

PLANNING APPEALS REPORT

Report	Summary of all Planning Appeal Decisions and Current Appeals
Period	February to March/April 2025
Author	Simon Taylor, Planning Development and Enforcement Manager
Date of Report	08/04/2025
Appeals Determined	16 (9 dismissed, 7 upheld)
Costs Appeals Determined	None

SUMMARY

The following appeal decisions have been received from the Planning Inspectorate since the tabling of the last appeals report to the meeting of the Planning Committee on 13 February 2025.

Item	Address	LPA Ref	PINS Ref	Proposal	Decision
1	8 Grafton Road Worcester Park	22/00316/ TPO	APP/P3610/W/22 /3310516	Fell Pine	Dismissed
2	31 Hamilton Close, Epsom	22/00585/ TPO	APP/TPO/P3610/ 9632	Fell Monterey Cypress	Dismissed
3	1 Wheelers Lane, Epsom	23/01234/ FUL	APP/P3610/W/24 /3346386	Infill dwelling	Dismissed
4	Ewell Castle Junior School, Ewell	24/00298/ FUL	APP/P3610/W/24 /3347374	New classroom	Dismissed
5		24/00299/ LBA	APP/P3610/Y/24/ 3347376	New classroom	Dismissed
6	47 Holmwood Road, Cheam	24/00417/ REM	APP/P3610/D/24/ 3348086	Variations to dwelling	Upheld
7	494 Chessington Road, West Ewell	24/00227/ FLH	APP/P3610/D/24/ 3348495	Garage conversion	Upheld
8	Friars Garth, The Parade, Epsom	23/01451/ FUL	APP/P3610/W/24 /3349650	Additional floor	Dismissed
9	Green Gables, Ashley Road, Epsom	24/00849/ FUL	APP/P3610/W/24 /3350649	3 new dwellings	Upheld
10	3 Bramley Road, Cheam	24/00530/ FLH	APP/P3610/D/24/ 3351068	Garage conversion, first floor front extension	Dismissed
11	6A Bucknills Close, Epsom	24/00107/ FUL	APP/P3610/W/24 /3353857	Five dwellings	Upheld
12	53 Beaconsfield Road, Epsom	24/00659/ FLH	APP/P3610/D/24/ 3354283	Various alterations	Dismissed
13	24 The Parade, Epsom	24/00975/ FLH	APP/P3610/D/24/ 3355372	Hardstanding and windows	Dismissed
14	10 Drumaline Ridge, Worcester Park	24/00901/ FLH	APP/P3610/D/24/ 3355872	Porch and side extension	Upheld
15	7 Clandon Close, Stoneleigh	24/01175/ FLH	APP/P3610/D/25/ 3359588	Hip to gable	Upheld

16	Dairy Crest Site, Alexandra Road, Epsom	23/00402/ FUL	APP/P3610/W/24 /3352418	New supermarket	Upheld
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DETAILS

1. 8 Grafton Road, Worcester Park (dismissed as invalid)

- 1.1. The appeal was made against the Council's failure to determine a tree works application for the felling of a Pine tree. The appeal was considered invalid by the Planning Inspectorate because it was made against an old and since superseded Tree Preservation Order. The new Tree Preservation Order has been made and there is currently no new application against the new Order.

2. 31 Hamilton Close, Epsom (dismissed)

- 2.1. The appeal related to the felling of a Monterey Cypress and the primary contention was whether there was sufficient justification for felling, as weighed against the harm to the area. The Inspector felt that the tree was a significant part of the streetscene, it makes a positive contribution and there are no other specimens in the near vicinity. Justification for removal was not shared by the Inspector and the appeal was dismissed, having regard to significant harm to the character of the area.

3. 1 Wheelers Lane, Epsom (dismissed)

- 3.1. The appeal related to the erection of a dwelling within the garden of 1 Wheelers Lane which was a listed building within the Stamford Green Conservation Area. The issues were noted as the impact on the Grade II listed building and the Conservation Area and issues of overlooking to 85 Stamford Green Road.
- 3.2. There had been a previous appeal on the site where the spaciousness and openness of the garden was noted, and the proposal would disrupt views and setting of the listed building. The Inspector in this appeal concurred and added that the historical architectural style would be blurred. The loss of openness to the site would also result in harm to the conservation area. It would also result in overlooking to 85 Stamford Treen Road because of its height, proximity and orientation. In weighing the heritage and planning balance, the titled balance was not applied, and the appeal was dismissed.

4. Ewell Castle Junior School, Ewell (dismissed)

- 4.1. The appeal related to a full application for a classroom sited in the gardens in front of Glyn House, a Grade II listed building forming part of the Ewell Castle Junior School. Whilst the structure would be subservient, is set on less maintained area of the gardens, is not appreciated from public vantage points and would be set in front of a later phase of the listed building, it would still have an "urbanising impact here, eroding the historic context of the asset and diminishing the ability to fully appreciate the significance of the asset. The proposed development would also conceal part of the historic rear elevation of the listed building, when viewed from the rear garden.

This would harmfully affect the asset's legibility and would further erode its integrity. Harm also arises from the style of the proposed development, which is entirely at odds with the layout and appearance of the asset." (para 10).

- 4.2. This required a consideration of public benefits. The Council had found that there was substantial harm, but the Inspector found less than substantial harm. Even so, benefits such as the convenience of facilities on the main campus and making optimum use of the site were not shared and the appeal was dismissed.

5. Ewell Castle Junior School, Ewell (dismissed)

- 5.1. An appeal against the refusal of the listed building consent was dismissed on the same grounds.

6. 47 Holmwood Road, Cheam (upheld)

- 6.1. The appeal involved various works to a dwelling, which already had approval for a two-storey rear and side extension but had not been constructed in accordance with the approved plans. The primary issue was consideration of character impacts. Planning permission had already allowed for the removal of original/traditional features and the Inspector concluded that the works as built, including a front gable with apex window and external materials were coherent, balanced and consistent and appropriate with the dwelling as approved. The appeal was upheld.

7. 494 Chessington Road, West Ewell (upheld)

- 7.1. The appeal related to a garage conversion which the Council refused because the parking layout in the row of properties meant that the garage conversion meant the dwelling was left without any usable or lawful car parking. The Council's argument was a technical matter relating to titled access. The Inspector did not share the officers view and accepted that informal parking and access arrangements were sufficient to justify allowing the appeal.

8. Friars Garth, Epsom (dismissed)

- 8.1. The proposal involved the addition of a fourth floor to an already part constructed three storeys, 12-unit flat building. The Council refused the application because of impacts on the character of the area (primarily height), harm to the adjacent Grade II listed building at the Pines and the nearby Church Street Conservation Area and a lack of affordable housing provision.
- 8.2. The Inspector agreed that the predominant height was three storeys, and it became less urban away from the town centre. The height was thus over dominant, even when accounting for future development potential of the Town Hall site. It was also "a stark and dominant feature in the site, introducing significant additional mass and forming a solid backdrop to the heritage asset" but did preserve the setting of the conservation area. A submitted unilateral undertaking was not agreed by the Council as a proper mechanism for securing affordable housing and the Inspector concurred with this stance. Having regard to heritage harm, the titled balance was not applied,

and the provision of additional dwelling was not sufficient in the planning balance and the appeal was dismissed.

9. Green Gables, Ashley Road, Epsom (upheld)

9.1. The appeal relates to the demolition of an existing dwelling and erection of four dwellings. The Council refused the application because of harm to the character of the area, including the Worples Road Conservation Area and impact upon ecology (bats) and a street tree. An additional bat survey was submitted that addressed the ecology reason for refusal.

9.2. The Inspector did not agree with the Council that the siting of the building at plot 3 and 4 disrupted the building line, instead concluding that it drew on the traditional properties nearby that were close to the street. There was also sufficient variety in the street. The development of four dwellings was not cramped. The appeal was upheld.

10. 3 Bramley Road, Cheam

10.1. The appeal related to a proposal for a loft conversion, rear dormers, first floor front extension, lower ground and ground floor rear extension. The Council refused the application because of harm to protected species, neighbour amenity impacts (light, sunlight and privacy) and character impacts. In the absence of a bat survey, the Inspector agreed with the Council on the first ground. On the second ground, there was acceptance that there was overlooking only, and only to one property. On the third ground, "the proposed changes would alter the character and appearance of the host property but not to a harmful degree". The appeal was therefore dismissed on some but not all the Council's contentions.

11. 6A Bucknills Close, Epsom (dismissed)

11.1. A previous appeal involved the erection of six dwellings on an existing backland site. It was refused for three reasons – vehicular and pedestrian safety risks arising from the narrow access, a lack of parking and lack of compensatory tree planting and landscaping. This appeal related to the Committee's decision to overturn the officer's recommendation for approval for a five dwelling scheme on the same site. It was refused on highway safety grounds and because of a lack of waste management (drag distances). The Inspector was able to consider the first appeal decision.

11.2. The Inspector considered the Transport Statement submitted with the application and concluded that pedestrian movements would likely continue to be via the driveway rather than a new access route because it was a shorter route, it was closer to the school and the new route was unlit. The Inspector took exception with the narrowness of the driveway (3.1m when 4.1m is required) and a lack of passing space or potential for pedestrian conflict, thus leading to reversing back onto White Horse Drive. This was compounded because of the commercial nature of one of the properties using the drive. A proposed TRO would not alleviate concerns. There was a particular concern at school drop off and pick up times. Mitigation measures offered by SCC did not ameliorate concerns either.

- 11.3. On traffic matters, the Inspector concluded that “Taking all the information together, including the traffic counts presented, the proposed scheme would generate a higher number of traffic and pedestrian movements along the shared driveway. Although the numbers of pedestrian and vehicles would potentially remain relatively modest in absolute terms, the shared driveway already fails to meet the recommended widths for such driveways and the intensification of use by both vehicles and pedestrians would unacceptably increases the risk of collision between pedestrians and vehicles. The fact that there is no reported incidents of collisions or injuries to date along the driveway does not persuade me to permit a scheme that would increase the potential number of vehicle and pedestrian movements, given the physical limitations of the existing driveway.” (para 19)
- 11.4. The Inspector agreed that the bin drag distance of 60m “would be an excessive and unreasonable requirement whether the bins are pulled out by the residents or by the collection staff on behalf of the residents.” (para 23) but that “I am not persuaded on the very limited information before me, that the inconvenience of the refuse collection arrangements would lead to fly tipping, either close to and within the development or further afield. I appreciate that this is a subjective matter but there is no evidence to suggest that residents would choose to fly tip near their properties, even if the distances to the bin stores would be inconvenient.” (para 25). Therefore, this reason for refusal was not shared by the Inspector.
- 11.5. In applying the titled balance, the delivery of housing would not outweigh the risk to safety of both pedestrians and drivers and the appeal was dismissed.

12. 53 Beaconsfield Road, Epsom (dismissed)

- 12.1. The appeal related to an application for a front porch, rear extension, hip to gable roof conversion, rear dormer and raising of the ridge. The primary issue was character impacts. The “existing property is an attractive and well-proportioned vernacular styled bungalow” and “the alterations here when considered in the context of the proposed large rear box dormer, the height of the rear addition and its visual relationship to the dormer would, when taken together, result overall in an unattractive, utilitarian, bulky and incongruous addition to the roof of the host property.”. The appeal was dismissed.

13. 24 The Parade, Epsom (upheld)

- 13.1. The appeal involved hardstanding to the front garden of a property in the Church Street Conservation Area, alongside changes to fenestration. The Council objected only to the hardstanding, citing harm to the conservation area because of the loss of soft landscaping and the garden setting. The Inspector found that because of the existing hedge, there would be limited visual impact on the setting of the dwelling or the streetscene and then indicated no harm. The appeal was upheld.

14. 10 Drumaline Ridge, Worcester Park (upheld)

14.1. The appeal related to a garage conversion, new garage door and side extension, amongst other works. The sole reason for refusal was that the Council felt that there was an unacceptable relationship with the adjacent woodland TPO. With the submission of an arboricultural impact assessment, the Inspector concurred with the appellant and found that the proposal would not pose an unacceptable impact in terms of any impact upon living conditions of the dwelling that would lead to future pressure to remove or prune TPOd trees, possible subsidence to the proposed extension, or the health of the trees. The appeal was allowed, with conditions relating to tree protection.

15. 7 Clandon Close, Stoneleigh (dismissed)

15.1. The appeal involved a hp to gable extension with rear dormer. The issues were the impact on the character of the area, and effect of protected species (bats). Whilst the dwelling was already significantly altered, the Inspector agreed with the Council that the extensions be top heavy, the hip to gable would be unbalancing and the dormer was excessively wide. Whilst there were some examples in the street, none were sufficient to justify the proposal. The Inspector also found that the proposal was deficient in terms of a Phase II bat survey. The appeal was dismissed on both grounds.

16. Dairy Crest Site, Alexandra Road, Epsom

16.1. The appeal relates to the erection of a new Aldi supermarket. The Planning Committee overturned the officer recommendation, refusing the application for the single reason that "The proposed development, in close proximity to the five ways junction, will cause an increase in the volume and nature of traffic generated that would have a severe adverse impact on the safety, convenience and free flow of traffic using the highway". The appeal was heard at a hearing on 18 March 2025.

16.2. The Inspector cited the primary issues as (1) suitable provision for access for various modes of transport, (2) whether the junction was safe and (3) whether the residual impact on the highway would be severe. This is an expansion of the concerns raised by the Council in its reason for refusal.

16.3. On the first point, the Inspector noted a lack of detail about number of walking customers, any consideration of cycling or bus travel or any highway improvements to support this. They also referred to a lack of engagement from both parties in terms of giving priority to pedestrians. Pedestrian trips were cited as high as 30% of all movements and thus offered significant opportunities for improvements. The currently modest highway improvements needed to be expanded. During the hearing, these included enlarging and providing new refuges, reducing the radii kerb line, junction signage, anti-skid surfacing, activation messaging signage, introduction of a taxi bay within the car park and the introduction of a more ambitious Travel Plan to accommodate members o the public. In doing so, the Inspector found that the proposal achieved its intent in terms of promoting alternative modes of transport.

16.4. On the matter of junction safety, the Inspector recognised the complexity and awkwardness of the junction and safety implications for pedestrians and traffic. The

collision rate, and its upward trend, was also noted. At para 27, it is stated that “The volume of traffic means that gaps between vehicular movements are short which limits the time available for vehicles to make turning movements or cross the junction safely... The possibility of failing to see something important when doing so will increase the risk of collisions, especially given the volume of traffic passing through the junction. Adding pedestrians, cyclists and motorcyclists into that mix, who may be less easily seen, is likely to increase these risks” and that (para 28) “... this is a busy junction which is perceived as far from easy to navigate and potentially dangerous. It is one where vulnerable road users face increased risks and the number of collisions which have occurred over recent years is a matter of concern.” The Inspector accepted that the Aldi store would “undoubtedly increase the potential for conflict between vehicles and pedestrians” but that “Additional measures to encourage drivers to slow down and take extra care would help to mitigate these increased risks.” (para 29)

- 16.5. The Inspector concluded that mitigation measures noted above and coming from a Phase II Road Safety Audit, in consultation with SCC, would be such that the proposal would not cause unacceptable risks.
- 16.6. On the third ground, the Inspector appreciated the previous appeal decision that found that traffic modelling at the main junction and into the site was such that the proposal was acceptable. However, they noted 10 years had passed and shopping habits had changed since the pandemic. The Inspector noted that traffic flows submitted with the planning application were, at the appellant’s admission, erroneous but that they also reflected 2015 figures. There was some contention between the parties with respect to what the most appropriate data was for modelling purposes. The Inspector was minded to accept the appellant’s modelling using TRICS from out of London sites but that it could still be underestimated.
- 16.7. There was also contention on how to model the behaviour of traffic at the junction because of its complexity affecting driver behaviour. The Inspector concluded that “the car park should provide sufficient capacity on most occasions. The risk of excess demand affecting the operation of the Five Ways junction is therefore small, although there may be exceptional times of the year (e.g. Christmas) where some delays are likely to be inevitable. However, that would not be a justification for requiring additional car parking when the priority should be to promote increased numbers of visits to the store on foot. Although PICADY is not a perfect means of modelling the Five Ways junction, there was no evidence from the testing that was carried out, and accepted by the highway authority, to suggest that it would be operating over capacity in the average peak period. This leads me to conclude that the Council’s concerns about the capacity of the highway network to accommodate the additional traffic to the proposed foodstore have not been substantiated. Whilst there may be occasions when some congestion and queuing occur, there was no evidence to suggest that with the highway layout proposed, there would be regular or prolonged problems associated with the operation of the access to the store or the Five Ways junction.” (para 46-47). Thereby, the highway impact was not severe.
- 16.8. Other considerations included heritage, biodiversity and neighbour amenity, all discounted as acceptable.

16.9. The appeal was upheld, subject to conditions including the following:

- Materials
- CTMP
- Pedestrian safety improvements at the five-way junction
- General pedestrian improvements
- Contamination
- Archaeological investigations
- SuDS
- BNG Plan
- Tree protection/no dig
- Badger monitoring
- Service, Delivery and Operational Management Plan
- New access, removal of old access, 2m footway on Church Street, splays, car parking layout
- Car Park Management Plan
- Travel Plan
- Landscape Management Plan
- Acoustic fencing
- Plant operation
- Limitations on delivery hours and lighting hours

CURRENT APPEALS

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Planning Committee
24 April 2025

Current Appeals

Planning Ref	Appeal Ref	PINS Reference	Status	Address	Proposal
22/00385/TPO	23/00007/COND	Not yet assigned	Valid	Burnside, Vernon Close, West Ewell	Felling of Oak
22/01810/TPO	23/00019/REF	Not yet assigned	Valid	21 Chartwell Place, Epsom	Felling of Ash
23/00302/TPO	23/00031/REF	Not yet assigned	Valid	5 Poplar Farm Close, West Ewell	Part tree removal
23/00175/TPO	23/00032/REF	Not yet assigned	Valid	35 Woodcote Hurst, Epsom	Removal of Cypress
23/01234/FUL	24/00024/REF	APP/P3610/W/24/3346386	Pending	1 Wheelers Lane, Epsom	New dwelling
24/00445/FUL	24/00040/REF	APP/P3610/W/24/3350483	Pending	9 And 10 Kirby Close, Ewell	PiP for 4 dwellings
24/00917/CLP	24/00043/REF	APP/P3610/X/24/3352350	Pending	11A Christ Church Mount, Epsom	Dropped kerb
24/00800/TPO	24/00045/REF	APP/P3610/W/24/3353162	Received	1 Park Farm Court, West Ewell	Crown reduction
24/01001/TPO	24/00049/NONDET	Not yet assigned	Received	Ridgecourt, The Ridge, Epsom	Tree works
24/00748/FUL	24/00050/REF	APP/P3610/W/24/3355930	Pending	3 Station Approach, Stoneleigh	Shopfront works
24/00346/FUL	24/00052/REF	APP/P3610/W/24/3355981	Pending	Hobbledown, Horton Lane, Epsom	Waterplay park
24/01247/FUL	24/00053/REF	APP/P3610/W/24/3356729	Pending	Land Outside Hudson House, Station Approach, Epsom	Communications hub
24/01248/ADV	24/00054/REF	APP/P3610/Z/24/3356730	Pending		Communications hub
24/01249/FUL	24/00055/REF	APP/P3610/W/24/3356732	Pending	Land Adjacent to Epsom Gateway, Ashley Avenue, Epsom	Communications hub
24/01250/ADV	24/00056/REF	APP/P3610/Z/24/3356733	Pending		Communications hub
24/01254/ADV	24/00058/REF	APP/P3610/Z/24/3356735	Pending	Capitol Square, 2-6 Church Street, Epsom	Communications hub
24/01253/FUL	24/00057/REF	APP/P3610/W/24/3356734	Pending		Communications hub
24/01264/CLE	24/00059/REF	APP/P3610/X/24/3357306	Pending	329 London Road, Ewell	Hip to gable
24/01312/FUL	24/00060/REF	APP/P3610/W/24/3357667	Pending	10 High Street, Epsom	Change to shopfront
24/01315/ADV	24/00061/REF	APP/P3610/Z/24/3357797	Pending	10 High Street, Epsom	Advertising signage
24/00131/BOC	25/00005/ENF	APP/P3610/C/24/3357839	Received	10 High Street, Epsom	Enforcement notice for reinstatement of shopfront
24/00568/FUL	25/00006/REF	APP/P3610/W/25/3359376	Pending	Langley Bottom Farm, Langley Vale	New dwelling
24/01228/FLH	25/00008/REF	APP/P3610/D/25/3361627	Pending	64 Grosvenor Road, Epsom	Rear extension & raising of roof
24/00282/COU	25/00009/ENF	APP/P3610/C/25/3361942	Pending	Rear of 11 Woodlands Road, Epsom	Enforcement notice for ceasing use of outbuilding as dwelling
24/00066/COU	25/00010/ENF	APP/P3610/C/25/3362490	Received	185 Kingston Road, Ewell	Enforcement notice for casing use as motorcycle repair shop