

Appeal Decision

Site: 5 Cox Lane, West Ewell, Surrey, KT19 9LR

Proposal: Proposed demolition of existing bungalow and erection of a new building containing 10 flats (2 x 3 bed, 5 x 2 bed, 1 x 1 bed & 2 x studio flats) and associated parking and landscaping

Application Number: 16/01146/FUL

Decision: Appeal dismissed

Grounds for Refusal:

- 1. The proposed building, due to its height, bulk, layout, scale and massing, would over-dominate the adjacent bungalow and have an unacceptable impact upon the outlook and light received by this property. The proposal would thus be contrary to policy DM10 part (ii), (iii), (iv) and (ix) of the Development Management Policies Document 2015.***
- 2. The proposal would result in an unacceptable loss of rear garden land which collectively forms part of a larger swathe of green infrastructure, which contributes to the amenity of surrounding residents, contrary to Policy DM10, DM11 and DM16 of the Development Management Policies Document 2015 and Policy CS1 of the Core Strategy 2007. The loss of a significant portion of the rear garden area also fails to provide a net benefit to the borough's biodiversity, contrary to Policy DM4 of the Development Management Policies Document 2015 and policy C3 of the Core Strategy 2007.***
- 3. Without an appropriate agreement to secure the provision of a commuted sum in lieu of the on-site provision of two affordable housing units, the proposal is contrary to the provisions of Policy CS9, and CS12 of the Epsom and Ewell Core Strategy (2007)***
- 4. The proposed development, due to its layout, spatial setting in relation to its neighbours and overall quantum of development, results in a building which is too large for the site and is considered an overdevelopment of the site. The building sits too close to its boundaries and its neighbours, it covers a significant proportion of the site leaving little space to manoeuvre to the side and rear of the new building, it fails to respect adjoining rear building lines and it fails to provide a satisfactory standard of amenity space for flats 1, 2, 4, 5 contrary to policies DM9, DM10, DM12 of the Development Management Policies Document 2015 and policy CS5 of the Core Strategy 2007.***

Summary of Decision:

1. The Inspector upheld grounds 1, 2 (except biodiversity) and 4 for refusal.

2. However he did not agree that the loss of a significant portion of the rear garden area would fail to provide a net benefit to the borough's biodiversity, contrary to Policy DM4. He stated that the applicant's ecological assessment indicated that there is an opportunity to secure enhancement measures. Such measures could be secured by a planning condition and thus the proposal would comply with DMPD policy DM4.

3. With regard to the affordable housing provision (Ground 3) he stated that

"On the evidence before me in this case, the requirement for affordable housing provision for this scheme under the CS policy is outweighed by national policy. (As expressed in the Written Ministerial Statement (WMS) dated 14 November 2014). Such a conclusion is in accordance with the appeal decision at 59-63 Cox Lane in February 2017. Accordingly, a planning obligation is not necessary to make the development acceptable in planning terms".

Conclusion: Whilst the Council submitted a statement on the exemption of small sites from development contributions (affordable housing) (dated December 2016) the statement needs to include evidence as to what impact the WMS has had on the affordable housing provision in the Borough. The statement needs to demonstrate how smaller sites will continue to be an important source of affordable housing land supply, and how they contribute to associated housing targets.