



Appeal Decision

Site Visit made on 24 May 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2021

Appeal Ref: APP/P3610/W/21/3266598

26 Stoneleigh Broadway, Stoneleigh KT17 2HU

- 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 N Patel against the decision of Epsom and Ewell Borough Council.
 - The application Ref 20/01398/FUL, dated 28 September 2020, was refused by notice dated 23 November 2020.
 - The development proposed is the erection of three storey building comprising of two X two bedroom flats with associated parking at the rear of 26 Stoneleigh Broadway.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the surrounding area, and whether the proposal makes adequate provision for waste and recycling facilities and collection.

Reasons

Character and appearance

3. The appeal site comprises the rear of the Stoneleigh Post Office, which is located on the ground floor of a 3-storey shopping parade. Residential accommodation is contained on the upper floors. The site adjoins Dell Lane, which is an access road. This part of Dell Lane mainly consists of a mixture of semi-used land, outbuildings, and buildings in commercial use. Dell Lane has a rather utilitarian appearance, with little built development of note.
4. The proposed 3-storey building would largely consist of a rectangular structure which would extend across a considerable proportion of the site. From the side the building would present a predominantly featureless façade, with large expanses of white render and brick, which would be visually unappealing. The front elevation would have a rectangular form, with a flat shape above ground floor level, which would result in a bland appearance. The white render proposed would do little to add interest to that elevation. Accordingly, from the front the proposal would appear unduly plain in style. As such, although the surrounding context is largely unremarkable, the proposal would result in a development of poor design which would fail to take the opportunities available for improving the character and quality the area, in conflict with paragraph 130 of the National Planning Policy Framework (the Framework).
5. The appellant has referenced a planning permission at 50 The Broadway, Stoneleigh, but as the proposed elevations and materials have not been

provided, a meaningful comparison with the appeal proposal cannot be made. As such, this matter does not change my findings on this main issue.

6. I therefore find that the proposal would have an unacceptable and harmful effect on the character and appearance of the surrounding area. In relation to this main issue, it would conflict with Policies DM9 and DM10 of the Development Management Policies Document (adopted 2015) (the DMPD) which collectively provide that, amongst other things, planning permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance. In relation to this main issue, it would conflict with Policy CS5 of the Core Strategy (adopted 2007) which provides that, amongst other things, high quality and inclusive design will be required for all developments. The proposal would also conflict with paragraph 130 of the Framework, cited above.

Waste and recycling provision

7. The future occupiers of the proposal would be required to take their recycling bins from the recycling storage area to Dell Lane for collection. With potentially up to 2 cars parked in the proposed car parking area, this situation would not be ideal. Nevertheless, although the site is constrained in size, based on what I saw in my view the recycling bins could be successfully moved to Dell Lane past any parked cars without incident. Furthermore, I observed that there would be adequate space on Dell Lane for the likely numbers of recycling bins which would be generated via the proposal.
8. I therefore find that the proposal would make adequate provision for waste and recycling facilities and collection. In relation to this main issue, it would comply with Policy DM10 of the DMPD which provides that, amongst other things, development proposals should ensure that the development incorporates an appropriate layout and access arrangements for servicing the completed development from adjoining highway and pedestrian networks. In relation to this main issue, it would comply with Policy CS5 of the Core Strategy which provides that, amongst other things, development should create functional and safe public and private environments. The proposal would also comply with paragraph 127 a) of the Framework, which provides that, amongst other things, planning decisions should ensure that developments will function well, not just for the short term but over the lifetime of the development.

Other Matters

9. It is recognised that there have been no objections to the proposal from neighbours, that the site is not in or adjacent to a conservation area, and that the proposal would not affect any listed building or the setting of any listed building. However, these are all neutral matters, which do not weigh in favour of the proposal.
10. It is common ground that the Council cannot demonstrate a 5-year housing land supply. In this regard, the proposal would result in 2 new units of residential accommodation in an accessible location. This would make a minimal contribution to addressing the Council's shortfall and to the Government's broader objective of significantly boosting the supply of homes, including with respect to the aspirations expressed in the Fixing our broken housing market document.

11. The 2 new units of accommodation would contribute to the mix of housing in the local area, specifically with respect to the provision of smaller units of accommodation. However, due to the quantum involved, this contribution would be limited. Although the appellant has referred to the aggregate contribution of a number of small sites, no other sites have been specified, which limits the weight that can be given to this matter.
12. Taking account of my findings on the first main issue, the proposal would not accord with Policy H2 of The London Plan (adopted 2021), as that policy relates to well-designed new homes. The proposal would provide a more efficient use of the site, in strict land-use terms, and would result in investment in the site. The proposed green roof would aid biodiversity.
13. I have taken account of the age of the Core Strategy and the degree of consistency of its policies with the Framework, and in this regard it is common ground that no weight should be accorded to the housing targets within Policy CS7 of the Core Strategy. Even so, when taken together, in my view all the benefits mentioned above offer modest support for the proposal, and collectively I have given them moderate weight. Taking all these other considerations into account, I find that the identified benefits of the proposal, do not, either individually or collectively, outweigh the substantial planning harm identified on the first main issue, nor the conflict with the development plan when considered as a whole.
14. As referred to above, the Council cannot demonstrate a 5-year supply of deliverable housing sites (with the appropriate buffer). As such, the most important policies relating to this appeal are out-of-date and paragraph 11 d) ii of the Framework is engaged. I have taken full account of all the matters advanced in support of the proposal. Nevertheless, the harm arising via the proposal, as identified on the first main issue, would be substantial, and therefore I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Hence, the presumption in favour of sustainable development, detailed in the Framework, does not apply.

Conclusion

15. Whilst I have found the proposal to be acceptable in terms of waste and recycling facilities and collection, this does not overcome the conflict with the development plan in relation to matters of character and appearance. Thus, for the reasons given above I find that the proposal would conflict with the development plan when considered as a whole. None of the other considerations, which include the Framework, indicate that this appeal decision should be taken otherwise than in accordance with the development plan. The appeal is therefore dismissed.

Alexander O'Doherty

INSPECTOR