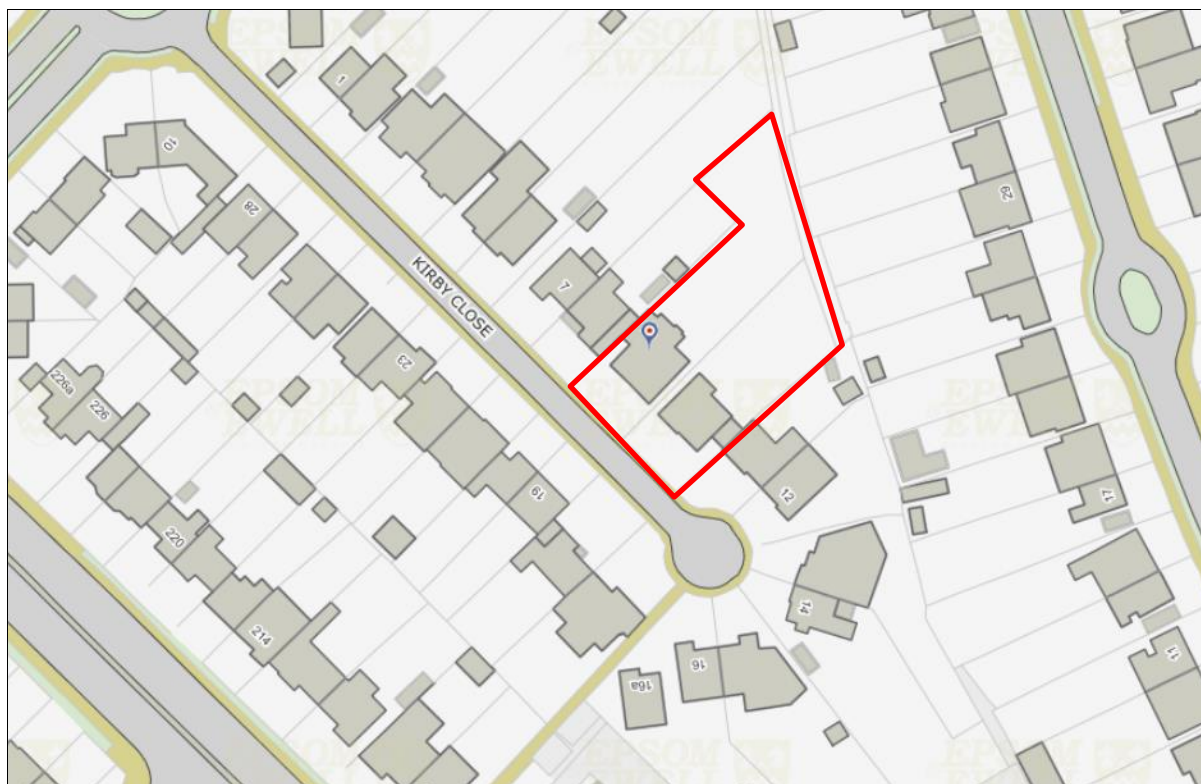


Planning Committee
13 February 2025

Planning Application
Number 24/01462/FUL

24/01462/FUL - 9 And 10 Kirby Close, Ewell KT19 0PW

Application Number	24/01462/FUL
Application Type	Full Planning Permission (Minor)
Address	9 And 10 Kirby Close, Ewell KT19 0PW
Ward	Auriol Ward
Proposal	Demolition of existing dwellings and construction of 4 x 3 bed residential dwellings with associated parking and landscaping
Expiry Date	07 February 2025
Recommendation	Refusal
Number of Submissions	25
Reason for Committee	Called in by Member of the Council
Case Officer	Simon Taylor
Contact Officer	Simon Taylor, Manager
Plans, Documents and Submissions	Available here
Glossary of Terms	Available here: Glossary of Terms



SUMMARY

1. Summary and Recommendation

- 1.1. The proposal relates to two residential plots towards the south eastern end of Kirby Close, each consisting of a detached bungalow. The proposal involves the demolition of the existing bungalows and their replacement with four semi-detached, two storey, 3 bed dwelling houses (a net increase of two dwellings).
- 1.2. The application follows 24/00445/FUL which was a permission in principle application for the same scheme. It was recommended for approval at Planning Committee on 18 July 2025 but subsequently refused (overturned) due to member concerns with the density of the development. It is currently at appeal. There are minor changes to the scheme to address some of the concerns raised at Planning Committee, but the subject application has been submitted as a full application, which allows assessment of all material planning considerations.
- 1.3. The tilted balance is engaged in accordance with paragraph 11 of the NPPF and in this respect, the scheme is acceptable in a street that has a predominance of bungalows but with several two storey dwellings. However, assessment of all material planning considerations required consideration of any impacts upon protected species. In the absence of a Phase II bat survey, the Council cannot be satisfied that the proposal would not pose harm to protected species. Refusal is recommended.
- 1.4. A total of 25 submissions were received against the proposal. The application was called to Planning Committee by Cllr Beckett because of concerns of overdevelopment and being out of character. Whilst the recommendation is for refusal, it does not include those concerns raised by Cllr Beckett.

PROPOSAL

2. Description of Proposal

- 2.1. The proposal involves the following works:
 - Demolition of the existing dwelling houses
 - Erection of four semi-detached, two storey, 3-bed dwelling houses
 - Parking for eight vehicles (two per dwelling), hard and soft landscaping, fencing and associated site works

3. Key Information

	Existing	Proposed
Site Area	1,400m ² (800m ² at 9 Kirby Close and 600m ² at 10 Kirby Close)	
Units	2	4
Floorspace	Approximately 200m ² (120m ² at 9 Kirby Close and 80m ² at 10 Kirby Close)	512m ² (102-104m ² per dwelling)
Number of Storeys	1	2
Density	14 dwellings per hectare	29 dwellings per hectare
Affordable Units	0	0
Car Parking Spaces	At least 2 per dwelling	8 (2 per dwelling)

SITE

4. Description

- 4.1. The subject site comprises two plots on the northern side of Kirby Close, near the head of the cul-de-sac. Occupying the sites are two bungalows with driveways to the side. The immediately surrounding area is predominantly bungalows (either detached or semi-detached) but there are still several examples of two storey semi-detached properties in Kirby Close.

5. Constraints

- Built Up Area
- Tree Preservation Order (TPO302/G3) to rear boundary of 10 Kirby Close
- Site of Special Scientific Interest Risk Area
- Unclassified Road
- Flood Zone 1

6. History

- 6.1. 24/00445/FUL was presented to Planning Committee in July 2024 as a permission in principle application (ie only the location, land use and amount of development could be considered). The application involved broadly the same scheme (4 dwellings) and was recommended for approval but was overturned by Committee with the following reason for refusal:

1) *Excessive Density for the Site*

The proposed development would not maintain the visual character and appearance of the wider townscape. contrary to Policy DM11 of the Development Management Policies Document 2015.

6.2. The subject application has not proposed to reduce the amount of development as it would prove impractical and unsatisfactory to demolish two detached dwellings and erect three dwellings (either as detached or terraced). Therefore, the principle objection raised by the Planning Committee has not been overcome but concerns raised by Officers and members on the Committee are considered to have been addressed. The primary differences between this application and the previous application (24/00445/FUL) are:

- Reduction in overall building widths by 1.5m, allowing for an increase in the building separation from 1m to 2m between the two properties
- 250mm lowering of the overall building heights
- Introduction of curved front bay windows instead of square bay windows
- Relocation of the entrance door to Units 1 and 4 to the front elevation
- Introduction of additional soft landscaping to the frontage

App No.	Description	Status
N/A	Residential development	Approved October 1949
24/00445/FUL	Permission in Principle application for the net increase of between one and two dwellings	Refused 18 July 2024
APP/P3610/W/24 /3350483	Appeal against refusal of 24/00445/FUL	Pending

CONSULTATIONS

Internal and External Consultees	
Highway Authority	No objection.
Trees	No comments received.
Ecology	Objection raised due to a lack of a satisfactory bat survey. <u>Officer comment:</u> Refusal is recommended on these grounds.
Public Consultation	
Neighbours	The application was advertised by means of a site notice and notification to 44 neighbouring properties, concluding on 27 January 2025. 25 submissions were received. They raised the following issues: Character <ul style="list-style-type: none"> • The road consists of 29 properties of which 19 are bungalows. Only 2 are on the side of the proposed development and majority are at the top of the road

Internal and External Consultees

whereas the proposed development is the other end. As such the street scene will be negatively impacted

- There are 29 dwellings. Of these 19 are bungalows and 10 are two-storey houses. Therefore, Kirby Close as a whole is 65.5% bungalows. However, nearly all the two-storey houses are at the upper end of the road. So among the 17 houses in the lower part of the Close (numbers 7-22) 15 are bungalows and only 2 are two-storey. This part of the road is therefore 88%
- Proposal is not in keeping with predominance of bungalows
- Loss of uniformity, distinctiveness and consistency in the row of bungalows

Officer comment: Section 12 of this report offers consideration of what is the predominant form of development in the street. Nonetheless, there is no policy basis to oppose the development of two storey detached dwelling houses when close to half the street comprises of such development.

- Cramped development is out of character with the area
- Does not accord with prevailing development/spaces
- Feeling of the place is altered
- Over development
- A reduction in number of dwellings is required
- Increase in density will disrupt the peacefulness of the area
- Increased footprint is over development
- Lack of building separation
- Terracing impact

Officer comment: The proposed dwellings sit comfortably within the site, as outlined in Section 12.

- Openness and roofline consistency would be lost
- Is upwards of 2m higher than adjoining properties
- Height is out of character
- The existence of higher buildings in a particular location does not justify a building of equivalent height (DM13)
- Building height does not accord with the bungalow height of neighbouring properties

Officer comment: There is no policy opposition to two storey dwellings in this location as discussed in Section 12.

- Loss of green character/open spaces
- Loss of green views beyond
- Lack of soft landscaping/excessive hard standing to front boundary

Internal and External Consultees

- Does not protect trees and landscape features, contrary to DM5

Officer comment: Rear gardens are retained, and the frontage is not inconsistent with other properties in the street, noting that PD rights allow for hardstanding. This is discussed further in Section 12.

Traffic/Parking

- Lack of on-site parking for four dwellings
- Pressure on on-street parking which is already limited
- There are upwards of 18 occupants meaning more than eight spaces are required
- Loss of on street parking arising from widened dropped kerb
- Street parking is lost because of wide dropped kerb
- Increased traffic congestion on a narrow road
- Additional traffic movements and impact on road safety
- Narrowness of Kirby Close is unsuitable for extra vehicles
- Narrow width of the road already restricts emergency vehicles and refuse collections as well as access into driveways
- Lack of turning at the end of Kirby Close means increased turning on private land
- Pedestrian access is problematic due to vehicles parked up on the kerb
- Safety risk posed by additional traffic

Officer comment: Whilst the proposal would lead to the loss of on street parking in front of the two sites, but this does not form a valid reason for the refusal of the application. The level of traffic generation and parking and access arrangements has been assessed by the highways authority and no objection raised. Parking provision is also in accordance with policy and the width of Kirby Close, whilst limited, is sufficient for normal movement of traffic. Parking of vehicles on the kerb is not recommended nor is it viewed as necessary. This is discussed further in Section 18 of the report.

Neighbour Amenity

- Loss of privacy
- Overlooking from windows and rooflights
- Loss of light and outlook
- Increased occupancy and noise disturbance

- Rear building line exceeds the requirements in the Infill SPG
- Nonconformity with the rear building line at first floor level

Internal and External Consultees

Officer comment: The siting, height and orientation of the dwellings, are such that a development of this scale can be accommodated without adverse detriment to neighbour amenity. See Section 17.

Construction

- Lack of on street parking and street width for construction vehicles
- Noise and disruption from construction phase
- Construction will limit access within the street

Officer comment: Kirby Close has a width of 4.6m but the street and site access are adequate, and the scope of the works is appropriate such that it would not be unacceptable to oppose the development on construction grounds. Any future permission would be subject to a condition requiring further details in a Construction Transport Management Plan. See Section 18.

Other

- Flooding impacts from additional hardstanding
- Clay soil will lead to additional drainage issues
- Impact on surface water

Officer comment: Drainage outcomes are satisfactory, as discussed in Section 20.

- Sewer and electricity capacity is already limited
- Electricity supply may be problematic

Officer comment: This is not a planning consideration.

- No supporting statement has been submitted

Officer comment: The applicant has since submitted a planning statement.

- Red line boundary intrudes over the adjoining boundaries

Officer comment: The red line boundary includes splays at the street boundary, which is not uncommon.

- Appeal notification has not been received

Officer comment: Notification of the appeal against the previously refused application is not relevant to this application.

Internal and External Consultees

- Loss of bungalows forces people into care rather than keeping them out
- Loss of smaller units
- Existing dwellings are detached bungalows in good condition and should not be demolished

Officer comment: The demolition of a single storey dwelling and its replacement with a two-storey dwelling is not opposed in principle. Further, the provision of 3 bed dwellings is supportive of the desired unit mix. See Section 12 and 16.

- Sliding doors to the ground floor rooms would not meet fire rating

Officer comment: This is a matter for building regulations.

- Usability of first floor bedrooms is compromised

Officer comment: The functionality and amenity afforded for each dwelling appears acceptable. There is at least 1m wide side access and the first-floor bedrooms are afforded adequate light, outlook and ventilation. See Section 14.

- Will create a precedent for overcrowding and streetscene
- Developers will rush to buy bungalows
- Devaluation of property values

Officer comment: The development is acceptable in terms of density and character, as discussed in the body of the report. Any subsequent application would be considered on its own merits. Property values are not a relevant planning consideration.

- Children will not be able to play outside safely

Officer comment: The addition of two additional dwellings in the street would be unlikely to result in the cohesiveness of the neighbourhood that comes with children playing within the cul-de-sac.

- Covenant for Stoneleigh Hill Estate prevents over development

Officer comment: Covenants do not form a material planning consideration,

- Bats have been seen in summer months

Internal and External Consultees	
	<ul style="list-style-type: none"> • Mice and birds will be affected • Loss of front gardens has landscape and ecological impacts, and no biodiversity net gain <p><u>Officer comment:</u> See Section 19.</p>
Stoneleigh and Auriol Neighbourhood Forum	<p>Objection raised on the following grounds:</p> <ul style="list-style-type: none"> • Will alter the visual landscape • Loss of distant green views, contributing to the open character • Disruption to roofline consistency • Density is incompatible with para 129 of the NPPF • Design and massing is contrary to DM of the DMPD • Density and form is inconsistent, contrary to C5 of the CS • Roof form and heights is contrary to DM13 of DMPD • Poor design • Loss of light and outlook for neighbours <p><u>Officer comment:</u> These matters are addressed above or in the body of the report.</p>
Ward Member	The application was called in to Planning Committee by Cllr Beckett because of concerns of overdevelopment and being out of character.

PLANNING LEGISLATION, POLICY, AND GUIDANCE

7. Legislation and Regulations

- 7.1. Town and Country Planning Act 1990
- 7.2. Environment Act 2021
- 7.3. Community Infrastructure Levy Regulations 2010

8. Planning Policy

8.1. National Planning Policy Framework 2024 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 4: Decision-Making
- Section 5: Delivering a Sufficient Supply of Homes
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed and Beautiful Places
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment

8.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS7: Housing Provision
- Policy CS9: Affordable Housing and Meeting Housing Needs
- Policy CS12: Developer Contributions to Community Infrastructure
- Policy CS16: Managing Transport and Travel

8.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM11: Housing Density
- Policy DM12: Housing Standards
- Policy DM13: Building Heights
- Policy DM17: Contaminated Land
- Policy DM18: Communications Infrastructure
- Policy DM19: Development and Flood Risk
- Policy DM21: Meeting Local Housing Needs
- Policy DM22: Housing Mix
- Policy DM37: Parking Standards

9. Supporting Guidance

9.1. National Planning Policy Guidance (NPPG)

- Community Infrastructure Levy
- Design: Process and Tools
- Flood Risk and Coastal Change
- Healthy and Safe Communities
- Housing: Optional Technical Standards
- Natural Environment
- Noise

9.2. Supplementary Planning Documents and Guidance

- Single Plot and Other Types of Residential Infill 2003
- Parking Standards for Residential Development Supplementary Planning Document 2015
- Surrey Transport Plan 2022–2032
- Sustainable Design Supplementary Planning Document 2016

9.3. Other Documentation

- Technical Housing Standards – Nationally Described Space Standards 2015
- Community Infrastructure Levy Charging Schedule 2014

- Strategic Housing Market Assessment Update 2019

PLANNING ASSESSMENT

10. Presumption in Favour of Sustainable Development

- 10.1. Paragraph 11 of the NPPF 2024 stipulates that development proposals which accord with an up-to-date development plan should be approved and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted.
- 10.2. Paragraph 11(d) of the NPPF 2024 is engaged where the Council's policies which are most important for determining the application are out-of-date. The practical application and consequence of this is that unless the site is in an area or affects an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 10.3. Currently, the Council does not have an up-to-date development plan on account of not being able to demonstrate a five-year supply of housing. Appeal decisions have indicated that the tilted balance applies to permission in principle applications and is the case with this application.

11. Principle of Development

11.1. Built Up Area

- 11.2. The site is located within the built-up area of Ewell and the principle of development is acceptable, subject to consideration of the principles, objectives, and policies in the CS, the DMPD and supporting guidance and documents.

11.3. Housing Delivery

- 11.4. Paragraph 61 of the NPPF 2024 aims to significantly boost the supply of homes in areas where it is needed and addressing specific needs. Policy CS7 of the CS seeks to meet housing requirements in accordance with Policy H1 of the South East Plan which is at least 2,715 homes within the period 2007-2022 or 181 new dwellings per annum. The Council is currently preparing a new Local Plan for the Borough which will set a new housing requirement for the plan period (2022-2040). The Local plan (2022-2040) is currently at Regulation 19 consultation stage and can be afforded little if any weight at the present time.
- 11.5. The Council has calculated its five-year housing land supply position as being between 2.1 – 2.18 years supply as set out in the 2023/2024 Authority Monitoring Report. The Council is presently falling significantly

short of this requirement and cannot presently demonstrate five years housing land supply. The net increase of two dwelling houses weighs in favour of the scheme.

11.6. Demolition of Existing Dwellings

11.7. G3 of the Infill SPG states that the Council will resist proposals for the demolition of buildings which make a positive contribution to the character of the area, particularly in conservation areas. This is guidance only and there is no other policy requirement for the retention of such buildings as bungalows. Of note, this site does not fall within a conservation area where there is increased importance placed on existing buildings but where demolition could still be supported.

11.8. Development of a Residential Garden

11.9. Policy DM16 of the DMPD indicates a presumption against the loss of rear gardens to maintain local character, amenity space, green infrastructure, and biodiversity, unless there is retention of green infrastructure for residents and wildlife and of neighbour amenity, avoidance of long access roads, development of a lesser scale and protection of trees, shrubs, and wildlife habitats. The proposal involves the demolition of the two existing dwellings and erection of four dwellings in their place. It would not involve backland development.

11.10. Density

11.11. Policy DM11 of the DMPD aims for the most efficient use of development sites with a demonstration of how density would contribute towards maintaining and enhancing the visual character and appearance of the wider townscape and lead to no net loss of biodiversity. Density is limited to 40 dwellings per hectare or alternatively, where it is allocated at a higher density, there is good site sustainability, and it conforms to the surrounding townscape.

11.12. The density of the development is 29 dwellings per hectare which is within the scope envisaged by Policy DM11. The predominant density of the area is 20 dwellings per hectare though this varies between 16 dwellings per hectare on the larger plots at the end of the cul-de-sac or northern side of Kirby Close and 30 dwellings per hectare in the more linear pattern of development that is evident on the southern side of Kirby Close.

11.13. The proposed density of four dwellings across the 1400m² plot is not unreasonable in this context. The two plots have a width of about 13m which is above the average of about 9m and this can facilitate a development that is sufficiently compatible with the character of the area (see Section 11) and without neighbour detriment (see Section 15).

11.14. Site Sustainability

11.15. Section 9 of the NPPF 2024 seek to ensure the growth of sustainable transport in managing development and approval of planning applications.

11.16. The site exhibits excellent site sustainability credentials, being less than 300m from regular bus services on Kingston Road, 750m from Stoneleigh Train Station and within walking distance of shops on Kingston Road and Stoneleigh Broadway. The proposal is therefore supportive of increased density on sustainability grounds.

12. Design and Character

12.1. Sections 11 and 12 of the NPPF 2024 refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.

12.2. G2 of the Infill SPG states that new dwellings on small plots must be sympathetic to, and complement the character of, the surrounding built form. Paragraph 1.2 states that Buildings of varying height and massing need to be carefully designed and located in relation to each other, in order that they complement and do not detract from other buildings in the street and the wider local context generally. There is no in principle opposition to the raising of the height of a dwelling from a single storey to two storey dwelling.

12.3. The street is currently characterised by a mix of development:

- Detached dwellings make up 17% of the street (3 of 18 buildings, two of which are within the subject site)
- Two storey dwellings make up 42% of the street (14 of 33 dwellings in the street)
- The two storey buildings predominate the western end of Kirby Close closest to Firswood Drive and single storey buildings predominate the eastern end at the head of the cul-de-sac



Height of properties in Kirby Close

12.4. Dwelling type

12.5. The two properties forming the subject site are two of the three detached bungalows in Kirby Close. In their place will be two semi-detached buildings for a total of four units. The provision of a semi-detached property is wholly consistent with the predominant character of semi-detached properties in the street and no objection is raised.

12.6. Height

12.7. The creation of four two storey dwellings would result in 51% of the street being two storeys in height. On this basis alone, the establishment of two storey dwellings is not opposed. However, it is located at the eastern end of Kirby Close, where there is a higher concentration of bungalows.

12.8. A two-storey semi-detached property is located opposite the subject site. This creates a bookend of sorts. The subject site will not protrude into the head of the cul-de-sac where dwellings are more visible in the streetscene. For these reasons, the creation of a two-storey development amongst other bungalows, is not unacceptable in principle.

12.9. Building separation

12.10. There is no consistency in building separation. Much of the openness of Kirby Close is evident at the eastern end where bungalows predominate. Elsewhere, garages extend to the boundary and two-storey built form extends close to the side boundary. The proposal will allow for 1.6m on the outer boundaries and 2m between the two buildings. It is evident that

four dwellings can be accommodated on the site without disrupting the openness that is evident on Kirby Close.

12.11. Footprint and Building Lines

12.12. The subject site benefits from wider frontages. The footprint of the two buildings is about 130m², which is equal to or less than other properties in the street, and indeed, not out inconsistent with the surrounding area.

12.13. The submitted plans indicate broad consistency with the front building line. To the rear, there is some incursion with the immediate neighbours, but it is not sufficient to warrant concern.

12.14. Building and Plot Width

12.15. The total plot width is 26.5m, indicating an average plot width of 6.6m. This would make the four dwellings the narrowest of all the plots in Kirby Close (excluding those at the head of the cul-de-sac) with the next narrowest being 20 Kirby Close at 7m. The resulting building widths would be 11.3m each which is also well below the average building width. However, the impression in the streetscene would not be appreciated but it still weighs in the overall balance.

12.16. Form and Appearance

12.17. The building design comprises a pitched roof form with double bay windows presenting to the street in a rounded form to match other properties in the street. It indicates that a development that is broadly consistent with the streetscape can be achieved.

12.18. Conclusion

12.19. The resulting built form, scale and appearance of development is broadly consistent with and not out of character with other development in the street. The only aspect of the development that weighs against being consistent is plot and building width but the extent of harm arising from this is limited in its nature. Resident concerns about the loss of bungalows or the height of the proposed scheme being out of place are not shared. However, there have been material improvements to the scheme since that which was refused at Planning Committee in July 2024.

13. Trees and Landscaping

13.1. Paragraph 136 of the NPPF 2024, Policy CS3 of the CS, Policy DM5 of the DMPD and the Householder SPG seek the retention, protection and enhancement of existing and new trees, hedgerows, and other landscape features, with removal of trees supported by sound justification and appropriate replacement planting of native species.

- 13.2. Paragraph 187 of the NPPF 2024 requires that planning applications enhance the natural and local environment by 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'
- 13.3. The rear of 10 Kirby Close is subject to Tree Preservation Order 302/G3, but the development is well removed from the trees such that there are no in-principle objections to the scheme.
- 13.4. Kirby Close is predominated by hard paved front gardens used for car parking and the proposed landscaping management at the front of the site is not out of character with this arrangement. Appropriate details would be secured by a condition; to include suitable tree planting (this is otherwise required to support biodiversity net gain requirements).

14. Quality of Accommodation

14.1. Internal Amenity

- 14.2. Paragraphs 135 and 164 of the NPPF 2024, Policy CS6 of the CS and Policies DM10 and DM12 of the DMPD aim for a functional, adaptable, and sustainable design, with a high standard of amenity, including with respect to layout, orientation, and massing. The layout, building depth, orientation is satisfactory to ensure good internal amenity. There are some rooflights to the first-floor rooms but these are to non-habitable spaces. Habitable areas are served with adequately sized windows. On this basis, no objection is raised.

14.3. Internal Space

- 14.4. The Nationally Described Space Standards 2015 sets out internal space standards for new dwellings at a defined level of occupancy - in this case, up to 84-93m² for a 3 bed, two storey development. It further states that to provide two bed spaces, a double/twin bedroom must have a floor area of at least 11.5m² and a single bedroom is required to have a floor area of at least 7.5m².
- 14.5. The proposal includes a gross internal area of 102-104m², which accords with the above requirements and reflects that four dwellings can be achieved on site. Bedroom sizes are adequate and there is ground floor storage.

14.6. Outdoor Space

- 14.7. Policy DM12 of the DMPD and the Householder SPG requires private outdoor space that is usable, functional, safe, and accessible with good access to sunlight and a minimum depth of 10m and area of 70m². There is compliance with this requirement for all four dwellings.

15. Affordable Housing

15.1. There is no trigger for affordable housing.

16. Housing Mix

16.1. Paragraph 63 of the NPPF 2024 states that the size, type, and tenure of housing needed for different groups in the community including families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes. Policy DM22 of the DMPD requires all residential development proposals for four or more units to comprise a minimum of 25% 3+ bedroom units, unless it can be demonstrated that the mix would be inappropriate for the location or endanger the viability of the proposal.

16.2. All four dwellings are 3-bedroom dwellings, which satisfies Policy DM22. Whilst there is no variation in the mix, it reflects the locality and there is no in principle objection on these grounds.

17. Neighbour Amenity

17.1. Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 198 of the NPPF 2024 and Policy CS6 of the CS seek to mitigate and reduce noise impacts.

17.2. Section 3 of the Infill SPG states that the rearward projection of any new building at first floor level should not therefore normally exceed the rear building line of the adjoining building where the new building is within 3m of the common boundary. This increases as the height of the dwelling increases. Section 4 requires separation distances of at least 12m and good separation to the street.

17.3. The siting and orientation of the dwellings will generally achieve an adequate degree of building separation and retention of sunlight and daylight to neighbouring properties and within the development itself. There is about 1.6m separation to side boundaries. Whilst this does not accord with the recommendations of the Infill SPG, this is guidance only and not wholly reflected through the street. At this depth, it is still considered ample in terms of maintaining adequate building separation and ensures that there is compliance with the 45-degree line to 8 and 11 Kirby Close. The dwelling also extends beyond the rear building line of its neighbour, but this similarly poses no unreasonable harm.

17.4. There is adequate separation distance of at least 18m to the rear boundary and 11m to the front boundary to ensure that there is no adverse overlooking. Subject to appropriate boundary fencing or obscure glazing of non-habitable spaces where necessary (and as there are no

side facing windows on the first floor), the level of privacy will remain acceptable.

- 17.5. Resident submissions have raised concern on the scale of the development leading to neighbour amenity concerns. These concerns are not shared on account of the density being appropriate for the plot and the surrounding area.

18. Parking and Access

- 18.1. Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should provide safe, convenient, and attractive accesses for all, be appropriate for the highways network, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.

18.2. Car Parking

- 18.3. Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum requirement for two parking spaces for a 3-bed dwelling. The proposal includes two parking spaces for each dwelling, which accords with policy. Scenarios as raised by resident objectors where all residents, including children, would own a car are not realistic in policy. Therefore, there is unlikely to be added pressure to existing levels of on street parking. There is also no policy basis to oppose a development on the grounds that the dropped kerbs would result in the loss of on street parking as such development is permitted development and does not require planning permission.

18.4. Cycle Parking

- 18.5. Policy DM36 of the DMPD requires the provision of cycle networks and facilities and Policy DM37 requires minimum provision of cycle storage as set out in Annexe 2 - Parking Standards for new development. A cycle store is provided in the rear garden for all properties which satisfies the policy requirement.

18.6. Pedestrian and Vehicle Access and Manoeuvrability

- 18.7. Paragraph 117 of the NPPF 2024 requires safe and suitable access, paragraph 116 allows for refusal where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe and paragraph 116 seeks to minimise conflicts between pedestrians, cyclists, and vehicles. This is reinforced in Policy CS16 of the CS and DM10(x) of the DMPD.

- 18.8. There are adequate visibility splays and reversing manoeuvres onto Kirby Close are not opposed on account of low traffic levels within the cul-de-sac. Provision for pedestrian access is provided between the parking spaces. The level of traffic generation arising from the development is also acceptable. On these and all other grounds, the Highways Authority have reviewed the proposal and raise no objection.
- 18.9. A larger number of submissions raised concern with the width of Kirby Close restricting vehicular movements for emergency and refuse vehicles and broader traffic movements. However, this is an existing situation and the provision of two additional dwellings would not result in a situation where access is unduly restricted.

19. Ecology and Biodiversity

- 19.1. Paragraphs 187 and 193 of the NPPF 2024, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 19.2. The site is within a SSSI Impact Risk Zone Area. However, as the buildings will be sited broadly in the footprint of the existing dwellings in a built-up area with low ecological status, there is no foreseeable harm to protected species and no objection raised.
- 19.3. A preliminary bat roost assessment was submitted with the application which indicates that there is low potential for protected species to be roosting in the two dwellings to be demolished. The report recommends that one emergence survey be undertaken during the optimal season (May to September). These details have not been submitted.
- 19.4. The Council's Ecology Officer concurs with the findings of the report and notes that in the absence of bat roost information, the works cannot be carried out without certainty of the protection of the protected species. This forms a reason for refusal of the application.
- 19.5. Schedule 7A of the Town and Country Planning Act 1990 and Section 187 of the NPPF require delivery of biodiversity net gain (BNG) of 10%, including by establishing coherent ecological networks that are more resilient to current and future pressures with the overall intention to deliver a more or better quality natural habitat than there was before development.
- 19.6. A BNG report was submitted with the application which satisfies the statutory requirements for a planning application. It indicates that a score of 1.99 for habitats and 0.19 for hedgerows will be required to secure net gain of 10%. This would be achieved in the form of modified grassland,

native scrub, green wall, green roof and native hedgerow. There are no specific details of whether this can be achieved on site, but this would form part of the post consent requirements for the biodiversity net gain condition.

20. Flooding and Drainage

- 20.1. Paragraphs 170 and 178 of the NPPF 2024, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels. The site is within Flood Zone 1 and is not within a critical drainage area. There is no in-principle objection to development of the site on flood risk and vulnerability grounds.
- 20.2. Paragraph 178 of the NPPF 2024, Policy CS6 of the CS 2007 and Policy DM19 of the DMPD seek the implementation of sustainable urban drainage systems (SUDS). A development of this scale is required to be supported by eight car parking spaces which are provided at the front of the site where there is currently mostly soft landscaping. There would therefore be an increase in hard paving but subject to further drainage details (including but not limited to permeable paving as part of a sustainable urban drainage scheme), there are no in-principle objections.

21. Contamination and Remediation

- 21.1. There is no known contamination.

22. Refuse and Recycling Facilities

- 22.1. Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers within 6m of the public highway. Paragraph 8.1 of the Infill SPG seeks good design.
- 22.2. The proposal includes separate bin storage for recycling, food waste and general waste for each dwelling. It is accessible for each dwelling, close to the road for collection and suitably located not to dominate the streetscene. There are no elevation details so these would need to form part of a pre occupation condition.

23. Environmental Sustainability

- 23.1. On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.
- 23.2. Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. This includes incorporation of renewable

energy, use of sustainable construction methods and sustainable building design, flood management, reduction in water use and improvement of water quality and minimisation of noise, water, and light pollution.

- 23.3. There is an absence of sustainability details to support Policy CS6, but this can be addressed as a pre commencement requirement by condition. On this basis. No objection is raised.

24. Accessibility and Equality

- 24.1. Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient, and attractive access to be incorporated within the design of the development. Several objections have been received on the grounds that the demolition of the bungalow and its replacement with a two-storey dwelling would render the scheme unsuitable for older persons. However, there is no policy departure on these grounds and the proposal would accord with the requirements of building regulations. Therefore, refusal on these grounds is not possible.
- 24.2. More broadly, the proposal would not prejudice accessibility provision in terms of being adaptable for future users – parking on the ground floor is able to be used for accessible purposes and the open plan nature of much of the dwelling is capable of being adaptable in the future.
- 24.3. The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, or belief. There would be no adverse impacts because of the development.

25. Planning Obligations and Community Infrastructure Levy

- 25.1. Policy CS12 of the CS and the Developer Contributions SPD require that development must be able to demonstrate that the service and community infrastructure necessary to serve the development is available, either through on-site provision or a financial contribution via a planning obligation.
- 25.2. The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is chargeable for CIL payments because it involves a net increase in dwellings. It is payable at £125/m² index linked.

CONCLUSION

26. Planning Balance

- 26.1. As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11(d) of the NPPF is engaged as the policies which are most important for determining the application are out-of-date.

There are no footnote 8 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied.

- 26.2. The presumption is therefore to grant permission for sustainable development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
- 26.3. Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving sustainable development whilst protecting and enhancing the natural and built environment.

26.4. Economic Considerations

- 26.5. The proposed development would make a meaningful contribution towards delivering the Council's housing target and would therefore be consistent with the Framework and Council policy in so far as it seeks to significantly boost the supply of homes. This benefit is given moderate weight in the planning balance.
- 26.6. There are associated construction and employment benefits that would also attract minor weight.

26.7. Social Considerations

- 26.8. The dwellings are defined as family housing with provision for rear amenity space and this is supportive of policy for delivering such housing. This is attributed minor weight.

26.9. Environmental Considerations

- 26.10. The dwellings are located in a highly sustainable location. This adds to the moderate weight applied to the delivery of housing.
- 26.11. Resident concerns extend to a lack of building separation, over development and the height being inconsistent within the street. There is a degree of inconsistency in the street though there are material improvements to the scheme since the previous refusal. It is minor in its nature and the weight applied to this departure is minimal.
- 26.12. Environmental considerations extend to potential for harm to protected species and in the absence of a Phase II survey, the Council is unable to confirm otherwise. On this basis, there is a potential for significant environmental harm and this attracts significant weight.

26.13. Conclusion

26.14. The significant adverse effects of delivering the development (potential harm to protected species) would significantly and demonstrably outweigh the benefits of additional housing. On this basis, the application is recommended for refusal.

RECOMMENDATION

To refuse planning permission for the following reason:

1) Harm to Protected Species

The submitted preliminary ecological assessment has concluded that the existing dwellings offer habitat value for bats, necessitating the submission of a Phase II bat survey. In the absence of such information, it has not been satisfactorily demonstrated that the proposal would not have an adverse impact on protected species that may be occupying the site, to which the mitigation measures do not adequately compensate.

The proposal is therefore contrary to Policies CS1 and CS3 of the Core Strategy 2007, Policy DM4 of the Development Management Policies Document 2015, Section 15 of the National Planning Policy Framework 2023 and Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

Informatives

1) Refused Plans

This decision is in relation to the plans numbered 0002 Rev P2, 0003 Rev P2 and 3000 Rev P2, received by the local planning authority on 3 December 2024 and plans numbered 3001 Rev P1, 3100 Rev P1, 3101 Rev P1, 3200 Rev P1, 3201 Rev P1, 3202 Rev P1, received by the local planning authority on 18 November 2024.

2) Positive and Proactive Discussion

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.