

Appeal Decision

Site visit made on 29 March 2017

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 16 May 2017

Appeal Ref: APP/P3610/W /16/3167718
60 Worple Road, Epsom, KT18 7AG.

- 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 Kadhum against the decision of Epsom and Ewell Borough Council.
 - The application Ref 16/00589/FLH dated 27 June 2016, was refused by notice dated 4 October 2016.
 - The development proposed is for a first and second floor side extension and revisions to approved roof windows.
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Preliminary matter

1. The roof lights shown on the proposed second floor layout plan are different to those shown on the proposed elevations drawings. For the avoidance of any doubt I confirm that this decision is based upon the fenestration shown on the submitted elevations and roof plan drawings. The irregularities shown on the submitted floor plans do not affect my ability to deal with this Appeal, as they can all be dealt with by the imposition of a condition.

Decision

2. The appeal is dismissed.

Main Issues

3. The first main issue is the effect of the scheme on the character and appearance of the host building and the Worple Road Conservation Area (WRCA). The second main issue is the effect of the scheme on the living conditions of the occupiers of 4 Caithness Drive (No.4), with particular regard to privacy.

Reasons

Character and appearance

4. WRCA is a suburban conservation area which is characterised by a variety of dwellings ranging from modest terraces to large detached dwellings, many of which were built before c.1895. The key streets are Worple Road and Ashley Road which comprise local historic routes and where many of the buildings are identified as having a positive impact on the character and appearance of the conservation area. This includes the Appeal property which is located in a
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prominent position close to the junction of Worple Road and Ashley Road. The Appeal property is also on a shortlist of properties identified for consideration for local listing.

5. The Appeal building was constructed by about c.1875 and comprises a large yellow and red brick house with a symmetrical front elevation and a slate roof. It retains many of its original external features including decorative ridge tiles, chimneys, canted bay windows with original timber sashes and an arched entrance.
6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance. Consistent with this, policy CS5 of the Epsom and Ewell Borough Council Core Strategy 2007 (Core Strategy) and policy DM8 of the Epsom & Ewell Borough Council Development Management Policies Document 2016 (DMP) seek to protect, conserve and enhance the Borough's heritage assets.
7. Section 12 of the National Planning Policy Framework (NPPF) states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm requires clear and convincing justification, whilst opportunities for new development in conservation areas should be sought. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Policy DM8 of the DMP is consistent with this.
8. Regarding design the NPPF and policies DM9 and DM10 of the DMP collectively seek to ensure that new development adds to the quality of the area. Development should incorporate principles of good design, respect the character and appearance of its surroundings and where possible make a positive contribution to the Borough's visual character and appearance.
9. The existing single storey side extension is set back from the front elevation of the property and is visually discrete due to its modest height and form. As a consequence it is subservient to and does not have a material impact on the character and appearance of the host property.
10. The open gap above the existing side extension creates a sense of space between the host building and the adjacent dwelling at 62 Worple Road (No.62). The dwelling at No.62 is both modest in size and lower than the Appeal building. This space contributes to the separate identity of both properties; facilitates views of the side window and chimneys at No.62 and adds to the spacious character and appearance of the WRCA.
11. With the Appeal scheme the resultant side extension would similarly be set back from the front building line of the host building and its ridge height would be lower than that of the host building. Notwithstanding this, due to its overall height, mass, proportions, bland detailing and contrasting fenestration the resultant extension would be visually prominent and would fail to respect or reflect the character and appearance of the host building.

12. The resultant extension would project close to and would totally dominate the adjacent side elevation of the dwelling at No.62. It would obscure the side window and rear chimney at No.62 and the relationship between the two buildings would be unduly cramped. Rather than making full and appropriate use of the site the resultant building would appear over-intensive on the plot and within its immediate setting. As a consequence the resultant side extension would harm the settings of the host building, the dwelling at No.62, the street scene and the rear garden environment.
13. To the rear the proposed enlarged dormer windows would have strong horizontal lines which would detract from the vertical lines of the host building and its fenestration. They would dominate the rear roof slope and would undermine the original character and appearance of the host building, when viewed from the rear garden environment. Whilst on its own this would not amount to a reason for dismissing this Appeal, it would exacerbate the harm that would be caused by the proposed side extension.
14. For these reasons the proposal would be contrary to the WRCA Character Appraisal and Management Proposals 2010 (WRCA-CAMP), which seeks to prevent harm being caused to the WRCA.
15. It is acknowledged that the construction of the proposed extension would provide some local employment and that the additional living space proposed would benefit the occupants of the premises. However, these benefits would fail to outweigh the harm that would be caused to the character and appearance of the host building and the contribution it makes to the character, appearance and significance of the WRCA.
16. I therefore conclude on this main issue that the proposal would fail to preserve or enhance the character or appearance of the WRCA. It would result in a moderate level of harm to the significance of the WRCA and this harm would not be outweighed by any public benefits. Accordingly the scheme would conflict with policy CS5 of the Core Strategy, policies DM8, DM9 & DM10 of the DMP and the NPPF.

Living conditions

17. Planning permission has already been granted for two large rear dormer windows, which would serve a bedroom and a large living room. With the proposal the windows would be wider, facilitating a more expansive view into the rear garden environment and towards the conservatory, a rear bedroom window and the rear garden of No.4. In addition, the second floor living room would be less deep and when in use its inhabitants would be located close to the window, which would facilitate open views into the rear garden and east facing windows at No.4. For these reasons the use of the resultant second floor living room would result in a material loss of privacy for the occupiers of No.4.
18. If the living room window was obscure glazed and fixed shut to a height of some 1.6 metres above the internal floor level it would prevent a material loss of privacy for the occupiers of No.4. However, this would leave the occupiers of the proposed flat without any outlook from their main living room and would thus result in unsatisfactory living conditions for those occupiers. As such it is not a matter that could reasonably be dealt with by condition.

19. Bedrooms are typically used at night, when curtains are more likely to be drawn. As a consequence the proposed enlarged second floor bedroom window would not result in the same level of lost privacy for the occupiers of No.4. Despite this, it would exacerbate the loss of privacy resulting from the enlarged living room window.
20. I conclude that the proposal would unacceptably harm the living conditions of the occupiers of No.4 due to loss of privacy. It would therefore conflict with policy DM10 of the DMP which, amongst other things, requires proposals to have regard to the living conditions of existing residents.

Other matters

21. The proposed extension would be located to the north of No.62 and so any loss of sunlight received by the window in the side elevation of that property would be negligible. The extension would however result in a noticeable loss of daylight within the stairwell served by the side window. Whilst this would have a small impact on the living conditions of the occupiers of No.62, it would not amount to a reason for dismissing this Appeal.
22. The dwelling at No.62 projects further into the rear garden environment than the main rear roof-slope and proposed side extension to the Appeal building. Accordingly, any views towards the rear garden of No.62 from the proposed upper floor windows would be restricted. The proposed scheme would not result in a material loss of privacy for the occupiers of No.62.
23. The proposal would not increase the number of flats within the host building. Although any increase in the size of the flats could potentially increase the number of residents, this would be unlikely to result in a material increase in traffic or demand for on or off street parking.
24. The creation of any additional flats within the Appeal site would require planning permission. In considering any such proposal the likely increase in traffic or on-street parking could be considered.

Conclusion

25. The conclusions on both main issues represent compelling reasons for dismissing this Appeal, which the imposition of conditions would not satisfactorily address.

Elizabeth Lawrence

INSPECTOR