



Appeal Decision

Site visit made on 9 January 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2023

Appeal Ref: APP/P3610/W/22/3301583

Clayhill Lodge, West Hill, Epsom KT19 8JP

- 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 Arnold against the decision of Epsom and Ewell Borough Council.
 - The application Ref 21/00167/FUL, dated 1 February 2021, was refused by notice dated 14 February 2022.
 - The development proposed is described as the demolition of existing single storey outbuilding and erection of five terraced houses and integrated cycle store. Associated landscaping works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would:
 - preserve or enhance the character or appearance of the Stamford Green Conservation Area (the CA); and
 - provide adequate living conditions for future occupants with particular reference to private amenity space.

Reasons

Conservation Area

3. The appeal site is located toward the edge of the CA and The Stamford Green Conservation Area Character Appraisal and Management Proposals 2007 identify this part of the CA as a transitional area between the Epsom town centre and Epsom Common. This transition is important as one travels away from the built-up character of the town into the tranquillity of the Common.
4. The CA comprises a patchwork of green open spaces, such as Clayhill Green. Buildings are mixed in ages and character, and this adds some architectural variation to this part of the CA.
5. The CA derives its significance, in part, from the spaciousness around many of the buildings relative to their plots. This spaciousness gives the area a village character and allows for soft landscaping which compliments this pleasant sylvan character. Additionally, the level changes within this part of the CA frame views across the landscape emphasising the relationship of buildings within their settings.

6. Aside from a modest outbuilding, the appeal site is largely undeveloped, the proposed development would cover a significant proportion of the site with either buildings or hardstanding. These features would also be sited close to the site boundaries. There would be limited space within the site for tree planting particularly to the sides and frontage facing Birchdene.
7. This impact would be particularly damaging when viewed from Court Lane and from within the 'Birchdene' side of the site given the change in levels. While views would be more limited from other vantage points, the visual presence of the upper floors of the development would still be possible from Pound Lane and higher vantage points within the CA, albeit more limited.
8. I appreciate there is a need to demonstrate flexibility so that opportunities to utilise suitable sites are fully explored. I have also considered the space to the rear and the contribution this could make. However, the ratio of built form to landscaping would significantly erode the important spaciousness of the area. This would limit opportunities for landscaping including tree planting reflective of the wider CA. Consequently, the site would be dominated by built form and hard standing unacceptably harming the sylvian character and transitional nature of the CA.
9. While part of the site falls outside the CA, Given the immediacy of the CA to the appeal site, the proposed development would also harmfully erode the significance when viewed from both within and outside of the CA.
10. I acknowledge the proposal takes its design cues from the neighbouring Birchdene and Court Lodge developments. The physical appearance of the proposed building is not without merit, it blends the rendered and architectural features facing Birchdene with a more traditional design and frontage facing Clayhill Lodge and Allonby. This bridges the change in architecture and avoids any potential for a collectively isolated grouping.
11. However, Birchdene and Court Lodge fall outside the CA and as one travels into the CA and away from these buildings, the sense of spaciousness and landscaping should increase to reflect the significance of the CA. This is particularly important given the proximity of Claygate Green and the transitional nature of the CA.
12. Consequently, the proposed development would fail to preserve or enhance the character or appearance of the CA.
13. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
14. Given the limited scale of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
15. The appeal would deliver five houses in a sustainable location. The Council cannot currently demonstrate a 5-year housing land supply and housing delivery is stated as poor. I am mindful that the Government has set an objective of significantly boosting the supply of homes and small to medium sized sites in settlement areas can make an important contribution to meeting

these housing requirements. The proposed development would also provide some temporary employment during construction and would provide additional support for local services.

16. However, the quantum and scale of these benefits would not outweigh the importance and great weight given to the conservation of heritage assets. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the CA. The proposal would conflict with Policy CS5 of the of the Epsom and Ewell Borough Council Core Strategy 2007, Policies DM5, DM8 and DM9 of the Epsom and Ewell Borough Council Development Management Policies 2015 (the DMP) and the Framework which together seek to preserve or enhance the significance of heritage assets.

Living Conditions

17. Policy DM12 of the DMP sets out, amongst other things, that new dwellings should provide adequate external private amenity space to meet the needs generated by development. The policy also confirms that this space should be private, usable, functional and of sufficient size to meet these needs.
18. Supporting paragraph 3.35 of the DMP states that houses with 3 or more bedrooms should provide a minimum total private outdoor space of 70 square metres.
19. The proposal would deliver 4-bedroom houses, roof terrace, garden and courtyard spaces would be proposed for each of the units. It is common ground between the main parties that units 2, 3 and 4 would fall short of 70 square metres by 11 square metres each.
20. The proposed courtyards would be enclosed by walls to all 4 sides. In the case of units 2, 3 and 4, the walls would extend to 2 stories on 3 of these 4 walls. This would result in a degree of enclosure to these courtyards. Additionally, the grassed area to the front of the dwellings would be near to parked vehicles and a vehicular access serving both the proposed development and the existing neighbouring development Birchdene.
21. The proposed external private space is limited in floor area for units 2, 3, and 4. The layout would also further reduce the function, use and desirability of these proposed external private spaces. It is reasonable to conceive that families, some with young children, would occupy these units and the overall limited floorspace in respect to each of the units coupled with the reduced function, use and desirability would consequently generate unacceptable harm for these reasons.
22. While a generous open space exists close to the appeal site, this is a public park. Future occupiers of 4-bedroom dwellinghouses would have a reasonable expectation for private external space to meet their needs. Such space is particularly important for passive recreation in a private setting such as entertaining, sitting out, external storage or clothes drying. While the public open space offers a benefit, this would not outweigh the harm I have identified above.
23. Birchdene and Court Lodge are flatted developments and not 4-bedroom dwellinghouses. Even if I set that aside, I have not been provided with details as to the amenity space requirements or what was provided when these

developments gained planning approval. This therefore does not change my overall findings as set out above.

24. The proposed development would not provide acceptable living conditions for future occupants with particular reference to private amenity space. The proposal would conflict with Policy DM12 of the DMP. This, amongst other things, addresses the need for high quality design therefore respecting the living conditions of residential occupiers.

Other Matters

25. Paragraph 11(d) of the Framework indicates that permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. The application of heritage policy provides that to be the case here. As such, the proposal would not be the sustainable development for which Paragraph 11 of the Framework indicates a presumption in favour.
26. The Council did not completely agree with their own Conservation Officer, in respect to the first main issue. However, the Council was entitled to come to its own view in this respect. Such issues are a matter of planning judgement and in this case, I am satisfied that the Council satisfactorily defended its position on this matter.
27. I have also considered the various other concerns raised by interested parties. However, none of the other matters raised outweigh or alter my conclusion on the main issues. As I am dismissing the appeal for other reasons, I have not pursued these matters further.

Conclusion

28. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR