



Appeal Decision

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: 11 August 2023

Appeal Ref: APP/P3610/D/23/3314322

124 Hook Road, Epsom KT19 8TX

- 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 T Patel against the decision of Epsom and Ewell Borough Council
 - The application Ref 22/00817/FLH, dated 14 June 2022, was refused by notice dated 19 October 2022.
 - The development proposed is 'Formation of vehicular access and crossover (including dropping of kerb)'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on highway safety and the effect of the proposal on the character and appearance of the area; specifically arising from the possibility of the removal of trees within the site.

Reasons

Highway Safety

3. The appeal site is a detached house fronting the B284 Hook Road, a busy suburban street and main arterial route into Epsom Centre. The road has marked on-street parking to one side and is bound either side by narrow pavements. The appeal site fronts an area of on-street marked parking.
4. The appeal scheme would introduce a dropped kerb and vehicular access to the road. It would achieve a 2.4 metre visibility splay; however, this would be across the front gardens of neighbouring properties. The neighbouring properties have a range of boundary treatments and landscaping which could interrupt these splays. Moreover, as the appellant has not control over this land and it is not highway land, there is no guarantee that it could be kept clear in the future for the maintenance of visibility splays. Given that the new access would open immediately onto the pavement, the appeal scheme would pose a hazard and danger to pedestrian users of the highway, as well as other vehicles. The Highways Officer has suggested that an alternative visibility splay could be considered, however, no such proposal has been made.

5. The Appellant has not refuted the lack of appropriate visibility splay in their submissions, but instead considers it should be balanced with existing highway safety challenges along the road. In particular, the Appellant contends that the existing on-street parking and related parking stress in the area have resulted in damage to their car. This is an unfortunate result of on-street parking, however, the proposed vehicle cross-over would not relieve on-street parking stress, as it would require the existing on-street parking bays to be kept clear. Moreover, the danger to pedestrians and other users of the highway arising from the crossover far outweighs that of the potential for cars parked in the marked bays being damaged.
6. For these reasons, the appeal scheme is conflicts with policies CS1, CS5 and CS16 of the Core Strategy (CS), adopted in 2007, policies DM10, DM35 and DM37 of the Local Development Framework Development Management Policies Document (DMPD), adopted 2015, as well as the Framework and aims of the Surrey Transport Plan. These policies seek, amongst other things, high quality safe design.

Character and appearance

7. There are mature and attractive trees which contribute positively to the character and appearance of the area within the appeal site. These trees are a feature of the street scene and the construction of a vehicular access could potentially impact upon the root protection area (RPA) of those trees and thus, their health and longevity.
8. The Council's reason for refusal of the scheme cites the lack of a tree protection plan or an arboricultural implications assessment, but it does not follow on to address why the impact on trees would be a disbenefit of the scheme. Correspondence with the Council provided by the Appellant states "*I can confirm that although the trees in question are not TPO trees, however, they are a material consideration for the local character and they are matured trees which have been in existence for long time (sic), which we can't afford to lose*".
9. The trees have a high canopy and thus they would be unlikely to affect the visibility splay if they were to remain in situ, therefore there would be little future pressure to remove the trees from that perspective. However, as mentioned above, there may be an impact on the RPA through construction and hardstanding. I am satisfied however, that this issue could have been overcome by a suitably worded condition had I been minded to allow the appeal.
10. In any case, the trees are not protected, nor is the site within a conservation area and the trees are in the control of the Appellant. Whilst damage or loss of the trees would be regrettable due to the contribution that they make to local character and they are a material planning consideration in planning terms, the Council has not protected them, and it remains the Appellant's right to remove them.

Conclusions

11. For the reasons given above, I find that the proposal would pose a danger to users of the highway and would conflict with the relevant policies of the development plan. No material considerations indicate that the proposal should

be determined other than in accordance with the development plan. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR