
Appeal Decision

Site visit made on 21 February 2017

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 05 April 2017

Appeal Ref: APP/P3610/W/16/3162030
37 Cheam Road, Epsom, KT17 1QX

- 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 Dean Louw against the decision of Epsom & Ewell Borough Council.
 - The application Ref 16/00166/FUL, dated 27 April 2016, was refused by notice dated 14 October 2016.
 - The development proposed is the demolition of existing 2 dwellings on site and the erection of a new 3 storey building and roof space to provide 17 new flats and associated parking to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing 2 dwellings on site and the erection of a new 3 storey building and roof space to provide 17 new flats and associated parking to the rear at 37 Cheam Road, Epsom, KT17 1QX in accordance with the terms of the application, Ref 16/00166/FUL, dated 27 April 2016, subject to the following conditions in the attached schedule.

Procedural/Preliminary Matters

2. The second reason for refusal relates to the absence of affordable housing provision and infrastructure contributions. On the basis of a viability submitted at the time of the application, the Council acknowledge that it is not possible to provide the expected level of affordable housing. The Council accepts that a commuted sum of £21,531 would be an appropriate contribution towards the provision of off-site affordable housing.
3. The appellant has submitted a signed legal agreement under s106 of the Act. This covenants to make a financial contribution of £21,531 towards affordable housing. The Council considers that this would address the second reason for refusal and on the basis of the submitted evidence I have no reason to reach a different conclusion.
4. A previous appeal for the erection of 10 flats was allowed in 2009. Although this previous permission is no longer extant, it is nonetheless a material consideration in respect of this appeal. Nonetheless, the appeal scheme is materially different from the previous proposal in a number of ways and I have considered the proposal on its merits.

Main Issue

5. I consider the main issue to be the effect of the proposal on the character and appearance of the street scene

Reasons

6. The appeal site lies on the northern side of Cheam Road, a short distance west of its junction with Nonsuch Court Avenue. It is situated in a sustainable location, in close proximity to a bus stop, and Ewell East railway station.
7. The site is currently occupied by two detached dwellings and is located between two existing blocks of flats. Charlemont House, to the west is a part 3/part 4 storey block of 19 flats, whilst Dormans Court to the east is a three storey flat-roofed block of flats dating from the 1960's.
8. The surrounding area is predominantly suburban in character and is typified by two storey detached dwellings within a verdant setting. Notwithstanding this, there is some variation in the height, scale, and appearance of the buildings in the locality, particularly in the immediate vicinity of the appeal site.
9. Policy DM 10 requires proposals to incorporate principles of good design and to take account of the prevailing development typology, including housing types and sizes, scale, layout, height, form and massing. This approach is consistent with the paragraphs 59 and 60 of the National Planning Policy Framework (the Framework) which state that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.
10. Notwithstanding its traditional design and materials, Charlemont House is a very substantial building and has an imposing presence in the street scene. I agree with the previous inspector that the proposal should be assessed in the context of its immediate setting, in that the neighbouring properties are two of the largest in the surrounding area.
11. The proposal is for a 4 storey flat roofed building with parking to the rear. It would have red brick elevations, and would be partly clad with zinc panels. The building would be articulated by stepped sections of brickwork, with a zinc clad top floor partially set back from the floors below.
12. The forward-most part of the proposed building would align with Charlemont House to the west, whilst the eastern wing would broadly align with Dormans Court. There would be some variation in the roof height. The upper-most floor of the proposed building would be comparable in height to Charlemont House, but would be set back from the main front elevation by almost 6 metres. It would therefore not be particularly prominent either within the street scene or views from the surrounding properties. In terms of height and building line the proposal would provide an appropriate transition between the buildings either side of it.
13. It would be deeper in terms of overall depth than Charlemont House, but broadly comparable with the neighbouring building at Dormans Court. The

articulated elevations and varied materials would add visual interest and would mitigate the perceived scale and massing of the proposed building. The proposed apartment block would establish its own contemporary character utilising brickwork and zinc cladding that reference the traditional materials and colour palette in the surrounding area. The windows would broadly align with those at Dormans Court and provide a degree of continuity. Although the proposed building would differ in architectural style from the surrounding buildings it would reflect the scale massing and height of other buildings in the locality and would be less prominent within the street scene than Charlemont House. Overall, I conclude that the proposal would not harm the character and appearance of the area and would comply with policies DM10 of the Development Management Policies Document (2015).

Other Matters

14. The proposal would provide 20 parking spaces in addition to 23 cycle parking spaces in accordance with the Councils adopted standards. Moreover the site is located close to both bus and rail services. I appreciate that parking in the locality is limited and note that the roads in the vicinity of the appeal site are subject to parking restrictions. Future occupants of the proposed dwellings would be aware of the limited scope for on-street parking in the locality. The proposal would add to the existing traffic flows on Cheam Road. However, in the context of the existing volume of traffic the Highway Authority consider that it is unlikely to have a significant effect on traffic flows and there is no substantive evidence to lead me to reach a different conclusion. I am therefore satisfied that the proposal would make satisfactory provision for parking and would not have a detrimental effect on traffic flows in the area.
15. The proposed building would be off-set from the boundary with 3 Nonsuch Court Avenue and separated from it by a distance of at least 26 metres. The upper floor would be set back by an additional 8 metres or more. The balconies to the rear of the building would include screens to either end to limit the extent of views. There would be a similar degree of separation from the boundary with 8 Boleyn Avenue, although the building would not be off-set as in the case of 3 Nonsuch Court Avenue. The roof terrace to the upper floor would be enclosed by way of a 1200mm wall and the useable area within this space would be contained by a metal balustrade set about 1500mm inside the brick wall. Therefore the scope for overlooking from the roof terrace would be limited and would not give rise to any significant loss of privacy to the occupants of nearby properties. Moreover, the trees to the rear and side boundaries of the appeal site would be retained and would further limit the potential for overlooking.
16. There is likely to be a greater level of activity due to the location of parking to the rear of the proposed flats. A suitable boundary treatment would limit the extent of any noise arising from cars using the car park. Therefore having regard to the parking associated with the neighbouring buildings, and the location of the appeal site, I do not consider that the proposal would give rise to an unacceptable level of disturbance to surrounding residents.
17. The proposal would increase the proportion of hard surfacing within the appeal site, however, the majority of it would be permeable. The Flood Risk Assessment submitted with the proposal concludes that the site can be adequately drained without an increased risk of flooding of the adjacent land,

dwellings and public sewer systems. The proposed drainage strategy proposes an infiltration system. The Lead Flood Authority is satisfied that this would be appropriate in this location and does not object to the proposal. Therefore based on the submitted information, I am satisfied that the proposal would be safe from flooding and would not increase the risk of flooding elsewhere.

Conditions

18. I have considered the suggested conditions in the light of the advice at paragraphs 203 and 206 of the Framework and the Planning Practice Guidance. I agree that details of materials and a landscape scheme are necessary in order to ensure that the proposed building has a satisfactory appearance and would integrate with the character of the locality. For the same reason the photovoltaic panels should be installed flush with the roof. The proposals should be implemented in accordance with the Arboricultural Method Statement to ensure the retention and health of the trees on the site.
19. The parking shown on the submitted plans should be provided in order to ensure satisfactory facilities for future residents and to avoid inconvenience to other highway users. In the interests of pedestrian and highway safety I agree that the modified vehicular and pedestrian access should be provided prior to the first occupation of the dwellings. There are no visibility splays shown on the submitted plans and therefore this part of the suggested condition is not required. Nonetheless, provided the scheme is implemented in accordance with the layout shown on the submitted plans it would comply with the usual requirements in terms of pedestrian and highway safety.
20. A construction method statement is necessary to safeguard the living conditions of surrounding residents during the construction period. For the same reason the hours of construction need to be limited. Details of the Sustainable Drainage System and measures for its management should be submitted to ensure that the site is satisfactorily drained. Evidence that the renewable energy measures within the submitted sustainability statement have been implemented is required in the interests of environmental sustainability. For the same reason the proposal should comply with the water efficiency standards within policy DM12 of the Development Management Policies Document.
21. The provision of bird and bat boxes is necessary in the interests of biodiversity. In addition, I consider that a condition in respect of external lighting, as recommended in the Bat Survey Report submitted by the appellant, is necessary in order to avoid undue disturbance to bats. The proposal should be implemented in accordance with the approved plans to ensure that the proposal is acceptable in terms of its appearance and its effect on the living conditions of neighbours.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

Lesley Coffey

INSPECTOR

Appeal Ref: APP/P3610/W/16/3162030

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Prior to the commencement of development details and samples of all external materials shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 3) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, and a programme of implementation have been submitted to and approved in writing by the local planning authority. The landscaping shall incorporate the planting of native species of trees and shrubs. The approved landscape scheme shall be implemented in accordance with the programme of implementation prior to the occupation of the development hereby approved and thereafter retained.
- 4) All new photovoltaic panels or tiles shall be fitted flush with the adjoining roof surface and shall not project beyond the plane of the roof.
- 5) The development works including ground preparation, demolition and construction shall be carried out in strict accordance with the submitted Harper Tree Consulting Arboricultural Method Statement dated 19 April 2016. No equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.
- 6) No dwelling shall be occupied until space has been laid out within the site the approved plans for 20 cars and 23 cycles to be parked, and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall thereafter be kept available at all times for those purposes.
- 7) Before the development is occupied, the modified vehicular and pedestrian access to Cheam Road shall be constructed.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) programme of works (including measures for traffic management;

- v) provision of boundary hoarding behind any visibility zones;
- vi) HGV deliveries and hours of operation;
- vii) on-site turning for construction vehicles.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 9) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07:30 hours or after 18:30 hours Monday to Friday; no construction work shall be audible at the site boundary before 08:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays.
- 10) No development shall take place until, plans and information have been submitted to and approved in writing by the local planning authority to show:
 - i. A drainage layout detailing the exact location of SUDs elements, pipes. Impervious areas and drainage sub-catchments (if applicable)
 - ii. Details of all SUDs elements and other drainage features, including long and cross sections, pipe diameters and respective levelsThe development shall be implemented in accordance with the approved details.
- 11) No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system shall have been submitted to and approved in writing by the local planning authority. Those details shall include:
 - i) a timetable for its implementation; and,
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.
- 12) A report shall be submitted to the local planning authority, within 6 months of the first occupation of the dwellings, to demonstrate that the renewable technologies (as detailed in the ECUS Environmental Consultants Sustainability Statement dated 29 April 2016) have been fully implemented and are functioning.
- 13) The residential units hereby approved shall not be occupied until they have achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
- 14) Prior to the first occupation of the new building, "woodcrete" soffit bird and bat boxes shall be installed in accordance with details submitted to and approved by the local planning authority. The boxes shall be retained thereafter.
- 15) Prior to the installation of any external lighting, the precise details shall be submitted to and approved in writing by the Local Planning Authority.

The external lighting shall be installed in accordance with the approved details.

- 16) The development hereby permitted shall be carried out in accordance with the following approved plans: PA-001 revA - Existing site plan , PA-002 revA - Existing elevations PA-101 revC - Proposed site plan, PA-102 revA - Proposed 3-D perspectives, PA-110 revA - Proposed ground and first floor plans, PA-111 revB - Proposed second and third floor plans, PA-112 revB - Proposed roof plan PA-120 revA - Proposed section A-A, PA-130 revA - Proposed north and south elevations, PA-130 revA - Proposed north and south elevations, PA-101 revC - Proposed site plan, PA-150 revB - Refuse truck swept path analysis, PA-112 revB - Proposed roof plan.