



Appeal Decision

Site visit made on 29 January 2019

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2019

Appeal Ref: APP/P3610/W/18/3215032

107 Dorking Road, Epsom, Surrey, KT18 7JZ

- 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 S Shelley against the decision of Epsom and Ewell Borough Council.
 - The application Ref 18/00770/FUL, dated 06 September 2018, was refused by notice dated 26 October 2018.
 - The development proposed is construction of a 1-bed bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a 1-bed bungalow at 107 Dorking Road, Epsom, Surrey, KT18 7JZ in accordance with the terms of the application, Ref 18/00770/FUL, dated 06/09/2018 and the plans submitted with it, subject to the following 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: 01 Site Plan, 02 Balcony Plan, 02 Location Plan.
 - 3) Prior to the occupation of the development hereby permitted, details of a scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be implemented in accordance with that scheme prior to occupation of the development.
 - 4) Construction works shall take place only between 08:30-18:00 on Monday to Fridays, 08:30-13:00 on Saturdays and not at any time on Sundays or on Public or Bank Holidays.
 - 5) 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 dwelling, and shall be maintained thereafter unless by written approval from the local planning authority.

Application for costs

2. An application for costs was made by the appellant against the Epsom and Ewell Borough Council. This application is the subject of a separate Decision.

Background and Main Issue

3. A previous application for a two-bedroom bungalow on the site (Ref. 16/00466/FUL) was refused by the Council and dismissed at appeal. The issues for that appeal related to living conditions for future occupiers, specifically whether the scheme complied with the Nationally Described Space Standards (NDSS) and whether it would provide a functional and useable space.
4. A subsequent application (Ref. 16/01281/FUL) for a one-bedroom bungalow with an additional flat roof and study room was similarly refused by the Council and dismissed at appeal on the basis that the proposal would have an adverse impact on the character and appearance of the area and had insufficient parking provision; the main issues for the previous appeal having been resolved.
5. A further application (Ref. 17/01109/FUL) was identical in appearance to the first application (16/00466/FUL) and was refused by the Council and dismissed at appeal on the basis that it would provide inadequate living conditions, specifically in not providing any private outdoor space for the host flat and the outdoor space provided for the bungalow not being useable, as well as compliance with the NDSS.
6. Prior to the application which is subject to this appeal, another application (Ref. 17/01508/FUL) was refused by the Council and dismissed at appeal on the basis that the proposed balcony did not provide sufficient or useable private outdoor space for the host flat based on its shape and size, and the proposed boundary fence would harm the character and appearance of the area.
7. As a result of this extensive planning history and the Council's reasons for refusal, the main outstanding issue for this appeal is the effect of the proposal on the character and appearance of the host building and surroundings, particularly in respect of the balcony addition to the host flat.

Reasons

8. Dorking Road is a wide and busy main road which comprises of predominantly residential buildings in a range of scales and styles, including apartment buildings featuring varied styles of balconies. The appeal site comprises a flat within a larger building (the host flat) and its garden. It is situated on a corner plot with Dorking Road to the front, Woodcote Side to the side, and Oakmead Green to the rear. The host flat forms part of a larger building which is 'mock Tudor' in style, although simple in form and not featuring many of the finer architectural elements typical of that architectural fashion.
9. The appeal proposal includes a first-floor balcony to the host flat in order to provide private outdoor amenity space. The balcony is to have obscure glass screening to the Dorking Road (front) and Oakmead Green (rear) elevations. The screen to the front is to be 1 metre in height and to the rear, extending around part of the side, 1.8 metres.

10. The size and height of the balcony and its screen would relate satisfactorily to the overall proportions of the building. Whilst the screen would be higher to the rear elevation, it would not appear out of scale with the building or host flat. Though the balcony would be modern in design and materials. The building and host flat have a simple, uncomplicated form and the balcony design would not appear incongruous with this. For these reasons I find that the appeal proposal would not cause harm to the character and appearance of the building.
11. In respect of the wider surroundings, there are varied types of building which also include some balconies of varied scales and types. Indeed a building with balconies of substantial construction is situated in very close proximity with the appeal site, fronting Dorking Road. The appeal proposal would therefore not appear alien or incongruous in this context, particularly as it would integrate well with the host building.
12. For these reasons, I conclude that the appeal proposal would not cause harm to the character and appearance of the host building nor to the surrounding area. As a result, the scheme would not conflict with policies DM9 and DM10 of the Epsom and Ewell Borough Council Development Management Policies Document (2015).

Other Matters

13. Interested parties have raised a number of objections to the proposal. Some of these objections, including private boundary disputes relating to grass verges and procedural permission issues with the management company of the flats, do not relate to the planning merits of the scheme.
14. Other issues, such as parking, living conditions and the effect of the scheme on highway safety, have been resolved through previous applications and appeals. The main parties agree that the scheme would not have a detrimental effect on these matters. Whilst I have taken account of the views of the other interested parties on these matters, there is no evidence before me to suggest that the scheme would cause harm in respect of these resolved matters.
15. Interested parties have also raised concerns relating to noise and disturbance from the construction of the scheme. Whilst any development will inevitably give rise to some noise and disturbance during the construction phase, given the proximity of the scheme to other residential accommodation and a busy road, I have imposed a condition to address this.

Conditions

16. In addition to the standard timescale condition, another is necessary in the interests of certainty establishing the approved plans. In the interests of character and appearance, a condition is necessary requiring details of landscaping to be submitted, approved and implemented prior to first occupation of the scheme. Whilst the Council requested submission of landscaping details prior to commencement of the development, I consider such a timescale could unnecessarily delay the commencement of the development and would not be justified. The Council further requested a condition requiring water efficiency and sustainability measures be implemented in accordance with development plan policy. Given that these matters would require resolution prior to the commencement of development, I have imposed a pre-commencement timescale which has been agreed by the appellant. Since the sustainability

condition includes a requirement for details of water efficiency measures, I have not imposed a separate condition as requested by the Council. The Council requested a condition requiring submission of a full Construction Traffic Management Plan. Despite the proximity to busy roads I do not consider a full traffic scheme to be necessary given the scale of the scheme and its potential to generate traffic. However, I have imposed a condition restricting the construction hours of the scheme, for the reasons outlined above.

Conclusion

17. The appeal scheme would not cause harm to the character and appearance of the host building nor to the surrounding area and, as a result, would not conflict with policies of the Development Plan. Therefore I conclude that the appeal should be allowed.

Kim Langford Tejrar

INSPECTOR