
Appeal Decision

Site visit made on 2 August 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2022

Appeal Ref: APP/P3610/W/21/3279685

Garages 1-6 Westmorland Close, Epsom KT19 9JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Rosebery Housing Association against Epsom and Ewell Borough Council.
 - The application Ref 20/01758/FUL, is dated 30 November 2020.
 - The development proposed is erection of two no.2 bedroom flats.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matter

2. This appeal is travelling alongside appeals at Garages 1-7 Somerset Close¹ and Garages 8-11 Somerset Close², which relate to nearby sites and which have similar issues. The appeals, however, remain separate from one another and are dealt with under separate decision notices.

Main Issues

3. The main issues are: the effect of the development proposed on highway safety with particular regard to parking, and; whether the proposed development would provide an acceptable standard of living accommodation for future occupiers, with particular regard to access to outdoor space.

Reasons

Highway Safety

4. The appeal site lies within a predominately residential area and is approximately half a mile from Ewell West station to the northeast. The size of properties in the area varies and, while some have off street parking, many properties are reliant on on-street parking. On street parking is generally unrestricted but there are double yellow lines surrounding some junctions. In addition to unrestricted parking, Westmorland Close includes 10 laid out parking bays on the street, as well as an area of garages to its southern end.
5. The former garages on the appeal site have been removed and the site provides an area of hard surfacing. At the time of my site visit in the middle of the day, which represents only a snapshot of time, the appeal site was empty

¹ APP/P3610/W/21/3279683

² APP/P3610/W/21/3279684

and not in use by any parked vehicles. There was significant on street parking along the nearby roads as well as on Westmorland Close.

6. The proposed development would not comply with the Parking Standards for Residential Development Supplementary Planning Document (SPD), which requires a minimum of two off street parking spaces for the development. Policy DM37 of the Development Management Policies Document 2015 (the DMPD) states that new development should meet the parking standards, and that exceptions will be considered if an applicant can robustly demonstrate that the level of on-site parking associated with their proposals would have no harmful impact on the surrounding area in terms of street scene or the availability of parking.
7. The appellant has provided a Transport Assessment (TA) which includes a parking survey of November 2019, using methodology guidance from the London Borough of Lambeth. This suggests that the nearby roads have the capacity to accommodate vehicles resulting from the loss of the existing parking bays on the appeal site, as well as the additional parking demand created by the proposed development.
8. The Council have identified a number of shortcomings with the parking survey, of which the main deviation from the Lambeth methodology is the absence of survey data to establish the extent of commuter parking in the area. This is particularly relevant here given the lack of parking restrictions and the close proximity to Ewell West railway station which is a short walk away.
9. The parking survey assumes the highest parking levels occur overnight on a weekday. However, in the absence of data relating to commuter parking, this cannot be established with certainty. If higher levels of parking were to occur during commuting hours, and if there was substantially less parking available at this time, then the appeal scheme could significantly increase parking pressures, in turn, creating conditions prejudicial to highway safety. In the absence of this information it has not been satisfactorily demonstrated that the nearby roads could absorb the additional on-street parking demand created by the proposed development.
10. While there may be altered commuter patterns as a result of the Covid 19 pandemic, based on the evidence, I am not satisfied that the pandemic has resulted in substantially less commuter parking, nor that it reduces the need for commuter parking to inform the overall availability of parking in the area. I find the other deviances from the Lambeth methodology to be more minor points and, based on the evidence and findings of my site visit, the extent of the survey area is reasonable.
11. Despite the absence of an objection from the Highways Authority, it remains the case, as described above, that a substantial increase in pressures in the unrestricted parking areas could have adverse effects. The absence of an objection from the Highways Authority does not, therefore, alter my judgement on this matter.
12. I note that the proposed development could create two on-street parking bays outside the site. Notwithstanding the concerns of the Council, those spaces would be located outside the boundaries of the appeal site and I do not have a mechanism before me to ensure that they would be delivered if the appeal scheme were otherwise acceptable.

13. For the reasons given, and in the absence of appropriate evidence to the contrary, I find that the proposed development would cause harm to the availability of parking in the area, through additional pressure created by the new homes and the loss of the existing parking areas on the appeal site. This could lead to inconsiderate parking, which would increase the risk of conflict between vehicles and pedestrians. Consequently, this would be harmful to highway safety. The proposed development would therefore conflict with Policy DM37 of the DMPD, which requires development to provide an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. There is also conflict with the Parking Standards for Residential Development SPD.

Living Conditions

14. Policy DM12 of the DMPD requires, among other things, that housing developments provide appropriate external private and/or communal amenity space. The supporting text sets out that for flats, a minimum of 5m² of private outdoor space should be provided for 1-2 person dwellings, plus an additional 1m² for each extra occupant. As both units in the development proposed could accommodate 3 occupants, 6m² of amenity space should therefore be provided per unit.
15. The supporting plans show this would be accommodated in the form of a shared communal garden at the back of the site, which would meet the requirements set out in Policy DM12 and the supporting text. While this is not a completely private space, the policy accepts the provision of communal amenity space and appropriate soft landscaping could be secured by condition if the appeal scheme were otherwise acceptable.
16. The proposal would therefore provide an acceptable standard of accommodation for its future occupiers in terms of access to outdoor space. It would comply with Policy DM12 of the DMPD which sets out housing standards. The development would also comply with the objectives of the National Planning Policy Framework (the Framework) at paragraph 130 insofar as it requires development to provide a high standard of amenity for future occupiers.

Other Matters

17. The Council accept that it does not have an up-to-date 5 year housing land supply. As such the provisions of paragraph 11 of the Framework are relevant to the appeal. The most important policies are deemed to be out of date and the Framework requires that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
18. In terms of the main issues of this appeal, I have found harm in regard to the availability of parking. The result of this harm would be significant and long lasting, and would result in conflict with the Framework. I attach substantial weight to this harm.
19. The appeal scheme would contribute two units of accommodation to the Council's housing stock. These would also be delivered on a small site, which is one that paragraph 69 of the Framework recognises can make an important contribution to meeting the housing requirement of an area, and which are

often built-out relatively quickly. The site is also in a sustainable location with good accessibility to facilities and services. The development would provide a benefit to surface water drainage and biodiversity through reducing hard surfacing and introducing soft landscaping. The development would also deliver economic benefits associated with the construction process and the economic activity of future occupants. Taken together these benefits attract moderate weight, given the scale of the proposal.

20. While the appeal scheme would be acceptable in terms of the living conditions it would provide, this is a neutral matter and is not afforded weight in favour of the development. There is little evidence before me regarding the thermal efficiency of the building or its carbon emissions and as such I cannot afford these benefits more than minimal weight.
21. Overall, I find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The appeal scheme would not therefore benefit from the presumption in favour of sustainable development.

Conclusion

22. With the above in mind, there are no material considerations, including the approach of the Framework, that would indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.

C Shearing

INSPECTOR