



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: 23rd August 2019

Appeal Ref: APP/P3610/W/18/3215222
289 London Road, Ewell, KT17 2BZ

- 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 Silverdale Weybridge Ltd against the decision of Epsom and Ewell Borough Council.
 - The application Ref 18/00429/OUT, dated 21 June 2018, was refused by notice dated 29 August 2018.
 - The development proposed construction of a terrace of 3 x 3 bedroom houses and access road following the demolition of two outbuildings.
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Decision

1. The appeal is allowed and outline planning permission is granted for the construction of a terrace of 3 x 3 bedroom houses and access road following the demolition of two outbuildings at 289 London Road, Ewell, KT17 2BZ in accordance with the terms of the application Ref 18/00429/OUT, dated 21 June 2018, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are:
 - (a) The effect of the proposal on green infrastructure, particularly in terms of its effect on the character and appearance of the area and the living conditions of occupiers of nearby properties,
 - (b) The effect of the proposal on highway safety, particularly in respect of off-road vehicular parking provision.

Procedural matters

1. The application is made in outline with only landscaping reserved for subsequent approval.
2. An amended plan showing a revised parking layout for 291 London Road was submitted with the appeal. I consider that this is a minor alteration and that no-one's interests would be materially prejudiced by my considering it. I have therefore taken it into account in my decision.

Reasons

Green Infrastructure- Character and Appearance

3. The appeal proposal seeks to demolish outbuildings adjacent to 289 London Road to gain access to the rear to enable construction of a terrace of three bedroom houses on the end section of the rear gardens.
4. Policy DM16 of the Epsom and Ewell Borough Council Development Management Policies Document 2015 (DMPD) contains a presumption against the loss of rear domestic gardens due to the need to maintain local character, amenity space, green infrastructure and biodiversity, however, it allows for modest redevelopment on backland sites subject to there being no adverse impact on character and appearance of the area, the living conditions of neighbouring properties, highway safety as a result of vehicular access, and biodiversity.
5. The built form along London Road generally observes a building line which creates a modest set back from the road with off-road parking or modest front gardens and long rear gardens. The long rear gardens of properties on London Road meet the rear gardens of the dwellings on Chadacre Road to create a green corridor, and the east side of London Road is bounded by vegetation and trees, beyond which is situated Nonsuch Park, which comprises of large expanses of parkland surrounding a country house. The site therefore contributes to part of a wider green network, however this is interrupted by existing backland development and hemmed in on all sides by built development and busy residential roads.
6. Whilst the proposal would further interrupt the green corridor of gardens, built form would only occupy a small proportion of the land; the proposal retains a generous garden for the host property. Whilst the long gardens are a feature of the area, they are not visible from public viewpoints due to their enclosure by built form. A public footpath runs alongside the appeal site towards Chadacre Road, however, this is well enclosed and does not allow for views across the gardens or the appeal site. Therefore, the long gardens do not contribute to the streetscene character. The proposal would replace existing outbuildings on the site, and whilst of a larger scale than the existing buildings, the built form of the appeal scheme would be screened by the existing dwellings fronting London Road and Chadacre Road and their respective boundary treatments. The new dwellings would not appear prominent as a result and in this particular context, would result in a modest redevelopment.
7. Moreover, some development within the rear garden environment of properties in the locality is characteristic of the area, with such development being visible from London Road. In this regard the appeal proposal would not be out of keeping with the character of the area.
8. For these reasons, I conclude that the proposal would maintain the character of the area and would not result in harm to the integrity of the area's green infrastructure. The proposal accords with Policies DM10 and DM16 of the DMPD and Policy CS1 of the CS. These policies seek, amongst other things, for development to maintain or enhance elements which contribute to local character, and ensure a high quality, sustainable environment, with biodiversity protected or enhanced.

Green Infrastructure- Living Conditions

9. The appeal proposal would be sufficiently distant from surrounding properties so as to not adversely impact residential amenity in terms of overbearing impacts on outlook, overshadowing or overlooking. I note that the council found similarly in this regard. Whilst the access drive would run along the shared boundary with a neighbouring property, the modest nature of the development and the neighbouring properties garage access would limit potential noise and disturbance impacts.
10. The appeal site comprises of private gardens which are not publicly accessible and therefore neighbouring residents would not lose outdoor recreational space as a result of the proposal. Whilst nearby occupiers may benefit from the environmental value of the green corridor that the appeal site contributes to, this benefit would not be lost. For these reasons, the living conditions of neighbouring residents would not be adversely impacted by the appeal proposal. There would be no conflict with Policy DM16 or Policy CS1 of the CS. These policies, amongst other things, aim to ensure that the living conditions of occupants of nearby properties are not adversely affected by development and that a high-quality living environment is maintained.

Highway Safety

11. The Local Planning Authority considers that the proposal would not provide two on-site parking places for the host property at no 291. The application drawings denote two off street parking places in front of no 291 and during my site visit I observed a sufficient area in front of the property in order to provide these spaces. Whilst the parking provision at no 289 London Road is not included in the red line or blue line areas for the approved plans, the appeal scheme does not propose to alter the existing arrangement and therefore would not result in a detrimental effect on highway safety as a result of car parking provision.
12. For these reasons, the appeal proposal complies with the adopted Parking Standards SPD and Policy DM37 of the DMPD in that it would not have an unacceptable impact in respect of highway safety.

Conditions

13. I have imposed the standard conditions in respect of the reserved matters for this scheme; the reserved matters relate to details of hard and soft landscaping, which are required in order to maintain the character and appearance of the area and ensure high quality design. I have also imposed the standard condition in respect of approved plans and have required that the materials used in construction are as per the approved plans in order to ensure high quality design.
14. As an arboricultural report formed part of the application, I have included a condition to ensure compliance with the requirements of that report, in order to ensure retained trees are protected in order to maintain the character and appearance of the area. I have imposed a condition requiring that the parking provision for the new dwellings is set out in accordance with the approved details in the interests of highway safety. Given the modest scale and set-back location of the scheme, I do not consider it necessary or justified to impose a Construction Management Plan. Similarly, water efficiency standards are a

matter for Building Regulations and I have therefore not imposed a condition in this respect.

Conclusion

15. For the reasons set out above, the appeal proposal would maintain the character and appearance of the area, would not create an unacceptable adverse impact on the living conditions of nearby occupiers and would not have an unacceptable adverse impact on highway safety. The proposal would therefore accord with policies DM10, DM16, DM37 and CS1; the aims of which are set out above.

Kim Langford Tejrar

INSPECTOR

Schedule of Conditions

- 1) Details of the hard and soft landscaping (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 be carried out in accordance with the following approved plans: Dwg Nos 2018 P 400 001 Rev A Site Plan, P 400 002 Proposed House.
- 4) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. P 400 002 Proposed House.
- 5) The development hereby approved shall be carried out in accordance with the arboricultural report. No alterations or variations to the tree protection scheme shall be made without prior written consent of the local planning authority.
- 6) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked, and that space shall thereafter be kept available at all times for the parking of vehicles.