



Appeal Decision

Site visit made on 18 December 2020

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2021

Appeal Ref: APP/P3610/W/20/3252402

Victoria House, 1 Victoria Place, Epsom KT17 1BX

- 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 Mark Everett against the decision of Epsom & Ewell Borough Council.
 - The application Ref 20/00241/FUL, dated 6 February 2020, was refused by notice dated 3 April 2020.
 - The development proposed is extension of existing two-storey building to three storeys with accommodation in the roof to provide 2 studio units and 1 two-bedroom flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are the effect of the extension on:-
 - the character and appearance of the area including its effect on the setting of the Lintons Lane Conservation Area;
 - the living conditions of future occupiers of the studio apartments; and
 - parking in the area.

Reasons

Character & Appearance / Conservation Area

3. The appeal site is a detached two storey building within the Epsom Town Centre with a busy main road, East Street (A24), close by. It is also just outside the Lintons Lane Conservation Area where there are Listed Buildings close by i.e. Nos 1 & 3 and 10 & 12 Lintons Lane.
4. Section 71 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The National

Planning Framework¹ provides advice on proposals affecting heritage assets, including their setting. The Listed Buildings contribute to the character and appearance of the Conservation Area. Core Strategy² Policy CS 5 establishes that the Council will protect and seek to enhance the Borough's heritage assets and Development Management³ Policy DM8 indicates that development proposals that have an effect upon Heritage Assets must establish the individual significance of the Asset and assess whether any proposed development is acceptable.

5. The site is not within the Conservation Area and the appellant describes it as a typical 1960's building. It has no particular architectural merit and makes no contribution to the Conservation Area. There is a marked contrast between the buildings in the Conservation Area, including opposite the appeal site which are mainly two-storey and domestic in appearance and character, and the taller buildings within the Town Centre, including those fairly close to the appeal site.
6. The appeal site however, is more physically related to the building opposite in Victoria Place and Lintons Lane, and is very close to the Listed Buildings referred to above, than the taller buildings nearby. I consider that the appeal building itself does not make a positive contribution to the Conservation Area but at two-stories it is fairly unobtrusive. However, the additional two stories of accommodation proposed would make the building much more prominent and I consider that the additional height would jar against the two storey properties opposite as well as the domestic scale of the Listed Buildings.
7. I also do not consider that the proposal would make a positive contribution to the Borough's visual character and appearance or be compatible with local character, the surrounding historic environment and the setting of the proposal site as required by Policy DM9. Also, I do not consider that it would be consistent with the design criteria set out in Policy DM 10 in terms of its contribution to the character and local distinctiveness of the area.
8. On this issue therefore, I consider that the proposal would have a harmful effect on the character and appearance of the area and its prominence close to the Conservation Area would further add to its harm. It would therefore conflict with the Framework and policies CS 5, DM8, DM9 and DM 10.

Living Conditions

9. In addition to the above, Policy DM 10 requires proposals to have regard to the amenities of occupants and the Council calculate that the proposed flats would be below the Nationally Described Space Standards⁴ and therefore provide substandard accommodation that would be harmful to future occupiers.
10. The proposed studio apartments would be the same size and configuration as the existing four studio flats on the ground and first floor but with the addition of balconies. However, I am mindful that the existing studio flats would have been built before the current standards which aims to improve the standard of living accommodation. The overall floor space of the proposed two bedroom flat

¹ Ministry of Housing, Communities and Local Government National Planning Policy Framework, February 2019 (the Framework).

² Epsom & Ewell Borough Council Core Strategy 2007 Local Development Framework, Adopted 24 July 2017.

³ Epsom & Ewell Borough Council Development Management Policies Document September 2015.

⁴ Written Ministerial Statement (WMS) Planning Update March 2015. Technical housing standards – nationally described space standards.

would just meet the minimum standard, although the appellant and the Council have a minor disagreement about the size of the double bedroom. The flat also would benefit from two balconies, one accessed from the living area and another from the double bedroom.

11. I consider that, in this case, this issue is very marginal and in itself would not warrant refusing permission. I do not therefore consider that future occupiers would be living in accommodation that was so substandard as to harm their living conditions. I do not therefore find that the proposal would conflict with Policy DM 10.

Parking

12. Amongst other things, Core Strategy Policy CS 16 requires development proposals to provide appropriate and effective parking provision and ensures that vehicular traffic generated does not create new, or exacerbate existing, on-street parking problems. Development Management Policy DM 37 requires developments to demonstrate that the new scheme provides an appropriate level of off-street parking. Standards required are set out in the Council SPD⁵.
13. This building comprising of the existing 4 flats and the proposed 3 would require 5.25 spaces. Rounding this up would mean a shortfall of just one space. There is a parking area adjacent to the building which I noted has four spaces designated to the existing flats amongst a larger parking area. The submitted site plan shows five spaces. Although the Council indicate that there is a shortfall of two spaces; a total of 1 space per flat being required, this would not seem to be the case given the differential between Town Centre sites and those elsewhere as set out in the SPD.
14. On-street parking could be a problem as there seems to be limited off-street parking space available for the existing residents in Victoria Place and Lintons Lane generally; there is a parking permit scheme in the area and double yellow lines outside the appeal site. However, given the location of the appeal site within the Town Centre and the minor shortfall, I do not consider that the proposal would result in on-street parking to such a degree as to justify refusing this development. I do not therefore consider that the objectives of policies CS 16 and DM 37 would be compromised.

Conclusion

15. I have found that the proposal would not have a harmful effect on the living conditions of the future occupiers of the proposed flats nor would there be a harmful effect in relation to parking provision. However, I have found that the proposal would have a harmful effect on the character and appearance of the area.
16. The appellant refers to the Council having a shortfall of land for housing and the Council confirms this. However, the character and appearance of the area is very influenced by the proximity of the Lintons Lane Conservation Area and the Listed Buildings that are in close proximity to the appeal site and I consider that proposal would harm these heritage assets. I consider this should be afforded substantial weight which, given that this proposal is only for three units of living

⁵ Epsom & Ewell Borough Council Parking Standards for Residential Development Supplementary Planning Document December 2015.

accommodation, is not outweighed by the housing requirements within the Borough.

17. I have considered all other matters raised but none alter my conclusion. the proposal would have a harmful effect on the character and appearance of the area including its effect on the setting of the Linton's Lane Conservation Area. It would conflict with policies CS 5, DM8, DM9 and DM 10 and therefore the appeal fails.

J D Clark

INSPECTOR