
Appeal Decision

Site visit made on 10 September 2021

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021.

Appeal Ref: APP/P3610/D/21/3274902

81 Kingston Road, Epsom KT17 2ER

- 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 Kane Malcuit against the decision of Epsom and Ewell Borough Council.
 - The application Ref 20/01829/FLH, dated 11 December 2020, was refused by notice dated 8 March 2021.
 - The development proposed is the erection of a side and rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters and Main Issues

2. The Council's first reason for refusal describes the application drawings as misleading and imprecise. I note that some parts of the drawings are unclear. However, I am satisfied that the information as a whole, which indicates that the first floor addition would extend to the boundary shared with 83 Kingston Road, is sufficient to enable the proposal to be adequately assessed.
3. The main issues are therefore the effects of the proposal on:
 - (i) the character and appearance of the host property, the semi-detached pair and the street scene and whether it would preserve or enhance the character or appearance of the Ewell Village Conservation Area; and
 - (ii) the living conditions of the occupiers of 79 and 83 Kingston Road, with particular regard to outlook and natural light.

Reasons

Character and Appearance

4. The appeal property is a 2-storey semi-detached house. It forms part of a group of 6 pairs of handsome and largely identical houses that are notable for their hipped roofs and prominent, centrally positioned, chimneys. The rears of the properties retain single-storey closet wings and, with the exception of some modest conservatory structures, the gaps between the pairs of houses are undeveloped. Partly due to the absence of major additions, the group of houses make a positive contribution to the character and appearance of the Ewell Village Conservation Area, a matter to which I attribute significant weight.

5. The proposal would comprise the erection of a part single and part 2-storey rear addition. The former would have a flat roof and extend to both side boundaries of the site and beyond the footprint of the existing rear part of the house. The upper floor element would extend beyond the full-width of the rear elevation of the house and would have a hipped roof.
6. Due to its overall bulk, height and massing, the rear addition as a whole would be disproportionate in scale to the host property and its attached neighbour and therefore cause unacceptable harm to the cohesive appearance of the semi-detached pair and of the wider group. In addition, due to its height and projection beyond the side boundary of the house, the proposal would reduce the openness of the important gap between the appeal property and No.79.
7. As a consequence of its siting and size, I therefore conclude that the proposal would fail to preserve the character and appearance of the Conservation Area and would have an unacceptable impact on the appearance of the host property, the attached pair and the group of houses of which it forms part.
8. The proposal is therefore contrary to Policies DM9 and DM10 of the Development Management Policies Document (2015) (DMPD) and Policy CS5 of the Core Strategy (2007). Collectively these policies provide that, amongst other things, high quality and inclusive design will be required for all developments and planning permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance. It is also contrary to DMPD Policy DM8, which seeks the conservation or enhancement of heritage assets such as conservation areas, and there is conflict with the aims of the Council's Householder Design Guide Supplementary Planning Guidance (2004) (SPG) and the National Planning Policy Framework (2021).

Living Conditions

9. The proposal would result in a substantial wall along the boundary shared with No.79, which includes a conservatory close to the boundary. Whilst I am satisfied that the conservatory would retain adequate levels of natural light and would not be over-shadowed, the proposal would severely enclose this element resulting in a significant loss of outlook.
10. For this reason the proposal would have an unacceptable effect on the living conditions of the occupiers of No.79 and therefore fails to comply with DMPD Policy DM10 which states that proposals should have regard to the amenities of occupants and neighbours, including in respect of outlook. There is also conflict with CS Policy CS1, which seeks to protect the quality of life of future generations, and the aims of the SPG and the Framework.
11. The proposal would result in an increase in the height and extent of development along the boundary shared with No.83. However, the drawings indicate that the first floor element would have a sloping roof with its eaves along the boundary appreciably below the main eaves. In addition, the ground floor element would extend a relatively small distance beyond the rear elevation of the rear wing of No.83. For these reasons I am satisfied that the proposal would not have an unacceptable effect on the levels of natural light to, or outlook from, the rear of No.83 and the occupiers of this property would retain acceptable living conditions.

Other Matters

12. I recognise that the appeal property has some shortcomings including a bathroom on the ground floor and a lack of direct connection to the garden. However, there is nothing before me to indicate that the scale of development proposed is necessary to overcome these issues and therefore I attribute limited weight to these matters.

Conclusion

13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR