
Appeal Decision

Site visit made on 20 December 2016

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 January 2017

Appeal Ref: APP/L3625/W/16/3156890

Land at 88 and to the rear of 86 & 90 Epsom Lane North, Epsom Downs, Surrey KT18 5QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Joe Fowler (Devine Homes PLC) against the decision of Reigate & Banstead Borough Council.
 - The application Ref 15/02780/F, dated 4 December 2015, was refused by notice dated 14 July 2016.
 - The development proposed is the erection of 9 residential dwellings, associated landscaping, parking and creation of new access onto Epsom Lane North, following demolition of 88 Epsom Lane North.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 9 residential dwellings, associated landscaping, parking and creation of new access onto Epsom Lane North, following demolition of 88 Epsom Lane North at Land at 88 and to the rear of 86 & 90 Epsom Lane North, Epsom Downs Surrey KT18 5QA in accordance with the terms of the application Ref 15/02780/F, dated 4 December 2015, subject to the conditions set out in the Schedule to this decision.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupants of the dwellings on Royal Drive and No 92 Epsom Lane North with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site is a large detached bungalow set in a spacious plot and parts of the rear gardens of neighbouring dwellings on Epsom Lane North. The appeal proposal would involve the demolition of the bungalow and the erection of nine dwellings arranged in two cul-de-sacs sharing a single access drive between Nos 86 and 90 Epsom Lane North.
 4. Epsom Lane North is characterised by detached dwellings set in relatively long and spacious plots all set back from the road a similar distance, with a number of cul-de-sacs of smaller dwellings set in smaller plots accessed between them.
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5. I acknowledge the proposed dwellings would be mainly smaller and set in smaller plots than the dwellings on Epsom Lane North. However, the proposed dwellings and proposed plots would be comparable to the plots of the dwellings on Royal Drive and the dwellings gathered around cul-de-sacs nearby.
6. Each of the proposed dwellings would have a reasonably sized private garden and there would be space between the proposed buildings. Therefore the proposed development would not appear cramped and as two cul-de-sacs it would not appear out of place.
7. Furthermore, the proposed layout allows for two off-street car parking spaces per dwelling and retains existing areas of landscaping and incorporates new areas of landscaping, including proposed landscaping strips either side of the proposed access road. In my view the proposed development would not therefore appear overly car dominated when viewed from either Epsom Lane North or from within the proposed development.
8. In reaching these conclusions I acknowledge that development recently approved nearby backs onto a railway line whereas the proposed development would adjoin the dwellings on Royal Drive. However, even so, for the reasons given the proposed development would not harm the character and appearance of the area.
9. The proposed development would therefore accord with Policies Ho9, Ho13, Ho14 and Ho16 of the Reigate and Banstead Borough Local Plan (2005) (LP) and the Local Distinctiveness Design Guide Supplementary Planning Guidance (2014) (SPG) which taken together aim to ensure good design and that new development does not harm the character of an area.

Living conditions

10. The appeal site rises gently from west to east. Therefore the proposed dwellings would sit slightly higher than the dwellings on Epsom Lane North and slightly lower than the dwellings on Royal Drive.
11. Whilst, the proposed side elevation and garage of the dwelling on Plot 1 and parts of the dwellings on Plot 2-4 would be visible from the rear elevation of No 92, this view would be from an oblique angle, the proposed roofs would be hipped and No 92 has a relatively long rear garden. Even though the dwellings proposed on Plots 1-4 would be visible from the rear garden of No 92, the proposed dwellings would be set a reasonable distance off the shared boundary. I therefore find the proposed development would not be overbearing when viewed from No 92.
12. The dwellings on Royal Drive have reasonably sized gardens adjacent to the appeal site which also include mature landscaping. Furthermore the proposed dwellings are set off the shared boundary with these dwellings and would sit slightly lower in level. Thus, in my view a sufficient separation distance would remain between the proposed dwellings and the dwellings on Royal Drive, such that the proposed development would not be overbearing when viewed from the dwellings on Royal Drive.
13. For these reasons the proposed development would not harm the living conditions of the occupants of the dwellings on Royal Drive and No 92 with particular regard to outlook. It would therefore accord with Policies Ho9, Ho13, Ho14 and Ho16 of the LP and the SPG, which taken together aim to ensure

good design and that new development does not harm the amenities of residents living nearby.

Other Matters

14. I have noted the concerns with regard to the impact of the proposed development on the living conditions of nearby residents with particular regard to light and privacy. However, the separation distances between the proposed dwellings and neighbouring properties are such that there will be no significant harmful effects with regard these matters.
15. With regard to parking, I find that two car parking spaces per dwelling is sufficient for there to be no risk to highway safety or the flow of traffic in the area. I am also satisfied the proposed access road is wide enough to allow appropriate access for emergency and refuse vehicles and the proposed garages are large enough to allow a vehicle to be parked within them. Moreover, even though Epsom Lane North is relatively busy, there is no substantive evidence before me to suggest that traffic generated by the proposed development would result in any risk to highway safety in the area.
16. I also acknowledge the concerns with regard to general disturbance associated with construction and the impact of the proposed development on the overall tranquillity of the area. However, noise and disturbance generated by construction would be relatively short term and could be appropriately managed and there is no substantive evidence to suggest that the proposed development would harm the overall tranquillity of the area.
17. I have also considered Council decision reference 15/02328/F. However, this relates to a case some distance from the appeal site, such that it has no influence on the character and appearance of the area which is relevant to this case. Furthermore, I have assessed the appeal on its merits with regard to bespoke site specific circumstances and have found no harm to the living conditions of residents living nearby.

Conditions

18. The conditions imposed are those which have been suggested by the Council but with some variation in the interests of clarity and precision having regard to the advice on imposing conditions in the Framework and the Planning Practice Guidance (PPG).
19. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed conditions which require materials and landscaping to be agreed and the existing landscaping to be protected all in the interests of safeguarding the character and appearance of the area. However, I have amended the conditions suggested to allow preparatory work to proceed before such matters are agreed to ensure efficient construction in line with the PPG.
20. Furthermore, a condition is also necessary to ensure appropriate parking provision and turning space is put in place and retained thereafter in the interest of highway safety. For the same reason conditions are needed to ensure a safe access and the existing access is removed.

21. In the interests of safeguarding the living conditions of residents living nearby, I agree a condition is necessary to ensure a construction transport management plan is agreed.
22. Whilst I agree a condition is necessary which removes permitted development rights for the installation of windows above ground floor level to safeguard the privacy of residents living nearby, there is no substantive evidence before me which demonstrates exceptional circumstances exist to justify the removal of all permitted development rights. Therefore, I have not imposed a condition to this effect.

Conclusion

23. For the reasons given I have found the proposal would accord with the development plan and thus having had regard to all other matters raised I conclude that the appeal should be allowed.

L Fleming

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No 15022-A-PL21 Rev B, Proposed Site Layout (Coloured) Drawing No 15022-A-PL 23 Rev G, Block Plan Drawing No 15022-A-PL24 Rev E, Wider Context Plan Drawing No 15022-A-PL 25 Rev E, Plots 1 & 2 Proposed Floor Plans & Elevations Drawing No 15022-A-PL 26 Rev C, Plots 3 & 4, Garage Proposed Floor Plans & Elevations Drawing No 15022-A-PL 27 Rev D, Plots 5 & 6, Plots 4 & 5 Proposed Floor Plans & Elevations Drawing No 15022-A-PL 28 Rev D, Plot 7 Proposed Floor Plans & Elevations Drawing No 15022-A-PL 29 Rev C, Plot 8 & 9 Proposed Floor Plans & Elevations Drawing No 15022-A-PL 30 Rev C, Existing and Proposed Street Sections from Epsom Lane North Drawing No 15022-A-PL 31 Rev D, Site Sections Drawing No 15022-A-PL 32 Rev F, Proposed Street Section within Site (coloured) Drawing No 15022-A-PL 33 Rev D, Refuse Tracking Plan Drawing No 15022-A-PL 34 Rev F, Sightline- Road Section Drawing No 15022-A-PL 35 Rev G, Street Section from within the site Drawing No 15022-A-PL 36 Rev C, Property relationship Plan Drawing No 15022-A-PL 40 Rev C, Tree Protection Plan drawing No BLC150168 Rev B, Tree Numbering and Qualitative Analysis Drawing No BLC150167.
- 3) No development shall commence including groundworks preparation and demolition until all related arboricultural matters, including arboricultural supervision, monitoring and tree protection measures are implemented in strict accordance with the approved details contained in the Tree Protection Plan and Arboricultural Method Statement compiled by Bourne Landscape Consultants on drawing number BLC150168 dated 20 October 2015.
- 4) No construction works above ground level shall take place until samples of the materials to be used in the construction of the external surfaces, including fenestration and roof, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No construction works above ground level shall take place until details of hard and soft landscaping is submitted to and approved in writing by the local planning authority. These shall include frontage tree and hedge planting and any other existing or proposed, soft or hard, landscaping in the front garden area, or adjacent to boundaries where appropriate. The soft landscape details shall include an establishment maintenance schedule for a minimum of 2 years, full planting specifications, planting sizes & densities. The development shall be carried out in accordance with the approved details which shall be completed, before building completion, occupation or use of the approved development whichever is the earliest. If any of the new or existing tree/s or hedge/s, detailed and approved under this condition, are removed, die, or become significantly damaged or diseased within 5 years of completion, it/they shall be replaced before the expiry of one calendar year, to a planting specification agreed in writing by the local planning authority. The hedges detailed

shall be retained at a minimum height of 1 metre, or if new, once grown to this height thereafter.

- 6) The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Epsom Lane North has been constructed with footways connecting up to the existing footway network and provided with visibility zones of 2.4m by 90m in both directions in accordance with a scheme to be submitted to and approved in writing by the local planning authority and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.
- 7) The development hereby approved shall not be first occupied unless and until the existing access from the site to Epsom Lane North has been permanently closed and any kerbs, verge and footway, fully reinstated.
- 8) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking /turning areas shall be retained and maintained for their designated purposes.
- 9) No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
 - (f) HGV deliveries and hours of operation
 - (g) measures to prevent the deposit of materials on the highway
 - (h) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - (i) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), no windows, dormer windows or rooflights above ground floor level other than those expressly authorised by this permission shall be constructed.

END OF SCHEDULE