
Appeal Decision

Site visit made on 24 January 2017

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 3 February 2017

Appeal Ref: APP/P3610/W/16/3160817

8 Mill Lane, Epsom, Surrey KT17 2AG

- 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 Mrs Amie Capron against the decision of Epsom & Ewell Borough Council.
 - The application Ref 16/00505/FLH, dated 27 June 2016, was refused by the Council by notice dated 31 August 2016.
 - The development proposed is widen dropped kerb and alter hardstanding to create additional parking space off-road.
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Decision

1. I dismiss the appeal.

Main Issues

2. These are;
 - The effect of the proposal on highway safety.
 - The effect of the proposal on the character and appearance of the Ewell Village Conservation Area

Reasons

3. The appellant's description of the development on the application form and the appeal form contains more information and elements of justification. Whilst the Council's description has been used in the bullet points above, full note has been taken of the appellant's submissions including those contained in the description.

Highway Safety

4. Epsom and Ewell Core Strategy CS16 on managing traffic and travel seeks the provision of safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility; and to provide appropriate and effective parking provision, both on and off-site.
 5. Mill Lane is a one-way road from east to west, from the B2200 to Kingston Road, it narrows significantly from the entry shared with St Mary's Close, and there is a weight restriction. There is poorly controlled parking to the east of the site entry where the only footway is used by parked cars. To the west of the site cars were parked on the road only at the time of the site inspection.
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Photographs supplied by both parties indicate that this is an established state of affairs.

6. Even with cars parked on the footway, vehicles travelling down the road would tend to be on the further side of the carriageway from the appeal site. The parking restrictions at the exit onto Kingston Road mean that parked cars cover the right turn lane. These considerations together with the number of entries onto the road indicate that the Council argument that the situation results in low speeds could be correct, although no verified data is supplied. The appellant refers to this being a rat-run between main roads and use would appear to avoid two light controlled junctions for certain routes.
7. The proposed enlargement of the entry by reducing the length of wall, together with enlarging the parked area of the site would allow a car leaving the site to do so in forward gear, having turned on-site, and be further away from the higher wall to the east. That wall is not on the appeal site and hence is not under the control of the appellant.
8. There can be no doubt that were the entry to be further to the west, and car were able to turn on site, there would be an improvement in the view available to a driver leaving the site. It would also place the leaving vehicle further from the higher wall to the east for indivisibility for pedestrians, assuming parking allowed them use of the footway.
9. However, that is not what is proposed. The proposal is to widen the entry to 6.58m from its present 3.56m (dimensions shown on the appellant's drawings), retaining the east side at the same point, so that there would be no physical barrier to the situation remaining as at present if on-site parking resulted in a vehicle needing to exit from the east side of the drive.
10. In addition, and as alleged by the Council, there would be the loss of the single car parking length along the road outside number 8. The present 'dog-bone' markings on the road extend over the entry to both number 8 and number 6 and the wall between, and the proposed enlargement would presumably require that to be lengthened again to avoid obstruction on an entry. It is less clear whether if the entry to number 8 was moved rather than widened, that space could be repositioned. However, that too is not what is proposed.
11. The reason for refusal refers to the resulting detriment to on street parking for other highway users and states that it would exacerbate existing on-street parking problems in the road. Clearly there are on-street parking problems in the road, and the loss of a space that does not impinge on legitimate and safe use of the footway would be detrimental. However, the Highway Authority response dated 9 August 2016 does not give detail of the situation, merely stating a fact that was then quoted in the reason for refusal. The appellant is of the view that the parking problems are caused by people parking for the railway station, and local residents refer to difficulty parking themselves, and visitors having to park some way away.
12. There may be solutions to the parking issues in the area that are not part of the remit of this Decision, but on the evidence available, the loss of a space could adversely affect the parking available to local residents, and hence would not provide the appropriate and effective parking provision sought in Policy CS16. There is no certainty that the widened, as opposed to a relocated entry would provide a safe, convenient and attractive accesses for all, as also sought.

Character and Appearance

13. Development Management Policy DM8 on heritage assets includes reference to conservation areas. In this respect paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the same Act 1990 seeks to protect the setting of listed buildings.
14. The present arrangement has the advantage of enclosing the somewhat utilitarian 'crazy-paving' that covers much of the front of the site, although not obscuring it from view. The wall provides a suitable street frontage as a continuation of those either side and provides a sense of enclosure to the street with its listed buildings on the far side.
15. The proposal is to extend the paved area available for parking by reducing the raised area and conditions could ensure appropriate materials and drainage. This would represent a degree of enhancement to the situation. However, the enlarged opening would be to the detriment of the street-scene, removing the enclosure and opening-up the view. This would cause harm to the character and appearance of the conservation area and to the setting of the listed buildings and adjacent listed wall.
16. The level of harm is 'less than substantial', a differentiation required between paragraphs 133 and 134 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The viable use of the dwelling would remain, but there would be some limited benefit to highway safety, but as previously reasoned, the widened, rather than moved, entry would not overcome the risk that a manoeuvre similar to that carried out now would continue.
17. In the balance, the benefits do not outweigh the harm identified to designated heritage assets and in line with Policy DM8, Paragraph 132 of the Framework, and the tests in the 1990 Act, the proposal should not be permitted.

Conclusions

18. Whilst the ability to enter and leave the site in forward gear and further to the west would have some benefits to highway safety, the proposed widened entry would retain the ability to use the existing less safe place of entry, and would result in the loss of a safe parking space. It would also cause harm to designated heritage assets, contrary to Development Plan and national policy. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR