officer	Simon Taylor
Title	Interim Manager, Planning and Enforcement

SUMMARY

	Address	LPA Ref	Appeal Reference	Proposal	Decision
1	The Whym, Windmill Lane, Epsom	22/01508/ FLH	APP/P3610/D/23/ 3317582	Two storey extension	Dismissed
2	37 Higher Green, Ewell KT17 3BB	22/01872/ FLH	APP/P3610/D/23/ 3317412	First floor rear extension	Dismissed
3	52A Park Avenue East, Stoneleigh KT17 2NY	22/01086/ FUL	APP/P3610/W/22 /3312598	Additional storey and subdivision of the bungalow to a pair of semi- detached dwellings and single storey dwelling in rear garden	Dismissed
3	52A Park Avenue East, Stoneleigh KT17 2NY	22/01085/ FUL	APP/P3610/W/22 /3312765		Upheld
4	39 Manor Green Road, Epsom KT19 8RN	22/00695/ FUL	APP/P3610/W/22 /3312147	Change of use of gym/yoga studio to 1 bed dwelling with garden and parking	Upheld
5	124 Hook Road, Epsom KT19 8TX	22/00817/ FLH	APP/P3610/D/23/ 3314322	Vehicular access and dropped kerb	Dismissed
6	32 Scotts Farm Road, West Ewell KT19 9LJ	23/00166/ FLH	APP/P3610/D/23/ 3321891	New access	Upheld
7	Land Adjacent to Hollycroft, Epsom Road, Ewell KT17 1JR	21/01167/ FUL	APP/P3610/W/22 /3301362	Two storey detached dwelling.	Dismissed
7	Land Adjacent to Hollycroft, Epsom Road, Ewell KT17 1JR	21/01254/ FLH	APP/P3610/W/22 /3301360	Part single/two storey extension and detached garage	Dismissed

	Address	LPA Ref	Appeal Reference	Proposal	Decision
7	Hollycroft, Epsom Road, Ewell KT17 1JR	21/01255/ LBA	APP/P3610/Y/22/ 3301359		Dismissed
8	140-142 Ruxley Lane, West Ewell KT19 9JS	21/01406/ FUL	APP/P3610/W/22/ /3291215	20 flats within two blocks with car parking and landscaping.	Dismissed
9	Epsom Lodge, 1 Burgh Heath Road, Epsom KT17 4LW	22/00431/ FUL	APP/P3610/W/22/ /3313773	Change of use of Care Home to create 6 flats and two storey side extension	Dismissed
10	The Stoneleigh Inn, Stoneleigh Broadway. Stoneleigh KT17 2JA	21/00790/ FUL 21/00791/ LBA	APP/P3610/W/22/ /3301980 APP/P3610/Y/22/ /3301981	Upgrade of base station with two replacement antennas and three replacement cabinets	Upheld
11	57 Church Road, Epsom KT17 4DN	23/00361/ FLH	APP/P3610/D/23/ 3324370	Side extension	Dismissed

* Appeal success rate: 71%

* Major appeal success rate: 100%

SUMMARY OF ISSUES

1 The Whym, Windmill Lane, Epsom - Dismissed

- 1.1 The appeal relates to two storey front extension and dormer windows to a backland bungalow. The appeal turned on overlooking grounds.
- 1.2 In their decision, the Inspector noted that there would be no material increase in overlooking when measured against the 2018 fallback consideration of a previous permission. However, paragraph 6 notes that “It is not clear from the plans whether or not it is the intention of the appellant to obscurely glaze any of (the four) windows within this dormer and therefore I consider that by being in such close proximity to the boundary shared with no 42, that the proposal would give rise to an unreasonable level of overlooking of its private amenity space.”

2 37 Higher Green, Ewell KT17 3BB – Dismissed

- 2.1 The appeal relates to a first-floor side dormer extension, first floor rear extension and loft conversion. The sole issue is whether the proposal would preserve or enhance the character or appearance of the Higher Green/Longdown Lane North Conservation Area.

- 2.2 The appeal decision notes “one particularly striking element of the host dwelling is the fact that it has significant cat-slide roofs to either side with there currently being a good visual gap at first floor level to the south east elevation and over the attached single storey garage of 39 Higher Green adjacent.” (para 3). The proposal would erode views of a magnificent Cedar tree (para 4), the extension is incongruous, ill thought out, over scaled, and bolted on (para 4) and it is of “a bulky appearance that would form a disproportionate and conspicuous extension to the host dwelling”. It was dismissed on these grounds, having regard to very limited public benefit.

3 52A Park Avenue East, Stoneleigh KT17 2NY – One dismissed, one upheld

- 3.1 The appeal related to a linked appeal against the refusal of two applications for (a) the creation of two semi-detached dwellings within an existing dwelling and a single bungalow in the rear garden and (b) the creation of two semi-detached dwellings within an existing dwelling and (b). Appeal (a) turned on issues of adequate parking. Appeal turned on issues of parking and impact upon the character of the area.
- 3.2 On parking grounds, there was a shortfall of four car spaces and the Inspector agreed with the appellant, recognising that the site was sustainably located close to modes of transport and day to day facilities. As this was the sole issue, Appeal B was allowed.
- 3.3 On character grounds in Appeal A, the Inspector noted that “The area also has a characteristic sense of spaciousness arising from the distance between roads and the deep back plots of the houses” (para 13). The conclusions were that the development complied with policy for backland development (Policy DM16) but failed to adhere to policies relating to good design (Policy DM9 and DM10. In the tilted balance, the harm outweighed the character harm, and the appeal was dismissed.

4 39 Manor Green Road, Epsom KT19 8RN - Upheld

- 4.1 The appeal related to the change of use of an existing outbuilding on a corner plot and incidental in nature to the existing dwelling (used as a gym/yoga studio) to create a 1 bed dwelling. No building works were proposed but the land was subdivided to create two plots. The Inspector acknowledges several previous applications and a 2020 dismissed appeal for a similar proposal. The main issues are whether the principle of residential development is acceptable within the proposed location, and the effect of the proposal on the character and appearance of the area. The latter turned on the formal subdivision of the plot and therefore the effect on the characteristic grain, density, and plot sizes of the area

- 4.2 The Inspector allowed the appeal, noting the following at paragraphs 14 and 15:

“The appeal proposal would split the original garden size of the existing dwelling by just under half to provide a plot for the proposed dwelling (thereby overcoming the living conditions issue at the previous appeal). The resultant plots would be much smaller in depth than the gardens which serve the surrounding houses and, as the Inspector for the previous appeal noted, starkly at odds with the existing pattern of development.

However, this would not be particularly perceptible at ground level from within the various street scenes due to the corner plot location and relatively enclosed boundary treatments. As such, whilst the appeal proposal would introduce an out of scale dwelling and disproportionate plots; it would not appear intrusive or discordant within the public realm. Therefore, it would not unacceptably adversely impact the character and appearance of the area...”

5 124 Hook Road, Epsom KT19 8TX - Dismissed

- 5.1 The appeal related to the creation of a crossover, refused because of highway safety concerns on a B road and harm arising from the loss of a street tree.
- 5.2 The Inspector agreed with the Council in acknowledging that pedestrian safety is compromised as visibility splays can only be obtained across neighbouring land. The loss of any trees was noted as regrettable but acceptable on account of them not being TPO protected.

6 32 Scotts Farm Road, West Ewell KT19 9LJ - Upheld

- 6.1 The appeal related to the creation of a crossover, refused because of harm to the character of the area and effects on highway safety, being the reversing of vehicles onto the highway.
- 6.2 The Inspector acknowledges a finely balanced consideration at paragraph 8. There is identified conflict with policy, but the appeal was allowed on account of the appellant being a registered disabled driver. They also noted that a 3-point manoeuvre could be achieved on site thus eliminating highway safety concerns.

7 Land Adjacent to Hollycroft, Epsom Road, Ewell KT17 1JR and Hollycroft, Epsom Road, Ewell KT17 1JR – 3 appeals dismissed

- 7.1 These relate to three linked appeals for a single storey and two storey extension to the existing dwelling (householder application and listed building consent) known as Hollycroft, which is a mid C18, Grade II listed building within the Ewell Village Conservation Area. The third appeal related to a new infill, two storey dwelling (full application). The issues were conservation and heritage related.
- 7.2 The Inspector's decision notice recognises the evolution of the site, including subdivision in 1964 and more mature vegetation in recent years. The setting is therefore more restricted than when it was first listed. The conservation area in which it is located is extensive and mixed and Hollycroft occupies the southern edge.
- 7.3 The Inspector identified various issues with the extensions to the existing dwelling, noting that "Collectively, the proposed extensions would dominate and overwhelm the existing host property. Rather than being subservient and subordinate, they would be disproportionate in scale, width, depth, and height, adding excessive bulk to this modest-sized historic dwelling. The entrance to the house and principal living areas would be within the extensions, relegating the existing ground floor reception rooms to small secondary spaces. This would significantly diminish the value of the original historic elements of the house." (para 17). Public benefits such as improved thermal efficiency did not outweigh the harm and the appeals against the householder application and listed building consent were dismissed.
- 7.4 The appeal for the infill dwelling was also dismissed, with an increased bulk closer to the rear elevation of the listed building giving "rise to an increased sense of enclosure to Hollycroft, eroding its spacious, garden setting, which is one of its distinguishing features as a historic building" (para 28) and "The loss of a section of the wall, combined with the construction of the dwelling and its associated parking area, (harming) the appearance, and (diminishing) the character of this part of the EVCA." (para 29)

8 140-142 Ruxley Lane, West Ewell KT19 9JS - Dismissed

- 8.1 The appeal related to the demolition of two dwelling houses and the erection of two flat buildings with a total of 20 flats in an area predominated by two storey dwellings and some commercial development. The issues related to the impact upon the character of the area, provision of internal and external amenity space and neighbour amenity impacts.

- 8.2 On the first issue, the Inspector noted that “It would also be a wide building overall and as such at the height and scale proposed it would both tower over No 144 and unduly contrast with the prevailing pattern of development in the vicinity” (para 7), “a considerable proportion of the frontage of the site would consist of a parking area and an access way, with minimal areas within that part of the site provided for soft landscaping” (para 8), “a considerable proportion of the site would still consist of either hardstanding or built form” (para 10) and the “assortment of dormer window styles, roof forms, and balconies which would undermine the visual coherence of the building” (para 11).
- 8.3 There was also agreement on internal amenity requirements, with almost half of the units having departures from the space standards and some bedrooms provided with obscure windows or rooflights only. This is exacerbated by the fact that there is no private amenity space. The siting and number of windows within both flat buildings presented overlooking concerns to the rear and front and there was also an undue loss of sunlight and daylight. The titled balance acknowledged the shortfall in the housing land supply and the significant weight applied to the benefits but also recognised very substantial weight to the adverse impacts and dismissed the appeal (para 34-36).

9 Epsom Lodge, 1 Burgh Heath Road, Epsom KT17 4LW – Dismissed

- 9.1 The appeal related to the change of use of a vacant care home to create six flats. It included associated alterations and additions. The primary issue was whether the building and site could accommodate six flats, namely private amenity space, harm to neighbour amenity, impact upon an existing Pine tree and lack of car parking. The site lies within the Burgh Heath Road Conservation Area. The principle of the change of use was not contested.
- 9.2 In dismissing the appeal, the Inspector agreed with the Council on all counts. They found in the balancing exercise that the benefits did not outweigh the harm, noting:
- Whilst I note the absence of an objection to the proposed parking provision from the Local Highway Authority, this would appear to be essentially based on the site being in a ‘sustainable’ location, with the town centre assuming significance in this regard. However, although I have noted the appellant’s views, I remain unconvinced that this is a suitable site as regards both character and location for a 50% reduction in on-site provision from the Council’s minimum standard (para 8)

- I regard the Council's arboricultural statement as setting out a convincing case that the pine tree would come under an unacceptable level of threat were the development to proceed on the basis of including the two parking spaces shown on the submitted plans as being near the tree (para 9)
- I am of the view that the design and scale of the rear elevation's fenestration would not adequately reflect the constraints imposed by the site's limited capacity for increases in the overall scale of the development and number of residents likely to take advantage of the aspect when compared to the recent use as a Care Home and original use as a single dwelling. (para 10)
- The submitted Daylight and Sunlight Assessment is in my view sufficient evidence of an unacceptable effect, as confirmed by the occupiers of the dwelling in their objection, and I am not persuaded otherwise by the appellant's view to the contrary. (para 10)
- I share the Council's view that it is reasonably likely that some or all of the 2-bedroom flats would each be occupied by a family with a child. And whilst it is correct that this is partly a consideration for the prospective occupiers themselves to decide, it is also true that the affordability of both rented and purchased properties is such that in reality future occupiers have a very limited choice. (para 11)

10 The Stoneleigh Inn, Stoneleigh Broadway. Stoneleigh KT17 2JA - Upheld

- 10.1 The appeal related to the upgrade of an existing base station with two new antennas, replacement of 3 no cabinets and ancillary development including structural steelwork. It was a linked appeal relating to the planning application and listed building consent. The primary issue is the harm to the Grade II listed Stoneleigh Inn, a C20 public house which was listed after the existing telecommunications equipment was installed.
- 10.2 The Inspector's assessment notes that the net removal of one antenna weighs in favour but that the two replacement antenna would be bulkier, with attachment to the existing chimneys adding clutter and causing harm to the building's appearance. Limited harm is accepted because of replacement of existing structures and the public benefits associated with 5G technology tipped in favour of upholding both appeals. Pre commencement conditions required structural details and materials details to assist in camouflaging the equipment.

11 57 Church Road, Epsom KT17 4DN - Dismissed

- 11.1 The appeal related to the replacement of a timber store with a garage/store room outbuilding with off street parking at the front of the site and partial replacement of the boundary wall. The primary issues related to the impact to the character of the existing dwelling and the Church Street and Pikes Hill Conservation Areas.

- 11.2 Parking and fencing changes were acceptable, but the Inspector identified sufficient harm without adequate benefit in relation to the outbuilding, noting at paragraphs 6 and 7:

“... In contrast, the appeal scheme would be substantially higher than the shed, with a greater footprint and overall scale and extent. The existing views of the double chimney breasts would be obliterated, obscuring an important feature within the context of the property and the wider CSCA and PHCA, and thereby injurious to the significance of the heritage assets.

Being situated on the junction of Church Road, Grove Road and St Martin's Close, the appeal site is prominently located. The development would immediately abut the public footpath of St Martin's Close, creating an imposing and discordant blank wall that would appear dominant within the context of the streetscene. When seen together with 59 Church Road, the scheme would add significant bulk to one side of the semi-detached pair. Even accounting for the set back from the front elevation, this would alter the architectural character of the properties and cause a harmful imbalance in the symmetry of the units.”

SUMMARY OF PENDING APPEALS

Address	LPA Ref	Appeal Reference	Proposal	Received	Status
8 Grafton Road, Worcester Park KT4 7QP	22/00316/ TPO	APP/P3610/W/2 2/3310516	T1 Pine: Fell to ground level	07/11/2022	No start letter
12 Dartford Court, Glanville Way, Epsom KT19 8HQ	22/01522/ FUL	APP/P3610/W/2 3/3315065	Outbuilding (garden office)	19/01/2023	No start letter
72 Chesterfield Road West Ewell KT19 9QP	22/01698/ FUL	APP/P3610/W/2 3/3318006	Demolition of garage and construction of bungalow	06/03/2023	Dismissed Review in Q4
Land To Rear of Burnside, Vernon Close, West Ewell Epsom KT19 9LF	22/00385/ TPO	TBC	Felling of Oak at Danetree Close	29/03/2023	No start letter
49 Lower Hill Road Epsom KT19 8LS	23/00036/ FLH	APP/P3610/D/2 3/3320972	Use of outbuilding for ancillary residential	25/04/2023	Decision pending
20 Mount Pleasant Epsom KT17 1XE	23/00122/ FLH	APP/P3610/D/2 3/3322276	Loft and raising of ridge	18/05/2023	Decision pending
18 Mount Pleasant Epsom KT17 1XE	23/00026/ FLH	APP/P3610/D/2 3/3322403	Loft and raising of ridge	18/05/2023	Decision pending
Land at 1 Limecroft Close, Ewell KT19 9RE	23/00266/ FUL	APP/P3610/W/2 3/3324358	Infill dwelling house	20/06/2023	Statement of Case due

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Address	LPA Ref	Appeal Reference	Proposal	Received	Status
Majestic Wine Warehouses, 31 - 37 East Street, Epsom	22/01518/ FUL	APP/P3610/W/23/3324830	Self-storage facility	28/06/2023	Hearing 21 November
176 East Street, Epsom KT17 1ES	22/01814/ FUL	APP/P3610/W/23/3325967	Hip to gable extension	19/07/2023	No start letter
8A Ewell Downs Road, Epsom KT17 3BP	23/00357/ FLH	APP/P3610/D/23/3326068	Rear extension to dwelling	19/07/2023	Decision pending
84 Hookfield, Epsom	23/00568/ FLH	APP/P3610/D/23/3328899	Erection of relocated boundary fence and extension of residential curtilage	07/09/2023	No start letter
12 Ashford Court, Epsom KT19 8LR	22/01522/ FUL	APP/P3610/W/23/3315065	Detached outbuilding	19/01/2023	Decision pending
Brackenlee, Woodcote Side, Epsom,	23/00457/ FLH	APP/P3610/D/23/3328554	Granny annexe outbuilding	08/09/2023	Decision pending
Hobbledown, Horton Lane, Epsom	22/00010/ FUL	APP/P3610/W/23/3329486	Fencing and gates	14/09/2023	No start letter
41 Manor Green Road, Epsom	23/00352/ CLP	APP/P3610/X/23/3330057	Widening of dropped kerb	23/09/2023	No start letter
58 The Kingsway Ewell	23/00702/ FLH	APP/P3610/D/23/3330304	Extensions to convert house into a part two, part single storey house	27/09/2023	No start letter
5 Rutherwyke Close, Stoneleigh	23/00716/ FLH	APP/P3610/D/23/3330379	Side and rear extensions	28/09/2023	No start letter
Glyn Hall, Cheam Road, Ewell	23/00013/ FUL	APP/P3610/W/23/3330544	Demolition of community hall	02/10/2023	No start letter
Linden Cottage, 44 Christchurch Mount, Epsom	23/00487/ FUL	TBC	Three new dwellings	03/10/2023	No start letter
8 Bevan Park Road Ewell	23/00706/ TPO	APP/P3610/W/23/3330614	TPO for Ash tree	02/10/2023	No start letter
Verona, Horton Lane, Epsom KT19 8NX	22/01560/ FUL	APP/P3610/D/23/3319108	Outbuilding	09/06/2023	Decision pending
26- 28 Stoneleigh Broadway, Stoneleigh KT17 2HU	22/01757/ FUL	APP/P3610/W/23/3326613	Two semi-detached houses with access	25/07/2023	No start letter
21 Chartwell Place, Epsom KT18 5JH	22/01810/ TPO	TBC	Felling of Ash tree	25/07/2023	No start letter

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Address	LPA Ref	Appeal Reference	Proposal	Received	Status
8 Woodcote Hall, Woodcote Road, Epsom	22/01862/ FLH	APP/P3610/D/2 3/3331340	Roof extension	17/10/2023	No start letter
15 Amis Avenue, Epsom	23/00176/ FUL	APP/P3610/W/2 3/3331410	Infill two storey dwelling	17/10/2023	No start letter
5 Poplar Farm Close, West Ewell	23/00302/ TPO	TBC	Part tree removal	18/10/2023	No start letter