



Appeal Decision

Site visit made on 3 November 2021

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/P3610/W/21/3271131

Milroys Cafe, 1 Corner House Parade, Epsom Road, Ewell, KT17 1NX

- 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 Nadir Altuntop against the decision of Epsom and Ewell Borough Council.
 - The application Ref 20/01538/FUL, dated 15 October 2020, was refused by notice dated 9 December 2020.
 - The development proposed is an extension to side of shop (over existing timber decked seating area).
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the proposed extension would preserve or enhance the character or appearance of the Ewell Village Conservation Area.

Reasons

3. Ewell Village Conservation Area is extensive comprising commercial land uses at the heart of the village and outlying residential areas as well as a variety of building types from different eras. The appeal property is at the end of a three-storey parade of well-detailed inter-war development which features 'arts and crafts' design overtones. Combined with the buildings on the opposite side of the road, the terrace provides a pleasing sense of coherence on the edge of the local centre.
4. It is proposed to construct a lean-to extension above an existing timber deck. Permission for this and the associated retractable canopy was given in 2017. The proposal would largely be glazed with painted timber framing and a stallriser. Compared to the decking it would be a much more substantial addition in terms of the resulting visual impact.
5. The property at No 1 turns the corner into Reigate Road and so the proposed extension would protrude significantly outwards at the end of the row. Whilst not on the same alignment as the other units in Corner House Parade the appeal premises are clearly part of the same architectural entity. The proposal would therefore significantly disrupt the otherwise harmonious appearance that exists. Furthermore, because of its prominent siting the proposal would be obtrusive in the street scene. Its adverse consequences would be accentuated by its visibility from along Reigate Road which is residential in character.

6. Therefore the proposal would harm rather than preserve or enhance the character and appearance of the conservation area. It would be contrary to Policies DM8, DM9 and DM10 of the Development Management Policies Document (DMPD) which are concerned with heritage assets, townscape character and design requirements.
7. Great weight should be given to the conservation of heritage assets. Given its relatively small scale the proposal would not give rise to substantial harm as claimed by the Council. Where, as accepted by the appellant, the proposal would lead to less than substantial harm, the National Planning Policy Framework establishes that this should be weighed against the public benefits of the proposal.
8. The rationale for the proposed extension is to enable use of this area all year round. The accompanying layout plan shows that it could accommodate 20 enclosed covers for the café. The Framework indicates that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Furthermore, the social facilities that the community needs should be provided for. The DMPD aims to support local shops and existing retail centres such as Ewell village centre.
9. However, there is little detail about what the implications of the proposal would be for this business and what the wider economic benefits would be. The ability of the café to act as a meeting place for local people would increase but there is no evidence that such opportunities do not exist elsewhere. It is not clear how the proposal would secure the optimum viable use of the site given that the café is currently in operation. Nevertheless, even if significant weight is placed on the need to support economic growth and activity by extending Milroys Café, this does not outweigh the harm that would occur to the conservation area from the intrusive and incongruous development proposed.

Conclusion

10. The proposal would be contrary to the development plan and there are no other considerations, including any economic or social benefits, to override that finding or the harm that would occur to the heritage asset. Therefore, for the reasons given, the appeal does not succeed.

David Smith

INSPECTOR