
Appeal Decision

Site visit made on 24 October 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 10 November 2017

Appeal Ref: APP/P3610/W/17/3179104
41 Hook Road, Epsom KT19 8TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Phillipson of Phillipson Moss Chartered Surveyors against the decision of Epsom & Ewell Borough Council.
 - The application Ref 16/01902/OUT, dated 21 March 2017, was refused by notice dated 17 May 2017.
 - The development proposed is the erection of 4 x 5 bedroom houses together with creation of access road and associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 4 x 5 bedroom houses together with creation of access road and associated parking at 41 Hook Road, Epsom KT19 8TP in accordance with the terms of the application, Ref 16/01902/OUT, dated 21 March 2017, subject to the conditions set out in a schedule at the end of this decision.

Procedural Matter

2. The proposal is for outline planning permission, and the application form makes clear that approval is also sought at this stage for access and layout of the development, but not for its scale, appearance and landscaping (the reserved matters). Drawings have been submitted showing the proposed access and layout along with floor plans, elevations and site sections. I have treated the floor plans, elevations and site sections as illustrative.
3. Amended plans were submitted during the course of the appeal that provided an additional parking space close to the rear of properties fronting Chase Road. Although the Council were given the opportunity to comment, residents of those houses have not. Consequently, I have not taken the amended plans into account in coming to my decision.

Main Issues

4. The main issues are:
 - the effect of the proposed dwellings on the character and appearance of the existing building and surrounding area;
 - whether the proposed development would affect ecology and biodiversity in the area;

- the effect of the proposed access route on the living conditions of occupiers of 41 Hook Road with particular regard to noise and disturbance; and
- the effect of the proposed development on highway safety with regard to the adequacy of parking provision.

Reasons

Character and appearance

5. The appeal site comprises land to the rear of properties fronting Hook Road, Chase Road and Temple Road that has been used as additional garden land for two of the properties on Hook Road, whose remaining gardens would be large and in proportion to those of surrounding properties. Those surrounding houses have long rear gardens extending to the site boundaries, such that they are some distance from the site.
6. The appeal site in this backland area contributes to the vast swathe of open space to the rear of properties in this urban area close to the town centre. However, similar sites a short distance from this location contain other residential or commercial development. Taking these factors into account, development of this site would not harm the character or appearance of the area, provided that the resulting development is at an appropriate scale. The scale of the proposed dwellings would be considered with the reserved matters at a later stage.
7. For these reasons, I conclude that the proposed development would not harm the character and appearance of the area. As such, it would comply with Policy CS1 of the Epsom and Ewell Borough Council Local Development Framework Core Strategy (CS) and Policies DM10 and DM16 of the Epsom and Ewell Borough Council Development Management Policies Document (DMPD). These policies seek to protect the built environment and ensure development proposals incorporate principles of good design, in particular relating to the development of backland sites such as this.

Ecology and biodiversity

8. The appeal site is currently underused as it is covered over with tarpaulins to ensure it does not get overgrown. This also restricts its contribution to biodiversity of the area. Redevelopment would provide modest gardens for each of the dwellings.
9. The development would result in the removal of the tarpaulins and the resulting gardens would link into the biodiversity network comprising the surrounding gardens. As a result, it would have minor positive benefits to ecology and biodiversity in the area.
10. For these reasons, I conclude that the proposals would enhance ecology and biodiversity in the area. As such, it would not conflict with Policy CS1 of the CS and Policy DM4 of the DMPD that seek to protect the natural environment and to take opportunities to secure a net benefit to biodiversity. I also conclude that the proposed development would comply with Policy DM16 of the DMPD insofar as it refers to the retention of wildlife habitats in backland areas and the effect on trees and shrubs.

Living conditions

11. The access to the proposed dwellings would pass through the existing gap between the house at 41 Hook Road and the property boundary, necessitating the demolition of a small extension to that property. The limited width of that gap means that the access would be close to the side of the property.
12. The provision of four new dwellings on the site would result in movements by people and vehicles accessing and egressing the resulting properties along the access drive. This would, inevitably, mean some noise and disturbance to residents of the property given that proximity. Nevertheless, the modest nature of the development means that the noise and disturbance from these movements would be limited.
13. For these reasons, I conclude that the proposed development would not lead to a material adverse effect on the living conditions of occupiers of 41 Hook Road in terms of noise and disturbance. As such, the proposed development would comply with Policy CS5 of the CS and Policies DM10 and DM16 of the DMPD that require high quality and inclusive design that have regard to the living conditions of neighbouring occupiers, particularly in relation to backland development such as this.

Highway safety

14. The proposal would provide two parking spaces to the front of each of the new houses, with an additional four visitor spaces adjacent to the access drive. An additional space is proposed next to the visitor spaces for occupants of 41 Hook Road. That space would replace the existing area adjacent to the house that could accommodate two cars arranged in tandem such that the car parked furthest in could not be removed without removing the other car first.
15. I understand that the Council's parking standards require a minimum of 3 spaces for each of the new dwellings and two spaces for the existing. As the existing parking for no. 41 is impractical for parking of more than a single car, the proposed single space would be adequate to compensate for the loss of parking to provide the proposed access.
16. There is limited parking on the surrounding streets, which is restricted given the nature of the road and the location close to the town centre and other services and facilities. Nevertheless, and taking account of the accessibility of the site, there is no reason to consider that the quantity of parking proposed would lead to inconsiderate parking that would harm highway safety.
17. For these reasons, I conclude that the proposed development would not cause harm to highway safety with regard to the adequacy of parking provision. As such, it would not conflict with Policy CS16 of the CS and Policy DM37 of the DMPD that require an appropriate and effective level of off street parking to avoid an unacceptable impact on local traffic conditions.

Other matters

18. Surrounding properties have long rear gardens that provide substantial separation between the proposed dwellings and surrounding houses. Consequently, whilst the proposed dwellings would be visible from surrounding houses, the distance between them ensures that the development would not result in a loss of privacy or materially affect the outlook of surrounding

residents. The access route would also be some distance from these houses, such that it would not lead to material additional noise and disturbance to those properties. As such, the proposed development would not cause material harm to the living conditions of occupiers of surrounding dwellings.

Conditions

19. In addition to conditions providing timescales for the submission of reserved matters and commencement of the development that should be imposed to address legislative requirements, in the interests of the character and appearance of the site and the locality, a condition shall be imposed in relation to reserved matters of appearance, scale and landscaping. I have imposed a condition specifying the relevant drawings as this provides certainty.
20. Conditions are necessary to ensure adequate access arrangements and parking for cars and bicycles are provided on site to protect highway safety. A condition is necessary to provide, prior to development commencing, a construction method statement to ensure the development works take place without undue disturbance to neighbouring occupiers and to maintain highway safety. I have not specified hours when deliveries are not permitted or the hours of demolition and construction as these would be provided as part of the construction method statement. Neither have I required a commitment to fund the repair of highway damage or relating to vehicles waiting to access the site as I do not consider these would be enforceable.
21. Details of sustainability measures are required to be submitted and approved prior to development commencing to ensure efficient use of energy, water and materials in accordance with Policy CS6 of the CS. A condition is necessary relating to external lighting in order to protect the living conditions of occupiers of neighbouring properties and the character and appearance of the area.
22. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity. I have not included a condition requiring samples of materials as this is a matter to be considered alongside the appearance of the proposed development at reserved matters stage. Similarly, conditions relating to hard and soft landscaping, and to the design and appearance of means of enclosure, are not necessary as these would be considered alongside the appearance and landscaping reserved matters.
23. A condition requiring a scheme to enhance biodiversity interest of the site goes beyond what is necessary to make the development acceptable in planning terms. I have not included a condition removing permitted development rights as I do not consider it to be necessary. Such rights should be removed only in instances of specific and precise justification. I find no exceptional circumstances in this case such as to warrant the wholesale removal of these rights.

Conclusion

24. For the above reasons and taking into account all other matters raised I conclude that the appeal should succeed.

AJ Steen

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: 493-P0.102-J.
- 5) The dwellings shall not be occupied until a means of access for vehicles/pedestrians/cyclists shall have been constructed in accordance with the approved plans. No structure or erection exceeding 0.6 metres in height shall be placed within 2m of the junction of the site with the pavement, the visibility zones, shown on drawing no. 493-P0.102-J. The access shall be retained thereafter.
- 6) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 493-P0.102-J for cars and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 7) 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) the erection and maintenance of security hoarding, where appropriate;
 - vi) vehicle routing;
 - vii) measures to prevent the deposit of materials on the highway;
 - viii) delivery, demolition and construction working hours;
 - ix) on-site turning for construction vehicles.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 8) Prior to the commencement of the development, details of sustainability measures shall be submitted to and approved in writing by the local planning authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials including means of providing the energy requirements of the development from renewable technologies. The development shall be carried out in strict

accordance with the approved details prior to the first occupation of the building, shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.

- 9) No external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed.