

## PLANNING APPEALS REPORT

<b>Report</b>	Summary of all Planning Appeal Decisions and Current Appeals
<b>Period</b>	October-December 2023
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<b>Date of Report</b>	26 January 2024
<b>Appeals Determined</b>	9 (6 dismissed (67%), 3 upheld (33%))
<b>Costs Appeals Determined</b>	2 (1 dismissed (50%), 1 upheld (50%))

## SUMMARY

Item	Address	LPA Ref	PINS Ref	Proposal	Decision
1	72 Chesterfield Road West Ewell KT19 9QP	22/01698/ FUL	<a href="#">APP/P3610/W/23/3318006</a>	New bungalow	Dismissed 10/10/23
2	18 Mount Pleasant Epsom KT17 1XE	23/00026/ FLH	<a href="#">APP/P3610/D/23/3322403</a>	Loft and raising of ridge	Upheld 25/10/23
3	20 Mount Pleasant Epsom KT17 1XE	23/00122/ FLH	<a href="#">APP/P3610/D/23/3322276</a>	Loft and raising of ridge	Dismissed 27/10/23
4	49 Lower Hill Road Epsom KT19 8LS	23/00036/ FLH	<a href="#">APP/P3610/D/23/3320972</a>	Use of outbuilding for residential accommodation	Upheld 13/11/23
				Costs appeal	Dismissed 13/11/23
5	Verona, Horton Lane, Epsom KT19 8NX	22/01560/ FUL	<a href="#">APP/P3610/D/23/3319108</a>	Outbuilding	Dismissed 15/11/23
				Costs appeal	Upheld 15/11/23
6	12 Ashford Court, Epsom KT19 8LR	22/01522/ FUL	<a href="#">APP/P3610/W/23/3315065</a>	Detached outbuilding	Dismissed 4/12/23
7	Majestic Wine Warehouse, 31-37 East Street, Epsom	22/01518/ FUL	<a href="#">APP/P3610/W/23/3324830</a>	New self-storage facility	Upheld 8/12/23
8	8A Ewell Downs Road, Epsom KT17 3BP	23/00357/ FLH	<a href="#">APP/P3610/D/23/3326068</a>	Rear extension	Dismissed 19/12/23
9	Brackenlee, Woodcote Side, Epsom KT18 7HJ	23/00457/ FLH	<a href="#">APP/P3610/D/23/3328554</a>	Granny annexe outbuilding	Dismissed 19/12/23

## DETAILS

### 1. 72 Chesterfield Road, West Ewell (dismissed)

- 1.1. The appeal involved the creation of an infill bungalow on a corner plot following demolition of an existing garage. It was dealt with under written representations. The identified issues were the impact upon the character of the area and upon nearby trees.

- 1.2. The Inspector noted an open character with two storey dwellings predominating. The Inspector found that Policy DM16 does not specify that policies protecting against the loss of residential gardens should apply only to landlocked sites, finding at paragraph 6 of the decision that *“As a separate dwelling it would neither reflect the scale, form nor position of other dwellings in its immediate vicinity. Furthermore, it would not have the associated plot size or layout to reflect the prevailing spacious pattern of the existing houses sitting in sizable plots with longer rear gardens. As such, the dwelling and its constrained plot would appear somewhat squeezed in and rather than positively contributing, it would have an unsympathetic relationship with its surroundings that would harm the character and appearance of the wider area.”*
- 1.3. The Inspector also found that proximity to and overshadowing from a nearby Lawson Cypress would likely lead to pressure to remove or prune from future occupiers, but did not find the same with respect to a Walnut.
- 1.4. In applying the titled balance, the harm outweighed the benefits and the appeal was dismissed, with both of the Council’s reasons for refusal well founded.

## **2. 18 Mount Pleasant Epsom (upheld)**

- 2.1. The appeal related to a loft conversion with a rear mansard roof form, front dormer and rooflights. It was dealt with as a householder appeal. The identified issue was the impact upon the character of the area.
- 2.2. The street comprises bungalows and two storey dwellings but the subject site is within a cluster of bungalows. The Inspector concluded that the vast majority of the bulk was at the rear and it would still be appreciated as a bungalow when viewed from the street. The proposed dormer was modest and whilst it was contrary to SPG guidance, this was not mandatory. The appeal was upheld as a result.

## **3. 20 Mount Pleasant Epsom (dismissed)**

- 3.1. The appeal site lies next door to the above appeal site and was considered by the same Inspector. It involved the addition of a first floor to an existing bungalow. It was dealt with as a householder appeal. The identified issue was the impact upon the character of the area.
- 3.2. Noting that this site is also within a cluster of bungalows, the Inspector agreed with the Council in stating that *“The additional height and scale of development would result in a disjointed appearance to the detriment of the host property and the adjoining cluster”* (paragraph 8) and the appeal was dismissed.

## **4. 49 Lower Hill Road Epsom (upheld)**

- 4.1. The appeal related to the use of an incidental outbuilding, originally approved by a certificate of lawfulness, as an ancillary residential accommodation. The main issues are whether the proposal would result in the existing outbuilding being used as a separate residential unit and, if so, the effect on the living conditions of nearby residents in terms of noise and disturbance.

- 4.2. A previous appeal decision was dismissed on account of it being used as a separate dwelling on a permanent basis whereas this appeal relates to overnight accommodation connected to the main dwelling. The Inspector noted that whilst the building was sizeable, the layout of the site and relationship with the main dwelling would prevent independent use. The Inspector did not agree with the Council's reasoning that it could be used as a separate dwelling and should be treated as such, including having to comply with minimum space standards. The appeal was therefore upheld, subject to a condition requiring that it remain as an annexe.
- 4.3. A separate costs appeal was dismissed. The appellant contended that the Council should not have considered the building as a separate dwelling, that they did not undertake a site visit and that the decision was not made in a timely manner. The Inspector did not agree.

## **5. Verona, Horton Lane, Epsom (dismissed)**

- 5.1. The appeal related to the erection of an outbuilding within the curtilage of a dwelling in the Green Belt. It was dealt with under householder appeal service and the identified issues related to whether it was inappropriate development in the Green Belt and whether there was harm to existing trees.
- 5.2. The proposed outbuilding was about 20m from the dwelling but because of its domestic activities, should be considered as part of the dwelling for the purposes of assessing whether the proposal would result in a disproportionate addition over and above the size of the original building as is required to be assessed in Section 13 of the NPPF. For it to be disproportionate, Council policy specifies a maximum increase in volume of 30% whereas the agreed increase was 73%. The Inspector agreed that it was therefore inappropriate development by definition and there was harm to the openness in visual and spatial terms.
- 5.3. The Inspector did not agree that the pressure to remove adjacent Oak, London Plane and Pine trees would be justified as a reason for refusal.
- 5.4. In considering very special circumstances, the Inspector placed substantial weight on the appellant's needs and the benefits associated with the Equality Act 2010 but found that the harm outweighed the benefits and dismissed the appeal.
- 5.5. A separate costs appeal was submitted, alleging unreasonable behaviour by the Council because an additional reason for refusal was introduced since the refusal of a previous application for the same scheme. Unfortunately, the previous application was not assessed against Green Belt policy and the Council were obliged to assess as such under this application. The Council acknowledged that the situation was regrettable, but the Inspector agreed that a full award of costs was justified.

## **6. 12 Ashford Court, Epsom (dismissed)**

- 6.1. The appeal related to the erection of an outbuilding within the garden of a dwelling within the West Park Conservation Area. It was considered under written representations.
- 6.2. The Inspector noted that “The proposal would introduce a building into this narrow space adjacent to a main elevation of the building. In my view, it would appear significantly out of place and would appear as an ill-conceived after-thought within this area. The consistent use of red brick and slate tiles in these blocks means that the consistency of materials is also an important feature. The design and appearance of the proposal would fail to harmonise with the existing buildings and would add to its unacceptable effects.” (paragraph 6)
- 6.3. The building was visually prominent and vegetative screening could not be guaranteed. Benefits of providing home working space were also not supported and the appeal was dismissed.

## **7. Majestic Wine Warehouses, 31 - 37 East Street, Epsom (upheld)**

- 7.1. The appeal relates to the demolition of the existing warehouse and erection of a larger self-storage facility with office space for use by Big Yellow. The appeal related to non-determination and a hearing was held on 21 November 2023. The issues considered during the hearing were:
  - The effect on the character of the area and to trees
  - Whether it would prejudice delivery on adjacent sites
  - Neighbour harm (loss of light)
  - Adequacy of on-site car parking
- 7.2. The Inspector noted the considerable height of the five storey building and the fact that it occupied the majority of the site but raised no objection on character grounds when having regard to the setting to the north east and of Hook Road car park. Windowless elevations were successfully broken up by contrasting materials and an active and improved frontage is established where additional landscaping can be established.
- 7.3. The Inspector did not agree that future delivery was prejudiced, noting that the proposal contributed to the delivery of employment floorspace and “Given the early stage in the plan making process I can attach little weight to the Council’s assertion of prematurity” (paragraph 20).
- 7.4. Issues of neighbour amenity related to the adjacent student accommodation building. In dismissing this issue, the Inspector noted the relatively short duration of occupancy by students and vacation-time visitors and the fact desks are mostly located alongside windows before concluding that the extent of the harm was debateable and not unacceptable.
- 7.5. The Inspector noted that the issue relating to the availability of parking was put down to a misinterpretation of the plans and raised no objection. Concerns relating to traffic as raised by interested parties were also dismissed.

7.6. The appeal was subsequently upheld, subject to conditions relating to CEMP, contamination, piling, AIA and AMS, biodiversity, SuDS, materials, landscaping, parking and noise control.

**8. 8A Ewell Downs Road, Epsom (dismissed)**

8.1. The appeal related to the erection of a double storey side and rear extension. It was considered under the householder appeal process and the main issue is the effect of the proposed extensions on the character and appearance of the host dwelling, the streetscene and The Green/Ewell Downs Road Conservation Area

8.2. The Inspector agreed with the Council with respect to the pleasingly traditional appearance of the host dwelling and its location within the street scene. In dismissing the appeal, the Inspector referred to the loss of the symmetrical bay frontage, excessive bulk and the way in which the two storey side extension, which is built to the boundary, would compromise the setting of the footpath and the Conservation Area and reduce the spacious quality in this location.

**9. Brackenlee, Woodcote Side, Epsom (dismissed)**

9.1. The appeal related to an outbuilding for ancillary use, with basement in the rear garden of the property. The appeal was dealt with under written representations and the sole issue related to the extent of harm to the character of the area.

9.2. The Inspector agreed with the Council, noting that the scale and height of the outbuilding (including a loft) would be excessive and that it would not be subservient to the main dwelling and would be at odds within its back garden setting. The basement was also would be harmful and contrived and the likely future use being incidental. The Inspector also raised issue with how excavation for the basement could be undertaken in a satisfactory manner. The appeal was dismissed.

**CURRENT APPEALS**

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Planning Committee  
08 February 2024

Planning Appeals  
Report

Planning Ref	Appeal Ref	PINS Reference	Status	Address	Proposal
22/00010/FUL	23/00022/REF	APP/P3610/W/23/3329486	Pending	Hobbledown, Horton Lane, Epsom	Fencing and gates
22/00316/TPO	22/00033/NONDET	APP/P3610/W/22/3310516	Valid	8 Grafton Road Worcester Park	T1 Pine: Fell to ground level
22/00385/TPO	23/00007/COND	TBC	Valid	Rear Of Burnside, Vernon Close West Ewell	Felling of Oak
22/01757/FUL	23/00017/REF	APP/P3610/W/23/3326613	Valid	26-28 Stoneleigh Broadway, Stoneleigh	Semi-detached houses
22/01810/TPO	23/00019/REF	TBC	Valid	21 Chartwell Place, Epsom	Felling Ash
22/01814/FUL	23/00015/REF	APP/P3610/W/23/3325967	Pending	176 East Street, Epsom	Hip to gable addition
22/01862/FLH	23/00030/REF	APP/P3610/D/23/3331340	Valid	8 Woodcote Hall, Woodcote Road, Epsom	Roof extension
22/01876/LBA	23/00033/REF	APP/P3610/Y/23/3333271	Valid	Royal Automobile Club, Woodcote Park, Epsom	Refurbishment of room
23/00013/FUL	23/00026/REF	APP/P3610/W/23/3330544	Valid	Glyn Hall, Cheam Road, Ewell	Demolition of community hall
23/00175/TPO	23/00032/REF	TBC	Valid	35 Woodcote Hurst, Epsom	Removal of Cypress
23/00176/FUL	23/00029/REF	APP/P3610/W/23/3331410	Pending	15 Amis Avenue, Epsom	Infill dwelling
23/00266/FUL	23/00012/REF	APP/P3610/W/23/3324358	Pending	Land at 1 Limecroft Close, Ewell	Additional dwelling
23/00302/TPO	23/00031/REF	TBC	Valid	5 Poplar Farm Close, Ewell	Part tree removal
23/00352/CLP	23/00023/REF	APP/P3610/X/23/3330057	Pending	41 Manor Green Road, Epsom	Widening of dropped kerb
23/00487/FUL	23/00028/NONDET	TBC	Valid	Linden Cottage, 44 Christchurch Mount, Epsom	Three dwellings
23/00568/FLH	23/00020/REF	APP/P3610/D/23/3328899	Pending	84 Hookfield, Epsom	Fence and curtilage
23/00577/FUL	23/00034/REF	APP/P3610/W/23/3335744	Valid	6A Bucknills Close, Epsom	Six dwellings
23/00702/FLH	23/00024/REF	APP/P3610/D/23/3330304	Pending	58 The Kingsway Ewell	Two storey extension
23/00716/FLH	23/00025/REF	APP/P3610/D/23/3330379	Pending	5 Rutherwyke Close, Stoneleigh	Side and rear extensions
23/00963/FLH	23/00036/REF	APP/P3610/D/23/3335853	Valid	56 West Drive, Cheam	Raised patio with planters
23/00997/FLH	23/00035/REF	APP/P3610/D/23/3335609	Pending	16 Walsingham Gardens, Stoneleigh	Front porch, two storey side and rear extension and dormer
23/01271/FLH	24/00001/REF	TBC	Pending	1 The Headway, Epsom	Carport, outbuilding and fence
23/01272/FLH	24/00002/REF	TBC	Pending	1 The Headway, Epsom	Side extension and change to materials
24/00003/REF	24/00003/REF	APP/P3610/D/24/3337389	Pending	47 Briarwood Road, Stoneleigh	Side and rear extensions