

1. Address

34 Ebbisham Court, Dorking Road, Epsom KT18 7NN

2. Proposal

New third floor to provide 1 x 2 bedroom flat including provision of two parking spaces.

3. LPA Ref.

16/01078/FUL / 17/00009/REF

4. Decision.

Appeal dismissed.

5. Summary of decision including reasons for refusal supported and reasons not supported. Also, perhaps most importantly, any lessons we should learn from the decision to inform our future decision-making.

Reason for refusal

The proposed additional car parking spaces would result in the loss of soft landscaping to the front of the site which would have a harmful impact on the streetscene and setting of the proposal site. This is contrary to the aims of Policy CS5 of the Core Strategy 2007, and Policies DM5, DM9 and DM10 of the Development Management Policies 2015.

Inspector response – supports refusal reason

The proposal would add a further 2 vehicle parking spaces. This would extend the hard surfaced area considerably along the frontage where it is adjacent to the road. It would also significantly reduce the amount of landscaped area here because it is already limited in area. Given the surrounding area has attractive trees, shrubs and lawns in front of buildings, this would adversely affect the character and appearance of the area.

Reason for refusal

The proposed additional storey by reason of its design, scale, massing and appearance would have a harmful impact on the streetscene and character and appearance of the wider area. This is contrary to the aims of Policy CS5 of the Core Strategy 2007, and Policies DM9 and DM10 of the Development Management Policies 2015.

Inspector response – refusal reason not supported

The proposal would result in a modern flat roofed addition to the building. However, the existing building is already flat roofed and the addition would be set back from the building's frontage, and recessed from the sides of the building. It would also only be slightly higher than the neighbouring three storey block of flats with pitched roof. There would also be some scope to control facing materials by way of planning condition. For these reasons, the addition would be discretely located, not overwhelming within the street scene despite its modern design, and would not adversely affect the character and appearance of the area.

The extension of a hard surfaced area would harm the character and appearance of the area. Accordingly, the proposal would be contrary to policies DM5, DM9 and DM10 of the Council's Development Management Policies Document (DMPD) 2015 and policy CS5 of the Council's Core Strategy (CS) 2007, which collectively and amongst other matters, requires

the protection of landscape features, compatibility with local character and relationship to existing townscape, incorporation of good design and the respecting of essential elements contributing to character and local distinctiveness including spaces between buildings.

Reason for refusal

The proposed scheme with its external terracing would lead to unacceptable overlooking and loss of privacy to the neighbouring occupiers contrary to Policy DM10 of the Development Management Policies 2015.

Inspector response – refusal reason not supported

The rear part of the rooftop addition would have a master bedroom window and a rear terrace beyond this. However, the living rooms and gardens of 7 Westland Court would be some 18-20m distant and the dwelling at 36 Dorking Road some 34m distant. The terrace would also be high level being at three storey level. Given this separation and elevation, the terrace would not result in any significant loss of privacy in relation to these properties.

For the flats below, there are bedrooms and on the front of the appeal building, small balconies. For people using the rear terrace their ability to see into bedrooms of flats below would be difficult. They would have to peer down over the edge of the building turning their heads down awkwardly. In respect of the frontage flat balconies and bedrooms, the frontage terrace would be sited back significantly from the edge of buildings. Consequently, there would be no loss of privacy to flat residents using their balconies or bedrooms. Any views from the terraces and top floor unit would be oblique in relation to the neighbouring church so limiting any overlooking, even when the intervening trees have lost their leaves in winter.

In conclusion, the development would not harm the living conditions of neighbouring residents. Accordingly, the proposal would comply with policy DM10 of the DMPD, which requires consideration to be given to the amenities of occupants and neighbours.

Other Issues arising

The appellants tried to substitute revised plans to address the car parking and loss of privacy reasons for refusal and but the Inspector supported our protestations that this should be pursued through a planning application as third parties had not been consulted on a substantially changed scheme.

The reason for refusal relates to the need to accommodate additional car parking. This appears entirely at odds with the other recent appeal decision for 107 Dorking Road (17/00001/REF) which is almost opposite this site and which did not uphold that car parking reason for refusal 'the appeal site is on a main road which provides bus stops nearby and it is within walking distance of the town centre. As such I consider the appeal site to be in a sustainable location, and in my view the future occupiers of the property would not be reliant upon a car to travel to and from the nearby facilities and services.'