
Appeal Decision

Site visit made on 3 October 2017

by Michael Boniface MSc MRTPI

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

Decision date: 11th October 2017

Appeal Ref: APP/P3610/W/17/3179650

Sunninghill, Downs Avenue, Epsom, KT18 5HL

- 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 Ms Gemma Purkiss, Sunninghill Epsom Limited against the decision of Epsom & Ewell Borough Council.
 - The application Ref 16/01197/FUL, dated 4 November 2016, was refused by notice dated 24 January 2017.
 - The development proposed is a two storey (with roof accommodation) building accommodating 7 flat units and associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development above from the Council's decision notice as opposed to the application form, as this more accurately describes the proposal.
3. The appeal is accompanied by an Arboricultural Impact Assessment (July 2017), various tree survey and constraint plans and revised landscaping proposals. Minor changes to the position of the proposed cycle store and 3 parking bays have also been made. The Council has had the opportunity to consider these documents during the appeal process and I am satisfied that no party would be prejudiced by me taking them into account. Therefore, I have had regard to this additional information in reaching my decision.

Main Issues

4. The main issues are whether the proposed development, including removal of a number of trees, would preserve or enhance the character or appearance of the Burgh Heath Road Conservation Area; and whether the development is required to make a contribution towards local affordable housing needs.

Reasons

Character and appearance

5. The appeal property is a large Arts and Crafts style building which has been converted into flats. It is noted on the Townscape Appraisal Map as being a 'positive building' in the conservation area and an 'important tree group' is identified in the rear garden, contributing to the sylvan character of the area with large areas of open space and tree planting. Downs Avenue comprises a

wide tree lined street with large well-spaced dwellings within generous plots. This is the overriding character in this part of the conservation area, though evidence of infill development is apparent in the immediate vicinity of Sunninghill, which is accessed via a private driveway off of Downs Avenue.

6. The proposed building would stand to the rear of Sunninghill in its existing garden area, which currently stretches back to meet the large rear gardens of properties on Downs Avenue. The introduction of backland development would to some extent reflect other infill developments that have occurred over the years, notably Hilton and Kingswood House, close to the site. However, the undeveloped rear garden of the appeal property currently maintains the appearance of a substantial building set within large grounds, not only referencing the original form of the site but providing integration with the much less densely developed properties on Downs Avenue.
7. This is particularly evident on walking the footpath adjacent to the site where the undeveloped nature of the garden land is readily apparent, despite the tree screening on the boundary, giving a sense of verdant tranquillity as one moves beyond Sunninghill and travels towards Downs Avenue. The experience is further enhanced by the significant amount of tree planting within the garden of Sunninghill, other large gardens and along the line of the footpath, creating a woodland feel.
8. The appellant refers to the Burgh Heath Road Conservation Area: Character Appraisal and Management proposals (2010), noting some of the key characteristics of the area to include spacious plots, mature trees and areas of woodland. It is further noted that the southern part of the conservation area is the most wooded, highlighting the importance of trees to the sylvan character of the area and warning of the constant pressures for the infilling of garden plots, having the potential to adversely affect the special interest of the conservation area.
9. Contrary to the appellant's conclusions, I do not consider that past infilling, which has demonstrably altered the character of the area in some parts, to justify further similar development that would harm the key characteristics of the conservation area. The introduction of a large flatted building would significantly reduce the plot size of Sunninghill and create a similarly small plot for the proposed building. This would be in stark contrast to the spacious woodland setting that I have identified and the prevailing character in Downs Avenue that I have described.
10. Furthermore, the development would require removal of a number of mature trees. Whilst these are primarily Category C trees of moderate quality and replacements could be incorporated within the site, they nonetheless make an important contribution to the sylvan character of the area. Even with replacement planting, the large building would become a prominent and visually intrusive element that would severely diminish the woodland character in this part of the conservation area.
11. The harm arising from the development would be less than substantial in the context of the conservation area as a whole, but the preservation of heritage assets should be given great weight in the decision making process. There would be some public benefit in the provision of 7 additional residential units but no evidence has been submitted to demonstrate that the Council is not successfully boosting the supply of housing in the area in accordance with the

National Planning Policy Framework and in any case, the contribution of 7 units would be limited. The harm arising to the conservation area far outweighs the public benefits that have been identified in this case.

12. The development would harm the character and appearance of the conservation area. As such, the proposal would conflict with Policies DM5, DM8, DM9 and DM16 of the Development Management Policies Document (2015), which seek to protect trees and encourage additional planting, conserve and enhance heritage assets, ensure high quality design that maintains or enhances local character and distinctiveness and resists backland development in gardens where character would be harmed.

Affordable housing

13. Policy CS9 of the Core Strategy (2007) requires that 20% of new residential developments between 5 and 14 dwellings should be affordable housing. In this case, the Council seeks a commuted sum towards the provision of affordable housing elsewhere, noting the significant and demonstrable need in the area.
14. However, in November 2014 a Written Ministerial Statement (WMS) was issued which clarified that affordable housing contributions (or other tariff style contributions) should not be sought for developments involving 10 units or less. This Government policy has subsequently been incorporated into Planning Practice Guidance (PPG) and is an important material consideration. This position post-dates adoption of Policy CS9.
15. I have had regard to the Council's Statement on the Exemption of Small Sites from Development Contributions (Affordable Housing) (December 2016) which sets out the specific local need for affordable housing and local circumstances. However, Government policy and guidance is clear that such obligations should not be sought so as to reduce the burdens of small-scale developers and encourage delivery. I attach significant weight to this Government policy expressed in the WMS and PPG and consider that this justifies a decision other than in accordance with Policy CS9 in this instance. An affordable housing contribution is not necessary.

Conclusion

16. Whilst I have found that a contribution towards affordable housing is not necessary, this does not alter or outweigh the harm that I have identified to the character and appearance of the conservation area.
17. In light of the above, and having considered all other matters, the appeal is dismissed.

Michael Boniface

INSPECTOR