



Appeal Decision

Site visit made on 13 September 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/P3610/W/22/3293539

10A East Street, Epsom KT17 1HH

- 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 Ms Amy Guy of London Property Ventures against Epsom and Ewell Borough Council.
 - The application Ref 21/01616/FUL, is dated 6 October 2021.
 - The development proposed is described as "conversion of ground floor to 1 no. one bedroom flat."
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Decision

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

Preliminary Matters

2. Notwithstanding the description of the development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the conversion of the existing basement, rather than the ground floor, as stated in the description above, into a one bedroom one person flat. The Council dealt with the proposal on this basis and so shall I.

Main Issues

3. The main issues are the effects of the proposed development on i) the living conditions for potential occupiers with specific regard to sunlight/daylight and outlook; and ii) on-street parking provision.

Reasons

4. East Street is a main throughfare into Epsom Town Centre and the appeal site is located on the southern side, close to the junction with Hook Road. The surrounding area is mixed use with three and four storey buildings housing commercial facilities, offices and flatted developments. The appeal site sits within a small parade of shops with residential units located above.

Living conditions for potential occupiers

5. The existing basement currently has no external light source and relies solely upon the use of artificial light. However, the accompanying plans indicate new lightwells are proposed to the front and the rear of the property to provide natural light for the potential residential unit.

6. The proposed front lightwell would be the only natural light source for the bedroom and would be of a similar design and appearance to other lightwells in the proximity. It would consist of a sealed window located at ground level, with a north facing aspect. I have no details before me in respect to any sunlight/daylight analysis to demonstrate whether acceptable levels of daylight can be achieved. Furthermore, given the window would be unopenable, this would limit ventilation, and any outlook from this unit would be limited to oblique views of the sky only.
7. The proposed lightwell to the rear of the property would be the only natural light source for the kitchen/living area. This lightwell would be considerably larger than the front one and would double as a small, subterranean terrace providing limited outdoor amenity space. However, the rear of the appeal site consists of a tight courtyard area, surrounded by existing three storey buildings. The modest separation distance across the courtyard and height of the surrounding buildings would dominate any views from both the proposed subterranean terrace and window. The light well would be surrounded by an obscured glazed balustrade. Collectively these features would have an overbearing impact on and poor outlook for future occupiers. Notwithstanding its southern aspect, the amount of natural light that could enter the kitchen/living room area would be significantly restricted, leading to poor living conditions.
8. In respect to the first main issue, the proposed development would have an unacceptably harmful effect upon the living conditions of its future occupiers, with particular reference to sunlight/daylight and outlook. The proposal is therefore contrary to the relevant provisions of Policy CS1 of the Epsom and Ewell Core Strategy 2007 (CS) and Policies DM10 and DM12 of the Epsom and Ewell Development Management Policies, adopted September 2015 (DMP), which amongst other things, seek to provide high quality design and living conditions for residential occupiers. It would also be contrary to the guidance in the National Planning Policy Framework 2021 (the Framework) which, amongst other things, also seeks a good standard of amenity for all existing and future occupants of buildings.

Parking provision

9. DMP Policy DM37 seeks to ensure that schemes provide appropriate levels of off-street parking, avoid unacceptable impacts on on-street parking and local traffic conditions. However, the policy also states that exceptions can be made, where applicants can robustly demonstrate that a proposal would not have a harmful impact on on-street parking.
10. The proposal would not contain any off-street parking, nor has any justification been supplied from the appellant in respect to parking stress in the immediate area. Nevertheless, there are numerous other flats in the area that also do not benefit from off-street parking. The appeal site lies in an accessible location, with a range of services, commercial facilities and employment, and where there are opportunities to use modes of travel other than the car.
11. During the site visit I noted East Street has double yellow lines in operation prohibiting on-street parking, and there are several bus services and a train station locally. The use of sustainable transport is encouraged, and in the absence of clear evidence of a local parking issue I do not consider that the proposal would result in a shortage in off-street parking in this location. Nor

has it been demonstrated that even if there was a deficiency, it would be bound to have a harmful effect on highway safety.

12. Concluding on this issue, I find that as the site lies in an accessible location, where development using alternative means of transport should be encouraged, the addition of a single unit would be unlikely to harm highway safety and local amenity. The proposal therefore provides an exception to DMP Policy DM37, and would broadly accord with Paragraph 111 of the Framework which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

13. The Council accepts that it cannot demonstrate a five-year housing land supply (FYHLS) at present and as such the Framework Paragraph 11(d) falls to be considered. For the purposes of this appeal, this indicates that 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 taken as a whole.
14. Notwithstanding the current shortfall in supply, and the accessible location of the site, there would only be limited benefits in the provision of one new dwelling. However, the harm that I have identified in respect to living conditions due to the substandard accommodation is substantial and significantly and demonstrably outweighs the benefits, when assessed against the policies in the Framework as a whole. The presumption in favour of sustainable development outlined at the Framework paragraph 11 does not, therefore, apply.

Conclusion

15. While I have found no harm in respect of parking provision, my conclusion on the first main issue brings the proposal into conflict with the development plan, read as a whole. Material considerations, including the Framework, do not indicate otherwise that permission should be granted. Therefore, I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR