



Appeal Decision

Site Visit made on 9 August 2021

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/P3610/W/20/3262426

97 Derek Avenue, Epsom KT19 9HP

- 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 H Kang against the decision of Epsom & Ewell Borough Council.
 - The application Ref 19/00305/FUL, dated 26 March 2019, was refused by notice dated 24 September 2020.
 - The development proposed is described as a proposed new dwelling with modifications to existing building and landscape design with new cross-over.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Sadly, since the appeal was lodged the appellant's agent passed away. The appellant conducted the appeal thereafter.
3. A revised National Planning Policy Framework (the Framework) was published in July 2021. The main parties were given an opportunity to comment on the implications of any changes to the Framework in this appeal. No comments were received. I have taken the Framework into account in my decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. No 97 Derek Avenue is a modest semi-detached bungalow in a suburban residential area of Epsom. In design and appearance, it is typical of many bungalows in this road and nearby in Amis Avenue. It is sited on one side of a wide, triangular shaped, plot at an angle facing towards the junction of these two roads. The mainly open garden contains a single garage and there is a tall hedgerow and some shrubs along the front roadside boundary. This pattern of built form on larger corner plots in Derek Avenue and Amis Avenue is noticeably different to the mostly closely spaced, regimented frontages of bungalows on smaller plots along the straight parts of these roads. It gives a more spacious feel to development in this area and is locally distinctive.
6. The development would sub-divide the garden to form a plot for a detached bungalow facing Derek Avenue. While this type of bungalow would not be common in the local area it would nevertheless be in keeping with the design

and appearance of No 97 and other bungalows in Derek Avenue and Amis Avenue. It would also have a suitable gap to the bungalow at No 95 Derek Avenue and be sited to follow the general building line along the straight part of this road.

7. However, whilst it would be a small dwelling with limited scale and massing, the bungalow would nonetheless be substantially larger than the existing garage. Despite retained and proposed planting at the appeal site it would nonetheless erode a significant proportion of the open part of the garden. As a result, this would unduly reduce the intrinsic spaciousness of this corner and part of Derek Avenue. In addition, while part of No 97 would be demolished and altered, there would nevertheless remain a very narrow gap at the rear with the proposed bungalow. The overly close juxtaposition of these parts of both buildings to each other would result in an unduly cramped and jarring arrangement of built form, at odds with the prevailing pattern and orientation of dwellings on the corner plots in Derek Avenue and Amis Avenue. Consequently, the proposal would have a discordant negative effect in public views from Derek Avenue and Amis Avenue.
8. I have been referred to a previous appeal decision for a similar form of development at No 97¹. I do not have full details of that appeal or application which is over 10 years old. However, there is no evidence that circumstances at the appeal site and in the surrounding area, or in the Council's development plan, which influenced that Inspector's decision, have changed materially since. I have, in any event, determined the current appeal on its individual planning merits.
9. Considering the above, I find that the proposal would cause harm to the character and appearance of the area. Consequently, it would not comply with Policies CS1 and CS5 of the Council's Core Strategy, July 2007 or with Policies DM9 and DM10 of the Council's Development Management Policies Document, September 2015. These policies include that development should protect and compliment the built environment, reinforce the local distinctiveness of streets in areas including in layout, plot width and format, enhance townscape and make a positive contribution to visual character and appearance. It would also not be consistent with the Framework which seeks to ensure that development adds to the overall quality of the area, is visually attractive as a result of good layout, sympathetic to local character including the surrounding built environment and maintains a strong sense of place using the arrangements of streets and spaces to create attractive and distinctive places to live.

Planning Balance

10. The Council agrees that it cannot demonstrate a 5-year housing land supply. I also note that against the Government's Housing Delivery Test the delivery of housing was substantially below² (ie less than 75%) the Council's housing requirement over the previous three years. Either way, as a consequence, Framework paragraph 11(d) is engaged.
11. The provision of one dwelling would make a small contribution to the Borough's housing supply. There would also be some economic, social and environmental benefits associated with building and occupying the bungalow. Considering the

¹ APP/P3610/A/09/2098370.

² Framework paragraph 222.

modest scope of the proposal, these benefits would therefore have limited weight.

12. There would be no adverse impact on ecology or planting at the site. Subject to conditions, the proposal would be satisfactory in highways terms (including cycle parking) and in arrangements for refuse and recycling. The development would not unduly harm the living conditions of existing occupiers of nearby dwellings or future occupiers of the proposed bungalow. The absence of harm in these regards, or compliance with the Council's development plan, are therefore neutral factors in my decision.
13. However, the proposal would result in harm to the character and appearance of the area. It would conflict with the Council's relevant development plan policies, which are consistent with the Framework, and diminish the Council's objectives in these regards. Consequently, I give substantial weight to these considerations. Although the Framework seeks to significantly boost the supply of homes, it also states that good design is a key aspect of sustainable development, creates better places to live and that high quality, well-designed places are fundamental to what the planning and development process should achieve.
14. Notwithstanding that the benefits would be aligned with the Framework, and that the Council also agrees that it is 'presently falling significantly short' of its housing requirement, the adverse impacts of the proposed development would therefore significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. Accordingly, the presumption in favour of sustainable development does not apply in this case.

Conclusion

15. The proposal would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
16. Therefore, for the reasons given above, I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR