



Appeal Decision

Site visit made on 14 October 2019 by Ben Phillips Bsc Msc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An appointed by the Secretary of State

Decision date: 5 November 2019

Appeal Ref: APP/KP3610/D/19/3233656

11 Thorndon Gardens, Ewell, KT19 0QB

- 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 Peter Lynton-Jenkins against the decision of Epsom and Ewell Borough Council.
 - The application Ref 19/00076/FLH, dated 17 February 2019, was refused by notice dated 1 May 2019.
 - The development proposed is described as erection of detached front garden outbuilding (use as security box for motorbike storage).
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of detached front garden outbuilding (use as security box for motorbike storage) (Retrospective) at 11 Thorndon Gardens, Ewell, KT19 0QB in accordance with the terms of the application, Ref 19/00076/FLH, dated 17 February 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: BP01 Rev 01, 101 Rev 01, DRM161/PL001.
 - 2) The black paint finish of the outbuilding and trellis/fencing as detailed on the approved plans shall be retained as such.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The description of development above has been taken from the Council's decision notice as it is more concise than that included on the planning application form. I have however deleted the reference to retrospective as this is not an act of development.
4. The appellant has requested that I consider drawings showing the position of the unit in a revised location to that determined by the Council. I observed that this location is where the unit is actually sited. I have considered these drawings under the principles established by the Courts in *Wheatcroft*¹ and I

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

am satisfied that they do not change the development to such a degree that to consider them would deprive those who should have been consulted on the change, the opportunity of such consultation. Accordingly, I have considered the appeal on the basis of the revised drawings.

5. The Council has advised that during the course of the appeal it has granted planning permission² for the revised siting of the development.

Main Issues

6. The main issue in this case is the effect of the security unit upon the character and appearance of the area.

Reasons for Recommendation

7. The semi-detached appeal property sits on a curve of Thorndon Gardens, a pleasant quiet residential street characterised by semi-detached and detached dwellings set back from the highway with off street parking to the front.
8. The outbuilding is of a modest scale and coloured black. It is sited immediately adjacent to the southern front corner of the appeal dwelling, set back considerably from the highway and next to a high close boarded side boundary fence. There is some trellis with planting to the front of the building. To the front of the outbuilding is an area of hardstanding upon which several vehicles could park.
9. Given the design of the outbuilding and its discreet location I found that it appeared compatible with development in the area which includes extensions and garaging to the side of properties. Although smaller in scale than nearby development, the discreet location of the outbuilding ensures that it is not overly prominent in the street scene.
10. In light of the foregoing I conclude that the development is compatible with the local character and appearance of the area, in accordance with Policy DM9 of the Epsom and Ewell Borough Council, Development Management Policies Document (2015).

Conditions

11. Conditions have been suggested by the Council requiring the outbuilding to be painted black and retained as such. I agree that this is necessary as it ensures that the visual impact of the development is compatible with the character and appearance of the area. A condition requiring that the development complies with the approved plans is also necessary for certainty.
12. The Council has suggested a condition restricting the use of the outbuilding. Such a condition is not necessary as the other uses that the Council seeks to control are likely to comprise development that requires planning permission. Accordingly, I have not attached the suggested condition.

² Ref No: 19/00959/FLH

Recommendation

13. For the above reasons and having regard to all other matters raised, I recommend that the appeal should be allowed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed with the suggested conditions.

RC Kirby

INSPECTOR