



Appeal Decision

Site visit made on 13 June 2019

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2019

Appeal Ref: APP/P3610/W/19/3222841

Land rear of 52 to 54 Hook Road, Epsom, Surrey

- 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 Sean Spellman against the decision of Epsom and Ewell Borough Council.
The application Ref 18/00944/FUL dated 28 September 2018, was refused by notice dated 21 December 2018.
 - The development proposed is proposed demolition of two existing garages and erection of a 2 storey residential dwelling.
-

Decision

1. The appeal is dismissed

Procedural Matter

2. I have used the description of the proposal from the Council's decision notice. It adequately and simply describes the proposed development instead of the much longer and detailed description given on the application form. I have also amended the location of development for a similar reason and to provide clarity.
3. Since the submission of the appeal the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2019) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of the development, with regard to the amount of private amenity space.

Reasons

5. The site is within a predominantly residential area. Dwellings are typically semi-detached and of a traditional two storey form. There is a strong architectural rhythm along the majority of Miles Road. The site is located on an irregular shaped plot.
6. Policy DM 12 of the Epsom and Ewell Borough Council, Development Management Policies Document (2015) (the DMP) requires new dwellings to

provide adequate internal and appropriate external and/or communal amenity space to meet the needs generated by the development. The policy refers to the Council's Design Quality SPD for space standards, the Council have confirmed this SPD was never prepared.

7. Policy DM 12 is not explicit in terms of the amount of external private space required to meet the needs of a new dwelling. However, the explanatory text at paragraph 3.35 referred to by the Council in the Planning Report, relates to the policy. In this instance 40sqm of private outdoor space should be provided for a 2 bedroom house, with a minimum depth of 10m of domestic rear garden space. The proposed development does not provide this amount of private outdoor space.
8. The appellant has drawn my attention to Standard 26 in the London Plan 2016 Implementation Framework, Housing Supplementary Planning Guidance (2016) (the SPG) which sets out guidance relating to the provision of private outdoor space. Notwithstanding that the SPG sets a minimum standard which is lower than the DMP. I give the DMP explanatory text significant weight in terms of providing guidance on the level of private outdoor space deemed appropriate for new dwellings within the Borough.
9. The appellant has provided an 'Amenity Space & Recreation Plan' which identifies communal open space and leisure facilities within the surrounding area of the appeal site. Notwithstanding this no substantive evidence has been provided to persuade me that this along with the reduced amount of private external space would be appropriate and meet the needs generated by the development.
10. I conclude that the proposed development would harm the living conditions of the occupiers of the development, with regard to the amount of private amenity space. There is conflict with Policy DM10 of the DMP which amongst other things seeks the provision of appropriate space standards for new dwellings. There is also conflict with the Framework which amongst other things seeks to create places that have a high standard of amenity for existing and future users.
11. The appellant has drawn my attention to the Epsom and Ewell Borough Council, Making the Efficient Use of Land – Optimising Housing Deliver 2018 (OHD) which identified that the Council at the time of publication could not demonstrate a 5 year housing land supply. The OHD document also recognises that in order to meet the need for housing, it is likely that some sites at higher densities would result. Notwithstanding this I am not persuaded that this would be at the detriment of living conditions for future occupiers of a development.

Other Matters

12. The proposed development would be a modest addition to the housing market in an accessible location. The proposed development would also benefit the area by removing a site which currently detracts from the character and appearance of the area. However, this would not outweigh the harm I have identified above.

Conclusion

13. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR