
Appeal Decision

Site visit made on 7 August 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 4 September 2017

Appeal Ref: APP/P3610/W/17/3174321

57 Longdown Lane North, Epsom, Surrey KT17 3JB

- 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 Vivienne Gregory against the decision of Epsom & Ewell Borough Council.
 - The application Ref 16/01068/FUL, dated 26 August 2016, was refused by notice dated 22 February 2017.
 - The development proposed is demolition of the existing dwelling and erection of 2 detached houses with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing dwelling and erection of 2 detached houses with associated parking at 57 Longdown Lane North, Epsom, Surrey KT17 3JB in accordance with the terms of the application, Ref 16/01068/FUL, dated 26 August 2016, subject to the conditions set out in Schedule 1 of this decision.

Main Issues

2. The main issues in this appeal are the effects on the character of the area and the effects on neighbours at No 55 Longdown Lane North.

Reasons

Character of the area

3. The appeal site currently accommodates a detached 2 storey house and its generous garden area. The site sits close to the junction of Longdown Lane North with College Road and has a very wide frontage onto the road. The site narrows significantly towards its rear. The area comprises mainly detached properties of varying styles on a variety of plot sizes, some being large, as in this site, and some far more modest, such as those immediately opposite the appeal site.
4. The proposal would divide the appeal site in 2, with a slightly irregular boundary line, and provide 2 detached houses, each with garages on their respective frontages. The 2 houses would be set at slight angles to each other, very roughly reflecting the converging plot boundaries.
5. The rear garden of the house on Plot A would be significantly smaller than that on Plot B. Nevertheless, the rear garden would be 13m deep and a minimum

of 10m in width, which is in excess of the Council's required minimum and similar to some others in the area, as pointed out by the appellant. In addition, a very generous frontage area would be provided for each house and so the perception of the site from the road would be of some spaciousness. In relation to the irregular common boundary between the 2 proposed plots, whilst I note that it would be 'cranked' as described by the Council, I can find no reason to conclude that this would be harmful to the area in any way.

6. Although not raised by the Council, other interested parties object to the loss of trees. I have taken careful account of the evidence submitted with the appeal and whilst some tree loss would result, I note that the great majority are of poor quality and, if found acceptable in other respects, replacement/alternative landscaping could be secured through conditions.

The effects on neighbours

7. The neighbouring property at No 55 Longdown Lane North sits immediately to the north of the appeal site. The house on Plot A would be sited at a slight angle to the common boundary here and slightly forward of No 55. Amendments during the life of the planning application have resulted in the first floor element being reduced on the rear corner closest to No 55.
8. There is a significant amount of material setting out the relevant windows in the facing elevations of No 55, their proximity to the boundary and how any effects may be felt. In addition, the owner of No 55 considers that the orientation of the property is such that its front elevation faces towards the appeal site.
9. I have taken account of all these matters and was able to view these aspects of No 55 from the appeal site. In addition, copies of the approved plans for extensions to No 55 have been submitted by the appellant and I can gain a good impression of the internal layout. What is clear is that the proposed house on plot A will be visible to the occupiers of No 55 when in certain rooms within their property. What is also clear is that the windows referred to by the Council and the neighbour serve rooms that are also served by other windows. Whether one refers to these windows as 'primary' or 'secondary' may be a subjective matter, but I have looked closely at the available information and whilst the proposal would be visible, I consider that its distance from the boundary (including the amended form of the first floor) and the availability of other sources of light and outlook to the relevant rooms in No 55 means that the effects on the neighbouring residents would not be unreasonable and would be insufficient to justify dismissing the appeal. As a result of my findings in relation to this and other matters, there is no conflict with Policies CS5, DM9 and DM10.

Conditions

10. I have had regard to the advice in the Planning Practice Guidance in relation to the use of conditions. So that the development has an acceptable appearance and effect on the locality conditions relating to materials, landscaping and tree protection are necessary and reasonable. In order that suitable and timely provision is made for parking and pedestrian safety, I shall include conditions relating to the provision of the accesses, parking and suitable visibility splays.

11. In order to help achieve the Council's sustainability aims, a condition relating to energy, materials and water usage is included; the Council's suggested conditions in this respect are repetitive and I have used a single condition which covers all the suggested matters. So that the biodiversity potential of the site is enhanced, I shall include a condition requiring the provision of bat and bird boxes within the site. As some of the proposed windows could give rise to overlooking, I shall include a condition requiring the use of obscure glazing in specified windows. So that there is certainty in relation to the proposal, I shall include a condition which requires that the development should comply with the approved drawings.

Conclusions

12. For the reasons set out, I conclude that the proposal would not give rise to any unacceptable effects on the character of the area or on the living conditions of neighbours. Therefore, the appeal is allowed.

S T Wood

INSPECTOR

SCHEDULE 1: Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 692/10/B; 692/13A; 692/14B; 692/15B; 692/17B; 692/19; 692/20; 692/21.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the planning application forms.
- 4) The buildings hereby permitted shall not be occupied until the windows serving the bathrooms in the flank elevations of the houses and the first floor window in the rear elevation of Plot A annotated on plan 692/19, have been fitted with obscured glazing. Details of the type of obscured glazing and any opening sections (if so approved) shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The details shall also include a schedule of landscape maintenance for a period of not less than 5 years.
- 6) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of the occupation of the dwellings, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) No dwelling shall be occupied until spaces and garages have been laid out/constructed within the site in accordance with the approved drawings for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space/garages shall thereafter be kept available at all times for those purposes.
- 9) The building shall not be occupied until a means of access for vehicles/pedestrians shall have been constructed in accordance with the approved plans. The access shall be retained thereafter.
- 10) The development shall not be occupied until pedestrian visibility splays for 2m by 2m shall be provided on each side of the accesses, in accordance with details which shall have been first submitted to and approved in writing by the local planning authority. No structure or

erection exceeding 0.6m metres in height shall be placed within the sight lines.

- 11) Prior to the commencement of the development details of sustainability measures relating to energy (including renewable sources), water and materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development, and shall be maintained and retained in the approved form.
- 12) No development shall take place until details and locations of bird and bat boxes have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details and thereafter retained in that form.