



Appeal Decision

Site visit made on 23 July 2019

by Stephen Wilkinson BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/P3610/W/19/3227263

11 The Hawthorns, Epsom, KT17 2QA

- 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 Martin Jefferies against the decision of Epsom & Ewell Borough Council.
 - The application Ref 18/01514/FUL, dated 18 January 2019, was refused by notice dated 25 March 2019.
 - The development proposed is a two bedroom detached house.
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Decision

1. The appeal is allowed. Planning permission is granted for the erection of a 2 bedroom house at 11 The Hawthorns, Epsom, KT17 2QA, in accordance with the terms of the application, Ref. 18/01514/FUL, dated 18 January 2019 subject to the conditions included in the schedule to this letter.

Procedural Matters

2. The Local Planning Authority (LPA) has referred in its decision to Core Strategy Policy CS5. This Policy refers to Heritage Assets and is not relevant to this appeal. I have therefore disregarded it and have made my decision solely with reference to the Policy DM 12 of its Development Management Document.

Main Issue

3. I consider the main issue in this appeal to be the effect of the proposal on the living conditions of occupiers of the proposed dwelling by reason of the adequacy of outdoor amenity space.

Reasons

4. The Hawthorns primarily comprises a row of semi detached two storey residential properties set back from the Ewell By Pass (A240). These have wide frontages with rear gardens of varying length. Some of them have side extensions and one property has developed its side garden area as a single house which forms a terrace of 3 properties.
5. The appeal site comprises part of the garden area to the side of No. 11, a 2 storey semi - detached property with a single storey rear extension. Part of this site is currently occupied by a garage.

6. The proposal is for a 2 bedroom residential property with a single storey rear extension. The design of the proposed house would be in keeping with the adjacent property and those along the road. Two parking spaces are proposed on the frontage. The proposed new dwelling would be set 1m away from the boundary of No.10 The Hawthorns and be attached to No. 11 creating a short terrace of 3 properties.
7. The only issue of dispute between the parties is the proposed extent of private amenity space for the new property with the appellant stating that it would be 54.8sm compared to the Council's measurements that it would be 26.1sm.
8. The appellant has identified how this proposal could contribute to the Government's objective of increasing housing supply in line with the National Planning Policy Framework (2019) (the Framework).
9. Policy DM12 of the Council's Development Management document (2015) requires appropriate housing and amenity standards for new development although the details of these standards is only included in supporting text. Whilst there is a reference to a Design Quality Supplementary Planning document this has not been adopted. Accordingly the standards have limited weight.
10. Although there is a discrepancy between the parties on the proposed area of private amenity space for the new house I find that the area of rear garden would be similar to that for neighbouring properties and would fulfil the criteria included in Policy DM12 for private amenity space.

Conditions

11. I have decided to impose conditions in line with the Framework (2019) and Planning Policy Guidance. In addition to one requiring commencement within the statutory time limit, others require the submission of materials and the need for obscure glazing to the external flank wall of the proposed house to protect the character and appearance of the area and ensure that the living conditions of the neighbouring occupiers are not infringed. A condition requiring completion of the scheme in accordance with specified drawings is attached for certainty.
12. Other conditions address the need for cycle parking and waste storage. These are required to ensure that the development has only a limited impact on the environment. I have not included conditions regarding landscaping and sustainability measures given the small scale of this proposal. Finally, I have included a condition restricting permitted development rights to ensure that the site is not overdeveloped in the future.

Conclusions

13. I conclude that the proposals would not be in conflict with Policy DM12. For the reasons given above and having regard to all other matters raised, the appeal is allowed and planning permission granted.

Stephen Wilkinson

Inspector

Schedule of 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: Block Plan, Location Plan and Plan ref. CO/MJ/10.
- 3) No development above ground level should proceed until samples of the materials to be used in the construction of the external surfaces of the new dwelling hereby permitted should be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) The new dwelling hereby permitted shall not be occupied until the windows in the flank wall facing No.10 The Hawthorns, have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 5) No development above ground floor level shall proceed until details of bicycle parking facilities for two bicycles for the benefit of the occupants and visitors to the development, hereby permitted, should be submitted to and approved in writing by the local planning authority. The bicycle parking facilities shall be retained for this purpose thereafter.
- 6) No development above ground floor level shall proceed until details of refuse and recycling storage are submitted to, and approved in writing by the local planning authority. These facilities shall be retained for these purposes thereafter.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other Order revoking and re-enacting that Order with or without modification), no development falling within Schedule 2, Part 1, Classes A, B, C and E shall be carried out to the development hereby permitted.