

Appeal Decision

Site visit made on 16 December 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/P3610/D/22/3309430

151 Kingston Road, Ewell, Epsom, Surrey KT17 2HA

- 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 L Cotter against the decision of Epsom & Ewell Borough Council.
 - The application, Ref. 22/00828/FLH, dated 14 June 2022 was refused by notice dated 11 August 2022.
 - The development proposed is single storey front and single storey rear extensions and a rear roof dormer extension plus rooflight to front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for single storey front and single storey rear extensions and a rear roof dormer extension plus a rooflight to the front elevation at 151 Kingston Road, Ewell, Epsom, Surrey in accordance with the terms of the application, Ref. 22/00828/FLH, dated 14 June 2022 and subject to the following conditions:
 - 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS based Site Location Plan; Drawing Nos. EB/414/01; EB/414/02; EB/414/03;
 - 3) The alterations and additions hereby permitted shall not be carried out other than in full accordance with details of external materials (including samples as deemed necessary) first submitted to and approved in writing by the Local Planning Authority.

Procedural Matters and Main Issues

2. The conservation area is a designated heritage asset and accordingly any appraisal of the development including this appeal must have regard to a combination of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; the relevant development plan policies, and to Government policy in Section 16: 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework 2021.
 3. The main issues are (i) the effect of the proposed extensions and rooflight on the character and appearance of the host dwelling, its surroundings, and the
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Ewell Village Conservation Area, and (ii) the effect of the single storey rear extension on the living conditions of neighbours in terms of light.

Reasons

4. The appeal proposal comprises a number of separate elements and includes alterations and additions to both the front and rear elevations of the dwelling. I consider it appropriate to firstly consider the alterations and additions to the rear elevation and secondly those to the front elevation.
5. At the rear, the appeal scheme comprises a dormer to enable the conversion of the loft space to habitable use and a single storey rear extension. As regards the dormer, I accept the Council's view that although ostensibly this extension would be inappropriate by being oversized, many properties in the northern part of the conservation area (and including the series of terraces along this part of Kingston Road) have undergone a similar rear dormer extension to enable the conversion of the loft to living space. These dormers have to some degree already changed the character and appearance of the conservation area. Moreover, the dormer would not be visible from the public domain. Overall I find that its construction would be an acceptable addition to the rear roof plane of the house.
6. Also to the rear would be the proposed single storey rear extension. In this case I again agree with the Council that given its rearward siting, seen only in private views, this addition would have a limited impact on the character and appearance of both the dwelling and the conservation area. However, the Council also objects to this extension because the appellant has failed to demonstrate that the extension would not result in detriment to the living conditions of neighbours as a result of overshadowing.
7. Firstly in this regard it is apparent that because No. 149 lies to the south of the appeal dwelling there would unlikely to be any shadowing effect on that property. Secondly, in respect of sunlight to No. 153 there is already a smaller extension to the appeal dwelling adjoining the boundary and this would be demolished for the space to be used for the proposed full width addition. With the extension's height of only 3m and the terrace having a south western orientation, it is likely that any increase in shadowing would be for a limited period at the end of the day. I am also mindful that the occupiers of No. 153 have not raised any objection to the proposal on this basis.
8. Turning to the proposals at the front of the dwelling, there are already frontage rooflights in several properties in the next terrace but one, and I consider that subject to the rooflight being of the design normally acceptable in conservation areas there would be a minimally adverse impact on the character or appearance of the building. I also take the view that with an acceptance of the rear dormer, it is only reasonable to embrace the inclusion of a front rooflight in order to maintain adequate amenity for the additional living area in the converted roofspace.
9. In terms of the front extension, as with the rear dormer there are many examples of such front additions in this and adjoining terraces and indeed including the 'box' porches at Nos. 149 and 153 to either side of No. 151. The appeal proposal would be of a more sympathetic design than these and I do not

accept the Council's view that there are issues of 'bulk and mass' for a frontage extension of the modest proportions shown on the application plans.

Conclusions

10. For the reasons explained, I consider the the single storey front extension and rooflight and the single storey rear extension and dormer to be acceptable. With all the additions and alterations there is arguably an element of harm to the significance of the conservation area as a designated heritage asset consequential of the expansion and improvement of the living space initially provided in this attractive period building.
11. However, taking into account the large number of similar developments nearby I consider that the harm would be 'less than substantial' and at the minor end of that spectrum. Furthermore, under paragraph 202 of the National Planning Policy Framework 2021 ('the Framework') this slight harm would be outweighed by the public benefit of ensuring that the housing stock of the Borough evolves to provide to meet the reasonable requirements of its residents in the 21st century.
12. Overall, there would be no harmful conflict with Policies CS1 & CS5 of the Epsom & Ewell Core Strategy 2007; Policies DM8, DM9 & DM10 of the Epsom & Ewell Development Management Policies Document 2015, or with paragraph 130f) and Section 16: 'Conserving and Enhancing the Historic Environment' of the Framework.
13. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for certainty and is in the interests of proper planning. A condition stipulating the Council's approval of the external materials will ensure that the extensions harmonise with the host dwelling and safeguard the character and appearance of the conservation area.

Martin Andrews

INSPECTOR