



Appeal Decisions

Site visit made on 02 June 2023

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2023

Appeal A Ref: APP/P3610/W/22/3312598

52A Park Avenue East, Epsom, Surrey KT17 2NY

- 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 Red Banksia against the decision of Epsom and Ewell Borough Council.
 - The application Ref 22/01086/FUL, dated 13 July 2022, was refused by notice dated 08 September 2022.
 - The development proposed is 'Erection of additional storey and subdivision of the existing bungalow to provide a pair of semi-detached dwellings and single storey dwelling in the rear garden'.
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Appeal B Ref: APP/P3610/W/22/3312765

52A Park Avenue East, Epsom, Surrey KT17 2NY

- 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 Red Banksia against the decision of Epsom and Ewell Borough Council.
 - The application Ref 22/01085/FUL, dated 13 July 2022, was refused by notice dated 08 September 2022.
 - The development proposed is 'Erection of additional storey and subdivision of the existing bungalow to provide a pair of semi-detached dwellings'.
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Decisions

Appeal A Ref: APP/P3610/W/22/3312598

1. The appeal is dismissed.

Appeal B Ref: APP/P3610/W/22/3312765

2. The appeal is allowed and planning permission is granted for 'Erection of additional storey and subdivision of the existing bungalow to provide a pair of semi-detached dwellings' at 52A Park Avenue East, Epsom, Surrey KT17 2NY in accordance with the terms of the application, Ref 22/01085/FUL, dated 13 July 2022 and the plans submitted with it, subject to the following conditions set out in the attached schedule.

Preliminary and Procedural Matters

3. The description of development for both schemes was amended post submission. I have utilised the amended descriptions, which better reflect the nature of the development proposed.

4. Both appeal schemes propose to extend and subdivide the existing bungalow which fronts the street to create two separate dwellings (net gain of one dwelling). The appeals differ only in that Appeal A further proposes an additional dwelling in the rear garden area of the existing bungalow. As such, the appeal schemes share one main issue relating to vehicle parking; I have accordingly dealt with this common issue first. Appeal B has a further main issue relating to the character and appearance of the area which is specific to the additional rear-garden dwelling proposal.

Main Issues

5. The main issues are:

- Whether the proposal makes adequate provision for off-street vehicle parking (appeals A and B); and,
- The effect of the proposal on the character and appearance of the surrounding area (appeal A only).

Reasons

Vehicle parking (appeals A and B)

6. Policy DM37 of the Development Management Policies Document (DMPD), adopted 2015, requires that development schemes provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. This policy is to be read in conjunction with other policies of the Development Plan which seek to secure sustainable transport patterns and the Epsom and Ewell Parking Standards for Residential Development Supplementary Planning Document (SPD), adopted in 2015.
7. The SPD and Annex 2 of the DMPD require that 3 off-street parking spaces should be provided for every 4-bedroom house, plus the additional dwelling would require 1 parking space. As such, the policy requirement for the scheme would be 6 off-street parking spaces for appeal B and 7 for appeal A. The scheme proposes a total provision of 2 spaces for appeal B and 3 spaces for appeal A, resulting in a shortfall of 4 spaces against the policy requirement.
8. The policy does allow for exceptions to be made where it is 'robustly demonstrated' that the site is in a sustainable location and the proposal has no harmful impact on safety and the availability of on-street parking. The Council Officer's delegated report conversely states that establishing that the site is sustainably located (a matter of agreement between the parties) is not sufficient 'robust' evidence. Nonetheless, the appeal scheme is located at a site which is accessible for a range of sustainable modes of travel in line with the other policies of the development plan and also has access to the day-to-day facilities required without need for a private vehicle. As such, I concur with the parties that the site is sustainably located and therefore compliant with the relevant criterion of policy DM37.
9. The appeal schemes are further supported by a parking assessment which establishes relatively low parking stress in the wider area and concludes that due to their scale and location, the proposals would not impact highway safety and nor have an adverse impact on the availability of on-street parking. I concur with this finding, especially given that the Park Avenue East is subject to parking control which would require permits to manage parking stress in the

area. At the time of my visit, there was ample parking along the street, and it was apparent that the predominant source of parking stress arises from vehicles arriving from elsewhere to park in the street due to its proximity with onward public transport; thereby highlighting its sustainable location.

10. As such, whilst the scheme does not provide the minimum on-street parking quantum, it does meet with the relevant exceptions to comply with policy DM37.
11. Moreover, this policy and guidance precede the latest iteration of the National Planning Policy Framework (the Framework). The policy may be given weight commensurate with its alignment with the Framework. The SPD is based upon the evidential considerations required by the Framework and the Framework restricts the imposition of parking maximums not minimums. However, Policy DM37 does not align with the Framework approach which sets out at paragraph 111 that development shall not be refused on highways grounds unless the development would have an unacceptable impact on highway safety or that its residual cumulative impacts would. As outlined above, this would not be the case with the appeal schemes.
12. In any case, the Council cannot demonstrate a deliverable 5-year supply of housing land and thus the policies relevant to the provision of housing may be considered out of date and the 'tilted balance' applies to the scheme which is to be weighed against the Framework as a whole¹.

Character and appearance (appeal A only)

13. The appeal site is a detached bungalow situated in a generous deep plot of land. There is variance in building types, sizes and scales along Park Avenue East and within the wider area, however, the area does have a strong sense of regularity arising from its planned estate pattern. The area also has a characteristic sense of spaciousness arising from the distance between roads and the deep back plots of the houses. Whilst the grain of development along the road appears relatively tight, the space behind dwellings is apparent within the public realm and it contributes positively to the suburban local character.
14. Appeal A would subdivide the depth of the plot to accommodate a back-land development. This interruption to the spacious character of the area would be apparent within the street scene due to views afforded along the long access driveway which would pass the flank of the existed (extended) dwelling which fronts the road; and the siting, scale, footprint and design of the new dwelling would be more intrusive than a residential outbuilding would be. It would also be apparent between properties in private views, although the appeal site is well enclosed. Therefore, the spatial pattern of the area would be eroded, and attractive characteristic spaciousness would be locally lost.
15. Policy DM16 of the DMPD sets out a presumption against back land development with the aim of retaining the local character, amenity space, green infrastructure and biodiversity of an area. However, this policy considers modest redevelopment on back land sites may be considered acceptable where; rear garden land which contributes individually or as a swathe to residential amenity or biodiversity will be retained, there is no unacceptable impact on living conditions of neighbouring occupiers in terms of light spillage

¹ The Framework paragraph 11 and FN8.

or access roads dwellings, the mass and scale of the development is intimate and does not overbear surrounding dwellings and it has an acceptable impact on trees. As local character is the only issue between the parties, the development meets with these exceptions for policy DM16, albeit not its overarching aim to preserve local character.

16. However, policies DM9 and DM10 also seek high quality design which is compatible with local character and townscape; the appeal scheme would be contrary to these policies and therefore contrary to the relevant policies when read as a whole.
17. The Appellant questions the logic in having a back land development policy which a proposed scheme could comply with and yet could still fall foul of other policies of the development plan. Development plans and their policies are to be read as a whole to ensure prospective development is sustainable. In this particular case, the aims of seeking high quality design which has regard to local character is a common thread, including through policy DM16.
18. As the Council cannot demonstrate a deliverable supply of housing land, the weight to be given to the policies for the provision of housing is reduced as they are considered out of date. The Framework encourages opportunities to appropriately densify and optimise sites to make an efficient use of land to contribute towards housing supply. However, it balances its approach to achieving appropriate densities with the desirability of maintain an area's prevailing character and setting (including residential gardens) with promoting redevelopment and change, as well as the aim to achieve well designed places.
19. As such, the appeal scheme would be contrary to the relevant policies of the development plan as set out above.

Conditions

20. The Council has not requested any planning conditions. I consider it reasonable, necessary and compliant with the relevant policy and legal tests for conditions to impose conditions requiring the development takes place in a timely manner and in accordance with the approved plans. The Appellant has also requested a condition to require submission of landscaping details prior to commencement of development, which I also consider is reasonable, necessary and compliant in order to ensure the development integrates well with its surroundings and represents high-quality design. I also consider it necessary to impose a condition requiring the vehicle parking spaces are provided prior to first occupation of the development.

Conclusions and Planning Balance

21. In respect of appeal B (3312765); for the reasons given above this appeal accords with the relevant policies of the development plan and, in line with the 'tilted balance' it amounts to sustainable development. The appeal is thus approved.
22. In respect of appeal A (3312598); for the reasons given above this appeal would conflict with the relevant policies of the development plan when taken as a whole. The weight to be afforded to these policies is the planning balance is reduced due to unmet housing need. The scheme would provide a modest net-gain of 2 units towards the unmet housing need, and this is accorded substantial weight. However, the scheme would cause unacceptable harm to

the character and appearance of the area, which would clearly and demonstrably outweigh the benefits of the scheme, when weighed against the Framework as a whole. As such, the appeal is dismissed.

Kim Langford Tejrar

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans; Site Location Plan, Proposed Elevations GA-06, Proposed Plans GA-05, Proposed Site Plan GA-04, Design and Access Statement.
3. No development shall commence until there have been submitted to and approved in writing by the local planning authority a scheme for hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
4. No dwelling shall be occupied until space has been laid out within the site in accordance with the site plans for 2 cars to be parked on the site, and that space shall thereafter be kept available at all times for the parking of vehicles.