

Appeal Decision

Site visit made on 4 May 2021

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/P3610/W/20/3263842
140 & 142 Ruxley Lane, West Ewell KT19 9JS

- 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 D Mumford, Rushmon Homes Ltd against the decision of Epsom and Ewell Borough Council.
 - The application Ref 20/00288/FUL, dated 14 February 2020, was refused by notice dated 23 November 2020.
 - The development proposed is for demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council explains that they cannot currently demonstrate a five year housing land supply and that the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Consequently, and pursuant to paragraph 11.d) ii. of the National Planning Policy Framework (the 'Framework'), the presumption in favour of sustainable development applies, which for decision-taking, means granting planning permission unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The 'tilted' balance is therefore engaged and I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the appeal proposal upon the character and appearance of the area.

Reasons

4. The appeal site is located on the north western side of Ruxley Lane, a busy through road within a predominantly residential area, but one which also includes a range of other community uses, including the Epsom and Ewell High School opposite, and a Coop supermarket immediately adjacent to the north west with flats over (Willow Court).

5. To the north east of the appeal site are some three storey dwellings and flats that front Cox Lane, which now appears to be more densely developed, and more urban in character than development to the south western side of Willow Court. This latter building steps down from three to two storeys in height where adjacent to 140 Ruxley Lane, providing a more human scale for the dwellings on the site the subject of this appeal, as well as those located beyond along Ruxley Lane and Larkspur Way behind.
6. The appeal site is currently quite verdant in character with the existing dwellings that are proposed to be demolished being well set back from the road, with deep front and rear gardens. The proposed development would replace the existing two storey house and bungalow with what would essentially amount to a four storey building on the road frontage, with a further two storey block of flats sited along the rear boundary, abutting a garage and parking court which is accessed via Larkspur Way. In order to provide access and parking to serve the development, a significant proportion of the site would be hard surfaced, including a private road thereto, located hard up against the site's south western boundary, adjacent to 144 Ruxley Lane, a two storey semi-detached house.
7. Whilst I acknowledge that Willow Court is very much a focal point within the street scene at the junction of Ruxley Lane and Cox Lane, as I have intimated above, development due south west of this is far more domestic in scale, with a the mix of bungalows and two storey houses running to the Tesco Express supermarket at the junction of Ruxley Lane with Gatley Avenue. In contrast, the front block of flats would have an eaves height far greater than the two storey element of Willow Court which runs counter to its existing reduction in hierarchy and form, and notwithstanding the gap between this and the boundary shared with no144, it would be broadly level with the ridge of that dwelling, dwarfing it in comparison.
8. Furthermore with the combination of the two storey block to the rear and the intervening hard surfacing, I consider that the site would appear over developed and would be in conflict with the far more aforementioned suburban pattern of development. I have had regard to the other examples of developments highlighted by the appellant, although ultimately each case must be assessed on its own merits. I note that the Council do not object to the principle of residential development on this site, or even flats for that matter, but it is essentially the scale of development that is at issue here.
9. I acknowledge that the appellant underwent extensive pre-application discussions with Officers of the Council, although Members are not bound by their recommendations. As a standalone piece of architecture I have no concerns with regard to the design and appearance of the front block in particular, however it cannot be considered in isolation from all immediate built forms.
10. Therefore on this matter I consider that by reason of its scale, the proposed development would give rise to an overbearing relationship with both adjacent buildings on Ruxley Lane, significantly so in respect of no144; and which would be harmful to the character and appearance of the street scene. Furthermore by virtue of the number of units proposed, the scheme would give rise to a significant area of the site being covered with buildings and hard standing,

indicating an overdevelopment of the site and giving rise to an unhealthy relationship with the neighbouring houses that would remain.

11. I find the proposal contrary to paragraph 127. c) of the Framework which requires developments to be sympathetic to the surrounding built environment, as well as policies DM9 and DM10 of the Council's Development Management Policies Document 2015 and policy CS5 of the Council's Core Strategy 2007, which together seek high quality and inclusive design which reinforces local distinctiveness; and that state that permission will only be granted for proposals which make a positive contribution to the Borough's appearance in regard to compatibility with local character and the relationship to the existing townscape and prevailing development typology of the surrounding area.

Other Matters

12. A completed planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 has been submitted, to enable the provision of 2 no one bedroom shared ownership dwellings as affordable housing, in accordance with paragraph 64 of the Framework. This would provide a significant benefit flowing from the proposal, as would the provision of 18 no open market flats to assist in meeting the Borough's housing land supply requirements.

Planning Balance

13. As highlighted above the tilted balance in favour of sustainable development applies in this case and I have found in the preceding section that the provision of both market and affordable housing can be afforded significant weight in the planning balance. However notwithstanding the presence of flatted blocks both built and approved within the locality, I find that overall the harm that would be caused to the character and appearance of the area by the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

14. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR