
Appeal Decisions

Site visit made on 1 October 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2019

Appeal A - Ref: APP/P3610/D/19/3229660

6 Links Road, Epsom KT17 3PS

- 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 Robert Greenstein against the decision of Epsom & Ewell Borough Council.
 - The application Ref 18/01437/FLH, dated 7 January 2019, was refused by notice dated 5 March 2019.
 - The development proposed is one and half storey rear and side extension incorporating a garage with attic room above (following demolition of existing side garage).
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Appeal B - Ref: APP/P3610/D/19/3235181

6 Links Road, Epsom KT17 3PS

- 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 Robert Greenstein against the decision of Epsom & Ewell Borough Council.
 - The application Ref 19/00320/FLH, dated 28 March 2019, was refused by notice dated 22 May 2019.
 - The development proposed is one and half storey rear and side extension incorporating attic room above (re-submission of 18/01437/FLH).
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Decisions

1. Appeal A: The appeal is dismissed.
2. Appeal B: The appeal is dismissed.

Procedural Matter

3. I have taken the description of development from the appeal form in both appeals as this more succinctly and consistently captures the nature of the proposal than the descriptions on the application forms.

Main Issues

4. In both appeals, the main issues are
 - (a) the effect of the development on the character and appearance of the area and
 - (b) the effect of the development on the living conditions of the occupiers of adjoining dwellings.

Reasons

Character and appearance

5. The existing building is a two storey detached house on the western side of Links Road. It is positioned close to the southern boundary with no.6a and has a small detached garage with a shed behind to its northern side, close to the boundary with no.4. The house is of red brick construction with tile hanging to the wall beneath a front gable. The house, garage and porch to the northern side of the house all have steeply pitched plain tile roofs. Land levels fall gently from the road with a step down from the rear patio to the back garden of about 0.8m. There is a double row of conifers within the garden to the rear of the garage and shed close to the boundary with no.4.
6. Links Road is characterised by detached houses fronting the road with large gardens. There is some variation in the width of the house plots and greater variation in the size, shape and design of the houses. Most dwellings do not fill their plot widths, thereby affording views to the side of the houses resulting in a pleasing rhythm of building blocks and spaces between them in the street scene. Some gaps have a side garage, as at the appeal site, and others have been partially or wholly infilled by single storey or two storey side extensions. Most of these reflect the design and materials used on the original dwelling.
7. Both appeals involve demolition of the side garage and shed and the construction of a two storey extension comprising a garage with a bedroom over. The extension would be in the rear part of the back garden connecting with the rear wall of the house and would involve removal of several of the conifer trees. In appeal A, the extension would be sited close to the boundary with no. 4 and have facing brickwork to the ground floor to match the house. The first floor would be contained within a mansard type roof finished in either composite cladding or artificial slates. In appeal B the extension would be a little smaller in area and set back from the side boundary. It would also have brickwork to the garage walls, but the first floor would be recessed with a flat roof and vertical walls formed in granite cladding and render.
8. In both appeals the height of the extensions would equate approximately to the eaves level of the house and would be similar to that of the detached garage at 4 Links Road. The mass and form of the extensions would be clearly visible from the street through the gap between nos. 4 and 6 Links Road and would be of greater mass than the garage at no.4. However, their recessed siting would greatly reduce the impact on the appearance on the street scene. Moreover, the proposed siting of the development would enable historic and attractive features to the side and rear of the house to be retained.
9. Whilst the majority of two storey extensions in the road are located to the side of the house, this is not exclusively so; for example, at 41 Links Road there is an extension similarly sited to that proposed in the appeals. The scale of the extension proposed in both appeals would not be excessive in relation to the size of the existing house or in comparison with other extensions nearby. The set back of the extension in both appeals would enable the full gap between nos. 4 and 6 to be retained and given the mixed form and rear lines of houses in the road would not appear unduly out of keeping with the pattern of development in the surrounding area. My findings are that the scale and siting of the extensions in both appeals is acceptable in the context of the character and appearance of the area.

10. However, the form and materials proposed for the extensions in both appeals would not be complementary to the design and appearance of the original house. In appeal A, the angle of the mansard roof would not reflect that on the house roof and the materials proposed would also contrast. In appeal B the box like appearance of the upper floor and the use of cladding and render would not assist assimilation of the proposal. The extensions in both appeals would be visible from the street and from neighbouring dwellings in view of their height and massing. They would appear as prominent, incongruous and discordant features in relation to the existing house and would therefore detract from the character and appearance of the area.
11. In both appeals the proposal would thereby conflict with Policies DM9 and DM10 of the Epsom and Ewell Development Management Document (2015) (DMD) and the Householder Applications Supplementary Planning Guidance (2004) which seek to ensure that the design of residential extensions is sympathetic to that of the original dwelling and surrounding area in relation to materials and the use of a pitched roof where the existing dwelling has a pitched roof. There would also be conflict with the design provisions in Section 7 of the National Planning Policy Framework for these reasons.

Living conditions

12. The house at 4 Links Road is within a corner plot and is sited a considerable distance from the boundary with no.6. The large detached garage infills much of the space in-between. The main outlook from habitable rooms at no.4 is to the front and rear of the house. There is a side door and second floor dormer window facing towards the detached garage. The extension in both appeals although sited close to the boundary with no. 4 would not interfere with outlook from the house, nor with the amenity value of the substantial rear garden. The proposals would be close to a relatively remote part of the rear garden and would not result in a significant overbearing effect on the dwelling at no.4. Nor would the proposals appear visually intrusive. There are trees within the garden at no.4 close to the boundary with the appeal site that should not be affected by the proposals and which would help to soften their appearance.
13. The proposal in both appeals would include first floor bedroom windows in a side elevation facing towards the side boundary with 6a Links Road. However, there would be no loss of privacy to rear facing windows at no.6a given the separation distance of about 15m and an acute angle of view. There is a substantial screening hedge along the boundary with no.6a; any overlooking of the garden from proposed side windows would not be worse than currently exists from the rear facing first floor windows at no.6 and which is commonplace in built up areas.
14. Therefore, there would not be conflict with the elements of Policies CS1 and CS5 of the Epsom & Ewell Core Strategy (2007) or with those parts of Policies DM9 and DM10 of the DMD that require proposals to have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
15. I have noted references to the size and siting of the extension approved to 6a Links Road, but have not been provided with any plans, so this has had a limited bearing on my decisions. I have noted the photographs of the garage at 25 Links Road and the developments at Ashdown Road, but the existence of these developments does not change my reasoning set out above.

16. I note that one appeal relates to the appellant's second planning application, submitted to attempt to address the Council's concerns, and acknowledge the claimed frustration in seeking dialogue with the Council on these concerns. Nevertheless, I have determined the appeals based on the planning merits of the proposals.

Conclusion

17. For the reasons given, and having regard to all other matters raised, both appeals are dismissed.

Rory MacLeod

INSPECTOR