

Summary of Appeal Decisions

PLANNING APPEALS REPORT

Report	Summary of all Planning Appeal Decisions and Current Appeals
Period	April-June 2024
Author	Simon Taylor, Interim Manager, Development Management
Date of Report	01/07/2024
Appeals Determined	10 (6 dismissed, 4 upheld)
Costs Appeals Determined	2 (1 dismissed, 1 awarded)

SUMMARY

Item	Address	LPA Ref	PINS Ref	Proposal	Decision
1	1 The Headway, Epsom	23/01272/ FLH	APP/P3610/D/24/ 3336909	Porch, removal of render, and mock Tudor cladding	Dismissed 10 April 2024
2	1 The Headway, Epsom	23/01271/ FLH	APP/P3610/D/24/ 3336907	Carport, outbuilding and boundary wall	Dismissed 10 April 2024
3	56 West Drive, Cheam SM2 7NA		APP/P3610/D/23/ 3335853	Raising of rear balcony	Dismissed 10 April 2024
4	47 Briarwood Road, Stoneleigh KT17 2LX	23/01347/ FLH	APP/P3610/D/24/ 3337389	Part one/part two storey side and rear extension	Upheld 10 April 2024
5	176 East Street, Epsom KT17 1ES	22/01814/ FUL	APP/P3610/W/23/ /3325967	Change of use from retail to residential, alongside rear extension and hip to gable conversion	Upheld 16 April 2024, Costs application refused
6	Hobbledown, Horton Lane, Epsom KT19 8PT	22/00010/ FUL	APP/P3610/W/23/ /3329486	Perimeter fencing, relocation of entrance gates and gas tank holder	Upheld 7 June 2024, Full costs against Council
7	41 Manor Green Road, Epsom KT19 8RN	23/00352/ CLP	APP/P3610/X/23/ 3330057	Widening of dropped kerb (certificate)	Dismissed 31 May 2024
8	Linden Cottage, 44 Christchurch Mount, Epsom KT19 8NB	23/00487/ FUL	APP/P3610/W/23/ /3330665	Three new dwellings following demolition of existing dwelling	Dismissed 22 May 2024
9	26-28 Stoneleigh Broadway Stoneleigh KT17 2HU	22/01757/ FUL	APP/P3610/W/23/ /3326613	Two x 1 bed semi-detached dwellings	Upheld 20 May 2024

10	15 Amis Avenue, West Ewell KT19 9HZ	23/00176/ FUL	APP/P3610/W/23 /3331410	Infill two storey dwelling house	Dismissed 2 May 2024
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DETAILS

1. 1 The Headway (dismissed)

1.1. The appeal involved works to the existing building in the Ewell Village Conservation Area, including removal of render, installation of mock Tudor cladding and addition of a porch. The Inspector agreed that whilst the dwelling had a neutral contribution, the use of mock Tudor was excessive, and the porch was disproportionate. The public benefits did not outweigh the harm to the conservation area and the appeal was dismissed.

2. 1 The Headway (dismissed)

2.1. The appeal involved additions to the existing building in the Ewell Village Conservation Area, including a carport, outbuilding and new front wall. The Inspector agreed that the net loss of boundary hedging and its replacement with a red brick wall and piers with railings was intrusive in the streetscene. The carport was opposed because it would further increase the width of the dwelling and combined with the outbuilding, there was a net loss of openness. The public benefits did not outweigh the harm to the conservation area and the appeal was dismissed.

3. 56 West Drive (dismissed)

3.1. The appeal related to the refusal of a retrospective application for a raised patio at the rear of a dwelling. The primary issue related to overlooking from the patio to both neighbours. The Inspector did not raise issue with overlooking towards 54 West Drive but agreed that whilst mutual overlooking was evident, the extent of overlooking towards the rear garden of 58 West Drive rendered the application unacceptable. Reliance upon landscaping as screening would be unsatisfactory. The appeal was dismissed, and the Council is currently engaged in enforcement processes with the applicant.

4. 47 Briarwood Road (upheld)

4.1. The main issue with the proposal for a two storey side and rear extension was the effect on light to the neighbour at 49 Briarwood Road arising from the rear extension, The Inspector noted a departure with the 45 degree line but when considering the modest height above the fencing, a depth that was broadly consistent with neighbours and a permitted development fallback, the Inspector did not share the Council's concerns and allowed the appeal

5. 176 East Street (upheld)

5.1. The application included the change of use of the existing building from retail to residential. To enable a dwelling within the first floor, it relied upon a hip to gable roof

extension, first floor rear extension and two rear dormers. With previous approvals on the site, the Council's reason for refusal related to the hip to gable extension and its impact upon the character of the area, by virtue of disrupting the form and appearance of the existing building within a prominent location.

- 5.2. At paragraph 8, the Inspector noted "The proposed hip to gable extension would alter the visual symmetry of the terrace. However, given the width of the row of terraces, it would be unlikely that the proposed extension would be perceptible in the same view as the property on the other end. Further, the proposed hip-to-gable would be of a simple design and would be set-back within the roof, so the two gable projections on either end, together with the chimneys, would remain the focal points on the front façade of the terrace. Thus, the proposal would preserve the architectural interest and visual attractiveness of the terrace, as well as its positive contribution to the character of the area" and the appeal was allowed.
- 5.3. A costs application by the appellant was dismissed.

6. Hobbledown (upheld)

- 6.1. The appeal related to retrospective ancillary works within the existing yard and entrance to Hobbledown off McKenzie Way, including relocation of the entrance gates, a gas holder tank and boundary fencing. The appeal related to a committee overturn and the primary issue was whether there would be safe manoeuvring and whether it would impact highway safety.
- 6.2. The Inspector noted the following in their appeal decision:
- There is no intensification of the site, and the relocation of the entrance gates would reduce the need for vehicles to wait on the highway (paragraph 11)
 - The Council's doubts about the tracking movements plan are not shared, primarily because an alternate plan was not to scale and conditioning of compliance with the plan could be ensured (paragraph 12)
 - Reversing onto the highway is an existing practice and without an intensification of use, this is not unreasonable (paragraph 13)
 - Visibility splays are good given that forward movement is possible (paragraph 14)
 - The Highways Authority did not object to the proposal (paragraph 15)
 - Other concerns about the safety of the LPG tank (paragraph 20), the visibility of the fencing (paragraph 21), harm to the conservation area (paragraph 22, flood risk (paragraph 25) and harm to the Site of Nature Conservation Interest (paragraph 26) were not shared by the Inspector
 - Issues with other areas of the Hobbledown site (paragraph 27) and voting irregularities (paragraph 28)
 - The lawful use of the yard, as allowed by a later planning application (24/00024/REM) had no bearing on the determination (paragraph 23)
- 6.3. The appeal was allowed on account of the above. A requirement for a delivery management plan by condition was not imposed.

6.4. An application for full costs was awarded to the appellant on account of unreasonable behaviour, namely *“The Council’s evidence was vague and generalised in terms of explaining how any harm to highway safety would occur, including in terms of which elements of the scheme would cause the alleged harm. Whilst the original application and the appeal was supported by technical drawings, illustrating matters such as the manoeuvrability within the site, no technical or other substantiated evidence was provided in defence of the reason for refusal.”* (paragraph 5)

7. 41 Manor Green (dismissed)

7.1. The appeal related to a widening of an existing crossover, as submitted as a certificate of lawfulness. The Inspector agreed with the Council that the widening of the crossover was not required for access to the existing hardstanding car space and for this reason, it did not meet the requirements of Class B of Part 2 of the GPDO. The appeal was dismissed.

8. Linden Cottage (dismissed)

8.1. The appeal related to the non-determination of an application for three x 3-bed dwelling houses within a backland site. Reasons for refusal involved harm to the character of the area, including trees, ecology issues and overlooking of neighbouring properties.

8.2. The Inspector agreed with the Council that the development would be at odds with the prevailing pattern of development, that the plots would be smaller than the surrounding area and that it appeared as a cramped development. The width of Plot 1 was constrained by the driveway. Landscaping would be restricted because of its location in a confined space. For these reasons, the harm to the area was profound.

8.3. There was contradictory evidence relating to bat roosts within the building and the Inspector was unable to conclude that there would not be unsatisfactory impacts on ecology. Neighbour harm, in terms of overlooking, would also conflict with policy. The length of time that landscaping took to establish rendered this an unsatisfactory form of mitigation.

8.4. When weighing the tilted balance in paragraph 11 of the NPPF, the benefits did not outweigh the harm and the appeal was dismissed.

9. 26-28 Stoneleigh (upheld)

9.1. The appeal related to a semi-detached dwelling comprising two x 1 bed dwellings. The primary issues were whether adequate amenity space, refuse storage and car parking was provided and the wider effect on the character and appearance of the area.

9.2. The significant lack of outdoor amenity space weighed against the scheme. The development would be visible in Dell Lane and against the backdrop of residential development on upper levels at Dell Lane, the residential use would not be alien.

Refuse arrangements and storage could be conditioned and whilst there were shortfalls with parking provision, it would be otherwise acceptable.

9.3. When weighing the tilted balance in paragraph 11 of the NPPF, the adverse effects of granting permission (relating solely to amenity space) would not significantly and demonstrably outweigh the clear benefits. The appeal was upheld.

10. 15 Amis Avenue (dismissed)

10.1. The appeal related to an infill 2-bed dwelling house and the issues related to the harm to the character of the area and overlooking of 17 Amis Avenue. The Inspector noted that the proposal would reduce the openness and spaciousness of the garden and that the detached nature of the proposal within a narrow plot would result in a cramped development that as incongruous with the semi-detached properties in the area. Concerns of overlooking were also shared.

10.2. When weighing the tilted balance in paragraph 11 of the NPPF, the benefits did not outweigh the harm and the appeal was dismissed.

CURRENT APPEALS

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Planning Ref	Appeal Ref	PINS Reference	Status	Address	Proposal
22/00316/TPO	22/00033/NOND ET	APP/P3610/W/22/3310516	Valid	8 Grafton Road Worcester Park	Felling of Pine
22/00385/TPO	23/00007/COND	TBC	Valid	Rear Of Burnside, Vernon Close West Ewell	Felling of Oak
22/01810/TPO	23/00019/REF	TBC	Valid	21 Chartwell Place, Epsom	Felling of Ash
22/01876/LBA	23/00033/REF	APP/P3610/Y/23/3333271	Valid	Royal Automobile Club, Woodcote Park, Epsom	Refurbishment of room
23/00175/TPO	23/00032/REF	TBC	Valid	35 Woodcote Hurst, Epsom	Removal of Cypress
23/00302/TPO	23/00031/REF	TBC	Valid	5 Poplar Farm Close, West Ewell	Part tree removal
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
22/01876/LBA	23/00033/REF	APP/P3610/Y/23/3333271	pending	The Royal Automobile Club, Woodcote Park, Epsom	Refurbishment of room
23/00577/FUL	23/00034/REF	APP/P3610/W/23/3335744	Pending	6A Bucknills Close, Epsom	Six dwellings
23/01142/FLH	24/00004/COND	APP/P3610/W/24/3338154	Pending	54 Parkview Way, Epsom	New window
23/01285/FLH	24/00006/REF	APP/P3610/D/24/3341016	Pending	81 Park Avenue East, Stoneleigh	Porch, first floor extension
23/01397/FLH	24/00007/REF	APP/P3610/D/24/3341121	Pending	141 Riverview Road, Ewell	Two storey front and side extensions
23/01424/FLH	24/00009/REF	APP/P3610/D/24/3341526	Pending	116 Riverview Road, Ewell	Hip to gable roof extension
23/00582/FUL	24/00013/REF	APP/P3610/W/24/3342567	Pending	16 Reigate Road, Ewell	Infill dwelling
24/00057/FLH	24/00012/REF	APP/P3610/D/24/3341762	Pending	52 The Parade, Epsom	Side dormer, rear extension
23/01251/FUL	24/00014/REF	APP/P3610/W/24/3343175	Pending	11 Woodlands Road, Epsom	Conversion of outbuilding to dwelling
23/01184/FUL	24/00008/REF	APP/P3610/W/24/3341342	Pending	11 Woodlands Road, Epsom	Conversion of outbuilding to holiday let
24/00042/CLP	24/00015/REF	APP/P3610/X/24/3343404	Pending	42 Arundel Avenue, Ewell	Dropped kerb
23/00730/FUL	24/00010/REF	APP/P3610/W/24/3341641	Pending	Pine Lodge Way, Horton Lane, Epsom	Infill dwelling
24/00207/ADV	24/00020/REF	APP/P3610/Z/24/3345304	Valid	Outside 6A Church Street, Epsom	Communications hub/advert
24/00208/FUL	24/00018/REF	APP/P3610/W/24/3345295	Valid		Communications hub/advert

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24/00209/ADV	24/00019/REF	APP/P3610/Z/24/3345303	Valid	Outside 73 High Street, Epsom	Communications hub/advert
24/00208/FUL	24/00018/REF	APP/P3610/W/24/3345301	Valid		Communications hub/advert
24/00242/FUL	24/00022/REF	APP/P3610/W/24/3345635	Valid	17 Waterloo Road, Epsom	Dropped kerb to retail premises
23/01508/LBA	24/00017/REF	APP/P3610/W/24/3344151	Valid	31 Prospect Place, Epsom	Single storey side extension to listed building
23/01507/FLH	24/00025/REF	APP/P3610/W/24/3344151	Valid	31 Prospect Place, Epsom	
23/01234/FUL	24/00024/REF	APP/P3610/W/24/3346386	Received	1 Wheelers Lane, Epsom	New dwelling
23/00525/CLE	24/00011/REF	APP/P3610/X/24/3342079	Received	7 Melton Place, Epsom	Certificate to make lawful a change of use to 3 dwellings
24/00301/REM	TBC	TBC	Received	46 Horton Crescent, Epsom	Change to fenestration