



Appeal Decision

Site visit made on 19 June 2019

by S Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/P3610/W/19/3222948

346 Chessington Road, West Ewell, Surrey KT19 9EG

- 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 Mrs Belen Martinez against the decision of Epsom & Ewell Borough Council.
 - The application Ref 17/01274/FUL, dated 10 November 2017, was refused by notice dated 23 August 2018.
 - The development proposed is the erection of a detached dwelling within unused land and rear amenity of no. 346 Chessington Road, West Ewell, Surrey, KT19 9EG.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling at the rear of 346 Chessington Road, West Ewell, Surrey, KT19 9EG, in accordance with the terms of the application Ref 17/01274/FUL, dated 10 November 2017, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The description of development, as stated on the application form, is set out above. The Council, on the decision notice, has described the development as the erection of a detached dwelling at the rear of 346 Chessington Road. As this more accurately and succinctly describes the proposal I have considered the appeal on this basis.

Main Issues

3. The Council's reasons for refusal refer to the effect of the development on the maisonette dwelling Nos 344A and 344B. The main issues are therefore the effect of the development on the occupants of Nos 344A and 344B Chessington Road with particular reference to i.) private amenity space, and ii.) off-street car parking space.

Reasons

Private amenity space

4. 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 Supplementary Planning Document (Design Quality

SPD) for space standards. The Council have confirmed this Quality Design SPD was never prepared.

5. Policy DM 12 of the DMP 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. The explanatory text suggests that for houses a minimum total private outdoor space of 70 square metres (sqm) for 3 or more bedrooms and 40 sqm for 2 bedrooms be provided. It also suggests that, subject to the considerations of development practicality, a minimum depth of 10 metres (m) of domestic rear garden space would be sought.
6. From the evidence provided, the outdoor space currently enjoyed by the occupiers of Nos 344A and 344B would not be altered. The first-floor maisonette, No 344B, does not currently have any outdoor amenity space and No 344A benefits from a limited space to the front and rear. The appeal proposal would not affect this provision and therefore the level of outdoor space that would remain to be used by the occupiers of these properties would not be compromised by the appeal proposal.
7. The appellant advises that subject to a commercial agreement, the proposed development would offer an increased rear amenity space from 27 sqm to 42 sqm for the ground floor maisonette, No 344A, only. I have no further information relating to whether this proposal would be progressed.
8. Nevertheless, based on my site visit and the evidence before me with regards to the specific circumstances of this case, the 10 m depth sought by paragraph 3.35 of the DMPD is not breached in terms of the effect of the development on the existing private amenity space of neighbouring properties. To this extent, I conclude that the proposal would not conflict with Policy DM 12 of the DMPD. In respect of the proposed dwelling, the overall size of the private amenity space would comply with the requirements of Policy DM 12 of the DMPD. Whilst, the private amenity space would not achieve the minimum 10 metre depth, in this case and owing to the shape and size of the site, I do not consider that it would be practical to achieve such a requirement. To this extent, I do not find any conflict with Policy DM 12 of the DMPD.

Parking

9. The Council refers to the inadequate provision of parking for Nos 344A and 344B which, it says, would be lost as a result of the removal of the garages. However, the appellant confirms that the parking provision would remain unchanged by the proposal as there is currently no off-road parking available to the occupiers of Nos 344A and 344B. The appellant advises that the ground floor maisonette at No 344A owns a small space to the front of the property, *'which is currently not wide enough for a vehicle to enter the space and is therefore not utilised for off-street parking'*. Furthermore, the first-floor maisonette at No 344B does not enjoy any provision for off-street parking.
10. The appellant states that provision for on-site parking could be offered subject to a commercial agreement. I have no further evidence confirming if this would be progressed.
11. Notwithstanding the above, I saw limited restrictions on parking on the highway in the vicinity of No 344A and 344B, and there does not appear to be

a level of on-street parking which could indicate a high degree of evidence of a clear parking problem. Additionally, many of the properties within the immediate surrounding area benefit from off-road parking provision. This leads me to believe there is capacity for on-street parking in the vicinity and therefore the appeal proposal would not result in a detrimental effect on highway safety as a result of car parking provision.

12. From the evidence before me, I conclude that the proposal would not be unacceptably harmful to the safety of highway users in this location and there is no compelling evidence before me to indicate that an absence of on-site parking would lead to any significant car parking demand issues. The proposal would not alter the existing car parking arrangements for neighbouring properties and the proposed dwelling would include one car parking space which would accord with the Council's car parking standards. Therefore, I conclude that the proposal would comply with Policy DM37 of the DMPD which seeks to avoid an unacceptable impact on on-street parking conditions and local traffic conditions and Policy CS16 of the Core Strategy (2007) which, among other matters, expects development to not contribute to on street parking problems.

Other Matters

13. Concerns have been expressed by interested parties about the access to the site and the limited parking provided. The plans show the availability for the parking of one vehicle, which would meet the local authority parking standards set out in their SPD. The proposed dwelling would only generate a minor increase in traffic movements, and I have no substantive evidence that demonstrates this would result in harm to highway safety. The Council suggested a condition to provide acceptable visibility splays to demonstrate the safe movement of vehicles. The Highway Authority did not object to the proposed arrangements and although there were various objections raised, I have no evidence to assume the proposal would be significantly harmful to highway safety. I have imposed the conditions at the suggestion of the Council for visibility splays and parking for the new dwelling.
14. Concerns have been raised over the impact of the proposed development on highway safety during construction. A single dwelling would not lead to significant amounts of construction traffic and any increase would be for a temporary period. However, a condition has been imposed to restrict vehicle movements around the main school hours.
15. The proposed dwelling would be single storey, with a flat roof and would not significantly project beyond the side wall of the garages to the rear of No 348. Due to its limited height and orientation, whilst it might lead to some very limited additional overshadowing of a portion of the garden belonging to No 348, the impact would not be substantial and would not therefore be harmful to the living conditions of the occupier of that property.
16. From my site visit I was able to see the distances between the appeal site and the neighbouring properties, particularly noting the conservatory to the rear of No 342. The separation distance between the appeal proposal and its neighbours either side is not uncommon in the urban area. The boundary screening and landscaping secured through a planning condition would provide adequate levels of privacy of the occupiers of the properties either side. The

limited height of the proposed dwelling would also help avoid unacceptable loss of light to, or outlook from, the neighbouring properties.

17. Furthermore, because of the limited size of the proposed dwelling, I have no reason to conclude that the development would result in a level of residential activity that would cause significant noise, disturbance and loss of tranquillity. For these reasons, the proposed development would not cause unacceptable harm to the living conditions of the occupiers that share a boundary with the site.
18. I note concerns over the impact of construction works relating to noise and disturbance/nuisance from the construction of the scheme. Whilst any development will inevitably give rise to some noise and disturbance/nuisance during the construction phase, such disturbance would be for a temporary period. However, the appeal site is surrounded by residential properties and I consider it is reasonable and necessary to impose a condition to limit hours of construction activity.
19. The main parties agree that the scheme would not have a detrimental effect on the character and appearance of the area in terms of its siting or its design. 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 matters.
20. Finally, any damage caused to property during construction would be a private matter between the parties involved, as would encroachment onto private land.
21. I have taken account of the matters raised by interested parties. However, in the absence of any substantive evidence to dismiss the appeal on any of the above grounds or objections, the matters raised do not override or affect my conclusions on the main issues.

Conditions

22. I have considered the planning conditions put forward by the Council, having regard to the provisions of the national policy and guidance relating to the use of conditions.
23. Apart from the standard time limit condition, it is necessary that the development be built to accord with the submitted plans for the avoidance of doubt and in the interests of certainty. To safeguard the appearance of the area, it is necessary to impose a materials and landscaping condition. The landscaping details are to be submitted for approval prior to the development commencing and then implemented and maintained to prevent the proposed dwelling and neighbouring properties from being subject to unacceptable levels of overlooking. It is also necessary to impose a condition relating to ecological mitigation measures in the interests of conserving and enhancing biodiversity.
24. In the interests of highway safety, and to ensure the free flow of traffic, it is necessary to impose a condition relating to on-site parking and visibility splays is necessary. A condition requiring photo voltaic panels or tiles to be fitted flush with the roof plane is not considered to be necessary as any such development would be the subject of permitted development rights limits. Furthermore, and, in any event, permitted development rights should only be removed in exceptional circumstances and I am not satisfied that such circumstances exist

in this case. Similarly, water efficiency standards are a matter for Building Regulations and I have therefore not imposed a condition in this respect.

25. To safeguard the operation of the public highway and the living conditions of close residents it is necessary that prior to the commencement of development a construction method statement (CMS) is approved. However, given the modest scale of the scheme, I do not consider it necessary to impose the full set of requirements as set out by the Council. I have however, imposed a condition to limit the hours of operation whilst the site is under construction, this is necessary because of the proximity of neighbours.
26. Where I have altered the wording of the conditions put forward by the Council I have done so in the interest of precision.

Conclusion

27. For the reasons given above and taking into account all other matters raised, I conclude the appeal should be allowed.

S Hanson

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: 0460/P/01 Proposed Ground Floor Plan; 0460/P/02 Proposed Roof Plan; 0460/P/03 Proposed Elevations 01; 0460/P/04 Proposed Elevations 02; 0460/P/05 Existing Site Plan; 0460/P/06 Proposed Site Plan; 0460/P/12 Bin and Cycle Storage Proposal; 0460/S/02 Proposed Site Location & Block Plans.
- 3) Prior to the commencement of development there shall have been submitted to and approved in writing by the local planning authority details or samples of all external facing materials. The relevant works shall be carried out in accordance with the approved details or samples.
- 4) Prior to the erection of the dwelling hereby approved shall have been submitted to and approved in writing by the local planning authority a scheme for both soft and hard landscaping. The scheme shall include boundary treatments and an indication of all existing trees on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The dwelling shall not be occupied until space has been laid out within the site for one car to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 7) Prior to the first occupation of the new building, 'Woodcrete' soffit bird and bat boxes as well as swift bricks, shall be installed in accordance with details submitted to and approved by the local planning authority. The boxes shall be retained thereafter.
- 8) The development shall not be occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the access to Dantree Close the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
- 9) Construction works shall take place only between 0730 and 1830 on Monday to Friday and between 0800 and 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 10) Prior to any ground works commencing, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;

- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding; and
- v) no construction vehicle movements to or from the site between the hours of 08.15 and 09.15 and 15.00 and 16.00 and the contractor shall not permit any construction vehicles associated with the development at the site to be laid up, waiting, in Danetree Close, Chessington Road and Dantree Road during these times.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.