
Appeal Decision

Site visit made on 11 March 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2020

Appeal Ref: APP/P3610/W/19/3242731

The Lodge, West Street, Ewell, Surrey KT17 1UX

- 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 Liam McLaughlin against the decision of Epsom & Ewell Borough Council.
 - The application Ref 19/00801/FUL, dated 26 June 2019, was refused by notice dated 13 November 2019.
 - The development proposed is demolition of the existing detached house and construction of two houses and four flats.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Liam McLaughlin against Epsom & Ewell Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - (a) the effect of the development on the character and appearance of the Ewell Village Conservation Area in respect of its scale, massing, bulk and detail, and
 - (b) the adequacy of the parking arrangements in relation to their impact on the appearance of the street scene and availability of on street parking.

Reasons

Heritage considerations

4. The Lodge is a detached two storey house set within a tapering rectangular shaped site on the northern side of West Street opposite the junction with The Mount. There is a vehicular access on its western side; this also serves an open car park relating to the Gibraltar Recreation Ground which extends around the rear of the site. To the front of the site is a narrow grass embankment and a hedgerow but there is no footway to this side of West Street.
5. The surrounding area is predominantly residential in character but mixed in form. On the southern side of West Street are detached and semi-detached two

storey houses and bungalows of differing architectural styles. To the east of the site is Cullerne Close, a more recently constructed estate of detached two storey houses. Between Cullerne Close and the appeal site are a footpath, marking the eastern side of the recreation ground, and a vacant site on which planning permission has been granted to build 3 houses¹. The grass embankment in front of the appeal site continues in front of the vacant site, increasing in width to the east, and contains 4 small trees.

6. The appeal site is located within the Ewell Village Conservation Area (EVCA). This includes Cullerne Close and the Gibraltar Recreation Ground to the northern side of West Street but excludes housing on the southern side of West Street opposite the appeal site. The EVCA covers an extensive area of Ewell encompassing the commercial village centre to the east of the appeal site and outlying residential areas. The significance of the EVCA lies in its diverse areas of quality. This includes many listed buildings and other buildings which make a positive contribution to the special interest of the conservation area due to their vernacular or history; it also includes open green spaces and trees. The EVCA has five character areas. The appeal site falls within Character Area 4 *"Ewell West Station, Gibraltar Recreation Ground, and a small section of West Street"*. The Ewell Village Conservation Area Character Appraisal and Management Proposals (2009) in respect of Area 4 refers specifically to the Gibraltar Recreation Ground with its playing fields, a bowling green, and many mature trees. It also comments, *"a small section of West Street is notable for the survival of a number of late 18th/ early 19th century weather-boarded cottages"*. These are not far from the appeal site.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires in respect of any land in a conservation area that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Policy CS5 of the Epsom & Ewell Core Strategy (2007) (CS) reflects this in its aims to protect and to seek to enhance the Borough's heritage assets and in requiring high quality and inclusive design for all developments. Policy DM8 of the Epsom & Ewell Development Management Policies Document (2015) (DMP) similarly seeks to conserve and enhance heritage assets and requires the impact of a development proposal on the significance of a heritage asset to be considered in its assessment.
8. The Lodge, the building to be demolished, would appear to have historic associations with the adjacent recreation ground, but architecturally is a pleasant but not remarkable building. It is in keeping with the scale of buildings opposite in West Street and makes a neutral contribution to the character of the conservation area. The proposal would involve the construction of two closely spaced buildings that would occupy virtually the whole length of the site. Their predominantly 3 storey height and gable fronts would contrast with the scale and form of the dwellings opposite. But assessment of the proposal's impact needs to be understood in the context of the extant permission on the adjacent vacant site.
9. The appeal proposal has been designed as a continuation of that on the vacant site in respect of the alignment of the buildings, their height, the gable front form and in detailing proposed such as external materials. Construction of the

¹ Permission 19/00015/FUL

3 houses on the vacant site has not yet commenced and so there is some uncertainty that the scheme would proceed. But the existence of the extant permission carries significant weight; the two schemes have been designed by the same architect, the appellant owns both sites and so could implement permissions concurrently and if built the two schemes would read as one development.

10. The Design & Access Statement indicates that inspiration for the proposal is from the gable end form of dwellings elsewhere along West Street. At 62-72 West Street to the east of the site is a terrace of 7 gable fronted cottages built using a variety of materials including knapped flint, red brick and white painted render. To the west of the appeal site, beyond Gibraltar Recreation Ground, are other terraces and some traditional weather-boarded cottages. These developments are not readily visible from the appeal site but nonetheless fall within the conservation area and form positive features within it. Some have a spacious quality, but others are more tightly knit with buildings close to the footway in West Street.
11. Whilst references to the design approach for the proposal are evident nearby, such as the regular rhythm of gables, these buildings are mostly two storeys in height. The predominant three storey form to the proposal would make it conspicuous in the street scene by comparison, particularly as the site is relatively isolated from other buildings. There would be three storey buildings on the adjacent vacant site, but these would reduce to two storeys abutting the appeal site. There is a tapering shape to both sites, but the adjacent site is slightly wider than the appeal site and has a wider embankment to its front. By contrast, the current proposal involves an increase in the height and massing of buildings as the width of the site itself and the embankment in front of it become narrower. Both buildings, but particularly the wholly three storeys building of flats, would thereby be particularly prominent in the street scene. Their siting close to the front of the site separated from the carriageway of West Street by only a driveway and the narrowing grass embankment would also contrast unfavourably with the more spacious pattern of development near the site.
12. The existing building is readily visible from the open spaces within the heart of the Gibraltar Recreation Ground. The additional height to the buildings now proposed would result in greater visibility by comparison, but the design of the rear elevations to these buildings would not appear unattractive and they would be similar in appearance and in visibility to the approved buildings on the adjacent site. However, the west facing end wall to the building of flats would be prominent in views across the car park to the Gibraltar Recreation Ground and from West Street alongside. This would be a bland and weak element in the building's design compared with the articulated front and rear elevations. The siting and appearance of this end wall very close to the shared vehicular access would accentuate the conspicuous nature of this wall. It would be an imposing and negative feature in the appearance of the area.
13. The proposal would be a cramped development in comparison with the extant permission on the adjacent site. It would not be possible to significantly mitigate the harm arising by planning conditions relating to landscaping for the embankment or to the choice of materials for the end wall. The proposal would not be in keeping with and would be harmful to the character and appearance of the immediately surrounding area and to that of the conservation area.

14. It would thereby be contrary to the aims of the Council's heritage policies CS5 and DM8. There would also be conflict with Policies DM9 and DM10 of the DMP in relation to townscape and design requirements. Paragraph 194 of the National Planning Policy Framework (the Framework) states that any harm to or loss of the significance of a designated heritage asset should require clear and convincing justification. The proposal would be harmful to the significance of the EVCA and sufficient justification has not been provided.

Parking

15. The proposal would provide 2 on-site parking spaces, a single space for each house. The Council's parking standards require a minimum of 8 spaces, 2 for each of the houses and 1 for each flat². There would be an overspill of 6 spaces into the surrounding area according to the standards.
16. The appellant has submitted a Transport Statement dated May 2019 that includes a parking survey to examine the scope for overspill parking to be absorbed. Two surveys were undertaken overnight in December 2018 in accordance with the widely recognised Lambeth Methodology which examine on street capacity within approximately 200m of the site. These indicate ample local on street overnight parking capacity to be able to absorb overspill parking from the site without adding to local parking stress. Analysis of census data on local car ownership and application of this to the appeal site indicates 7 cars likely to be owned by occupiers of the development, thereby reducing overspill from 6 to 5. The appellant contends the parking survey confirms sufficient on street capacity exists to absorb any overspill parking likely to be generated. Furthermore, that the proposal would not therefore have a harmful impact on the surrounding area in terms of street scene or on the availability of on street parking, and that an exemption to the minimum standards referred to in Policy DM37 of the DMP would be justified.
17. Residents have commented that roads close to the site are normally heavily parked during daytime hours and that overspill parking from the proposal would add to parking stress. At the time of my site visit, there were very few on street parking spaces available near to the site and the car park to the Gibraltar Recreation Ground was full even though there were few users of the park at that time. Several residents have attributed some of this parking congestion to commuters and users of local education establishments.
18. Chapter 9 of the Framework promotes the take up of sustainable transport solutions in considering new development. Proposals should not unduly promote reliance on the use of private cars. The site is in a reasonably accessible location in terms of connectivity to public transport options and is not far from shops and services in the centre of Ewell. Nonetheless, this is not a town centre location and I consider it unlikely that most future residents would be able to meet all needs without use of a private car. Having regard to local car ownership levels, it is likely that many occupiers of the proposed units would own a car and that overspill parking on to surrounding streets would occur.
19. Whilst there may well be overnight capacity for such parking, it is most unlikely that occupiers' requirements would only be limited to just to overnight times.

² Minimum parking standards from the Epsom & Ewell Parking Standards for Residential Development SPD (2015)

Any daytime overspill would have to compete for the limited parking opportunities available. The proposal would have a harmful impact on the surrounding area in terms of street scene and the availability of on-street parking, matters set by Policy DM37 of the DMP to assess whether an exception to the parking standards can be accepted. Whilst there should be some flexibility in the application of the Council's minimum standards, in my judgement, an exemption to the extent envisaged in the proposal would not be justified. The proposal would be contrary to Policy DM37 and to Policy CS16 of the Core Strategy which requires appropriate and effective parking provision, both on and off-site. There would also be conflict with Paragraph 102(e) of the Framework which requires that parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

20. The appellant points out that the County Highway Authority has not objected to the proposal. However, their remit is to make an assessment in respect of highway safety and highway capacity. The Authority comment they would only be likely to raise objections regarding parking if there is a shortfall that would lead to danger on the adjoining highway, and that it is unlikely that objections would be raised on amenity grounds of a shortfall in parking³. The harm identified is an amenity issue specific to daytime hours. This is a matter for the Council to consider in the first instance.
21. The appellant comments that increasing on-site parking would not optimise the residential use of the site, an important objective in view of housing need. Furthermore, that there was some encouragement to maximise the number of housing units in the pre-application dialogue. Nonetheless, it is a requirement to examine the impacts of the proposal in relation to all relevant planning considerations, including in respect of parking, and then to balance this in relation to benefits.

Housing Need

22. The Council cannot demonstrate a five year supply of deliverable housing sites. It also has a poor recent track record of delivering new housing. Its Housing Delivery Test (HDT) result in 2019 of only 57% of housing required in the previous three years slipped to just 49% of housing required in the HDT result published in early 2020. Consequently, the Council has had to prepare a Housing Delivery Action Plan (September 2019) (HDAP). The appellant has referred to specified constraints in the HDAP, such as an insufficient supply of deliverable brownfield land to meet the identified housing need, in support of the proposal. Having regard to the Government's objective to significantly boost the supply of homes set out at Paragraph 59 of the Framework, housing need is a matter that attracts significant weight in favour of the proposal.

Planning balances

23. As the EVCA is extensive in area and diverse in character and the appeal site is in a relatively peripheral location not close to any noteworthy buildings, the harm resulting to the significance of the EVCA would be less than substantial. Paragraph 196 of the Framework states "*where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including,*

³ Surrey County Council's "Vehicular and Cycle Parking Guidance" January 2018

where appropriate, securing its optimum viable use". The proposal would result in the net addition of 5 residential units in a sustainable location. This would make a modest but nonetheless important contribution towards meeting local housing need. The poor recent track record of the Council in meeting its housing targets adds weight to this benefit.

24. However, Paragraph 193 of the Framework states "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation*". Whilst the harm to the significance of the EVCA would be less than substantial this still attracts "*great weight*". In my judgement harm to the significance of the EVCA would outweigh the public benefits arising from housing need. The harm, whilst less than substantial, would nonetheless be long term and would outweigh the benefit of a net gain of just 5 additional housing units to meet the Council's overall housing shortage. The proposal would be contrary to relevant development plan policies relating to heritage. It would also fail to satisfy the special statutory duty set out in paragraph 7 above.
25. Housing need is a matter that attracts significant weight in the overall planning balance. The paucity of the Council's current housing provision is such that the presumption in favour of sustainable development applies; this is sometimes referred to as the tilted balance. Footnote 7 to Paragraph 11 of the Framework makes this clear. As such, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
26. However, Footnote 6 to Paragraph 11 lists policy circumstances in the Framework that protect areas or assets of particular importance and which may provide a clear reason for refusing the development proposed. These include "*designated heritage assets*" such as conservation areas. This is of particular importance in the overall planning balance and in my judgement provides a clear reason for refusing permission. The harm I have identified to the significance of the EVCA in respect of the proposal's scale, massing, bulk and detail and in respect of its parking implications would significantly and demonstrably outweigh the benefit of 5 additional housing units when assessed against the policies in the Framework when taken as a whole.

Other matters

27. Some residents have objected in relation to covenants relating to the site, the wider recreation ground and to use of the embankment in front of the site. I have no specific evidence relating to such matters, but they relate to private concerns; it is for other parties to follow up. The appeal is to be considered in relation to planning matters in the public interest.

Conclusion

28. For the reasons given and having regard to all other matters raised, including those made in representations on the proposal, the appeal is dismissed.

Rory MacLeod

INSPECTOR