

Appeal Decision

Site visit made on 20 July 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI
an Inspector appointed by the Secretary of State

Decision date: 15th August 2023

Appeal Ref: APP/P3610/D/23/3321891
32 Scotts Farm Road, West Ewell, Epsom KT19 9LJ

- 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 Ibrahim Kastrati against the decision of Epsom & Ewell Borough Council.
 - The application, Ref. 23/00166/FLH, dated 14 February 2023 was refused by notice dated 12 April 2023.
 - The development proposed is a crossover to allow disabled access to park on the driveway of 32 Scotts Farm Road.
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Decision

1. The appeal is allowed and planning permission is granted for a crossover to allow disabled access to park on the driveway at 32 Scotts Farm Road, West Ewell, Epsom in accordance with the terms of the application, Ref. 23/00166/FLH, dated 14 February 2023 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 shall be carried out in accordance with the following approved plans: Drawing Nos. 005 & 006 and an additional drawing as indicated in condition 3) below;
 - 3) The parking area and access shall be constructed in accordance with a further plan to be first agreed in writing with the Local Planning Authority showing details of the surface treatment and landscaping. The parking area shall be provided in full accordance with these agreed details and thereafter permanently retained in that form;
 - 4) Before the first use of the parking area an Electric Vehicle ('EV') charging point shall be installed at the dwelling in accordance with details first agreed in writing with the Local Planning Authority.

Main Issues

2. The main issues are (i) the effect of the crossover on the character and appearance of the area, and (ii) the effect on highway safety with particular reference to pedestrians and cyclists.
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Reasons

3. On the first issue, I saw on my visit that the layout of Scotts Farm Road includes a substantial number of houses set back from the road and fronting on to visual amenity green spaces. This arrangement means that many residents are required to park their cars on the roadside laybys and that this includes the appellant at No. 32.
4. However, in this case the dwelling is the closest of the ten houses in the group (five pairs of semi-detached) to Scotts Farm Road and given this proximity I do not agree with the Council's concern that the relatively minor changes in surface treatment and the widening of the existing access to create a dropped kerb would be harmful to the character and appearance of the area.
5. As the grounds of appeal point out, there are already similar access arrangements at a number of other properties and I saw on my visit that in other cases cars drive over the grass to be parked adjacent to the houses of their occupiers.
6. As regards the second issue of highway safety, even in the more standard relationship of dwellings with their access roads there is an element of potential hazard with pedestrians and cyclists, particularly with the reverse manoeuvre of either a departure or an arrival. The hazard would be slightly increased in this instance because the pedestrian connection between the hardstanding parking area and Scotts Farm Road is also used by occupiers of nearby houses.
7. However, whilst the depth of the parking area would be insufficient for a conventional 3 point turn manoeuvre, its considerable width would facilitate the turning of the vehicle within the private area of the hardstanding, thereby allowing departure in a forward gear.
8. Notwithstanding my favourable comments for the appellant's case on both main issues, I consider the merits of the appellant's case to be finely balanced when assessed against the arguments put forward by the Council in its refusal of permission. However, there is a further matter outside the scope of these issues in that the appellant is a registered disabled driver. And although the distance between the parking layby and the dwelling is modest, there is evidence that when the parking demand by residents is further increased by the parking of visitors to the nearby facilities of the Epsom and Ewell High School there is a strong likelihood of a much longer walk being needed.
9. Overall, although there would be some conflict with Policies CS1, CS5 & CS16 of the Epsom & Ewell BC Core Strategy 2007; Policies DM9, DM10 & DM36 of the Epsom & Ewell BC Development Management Policies 2015; Objective 3 of the Surrey Transport Plan (LTP4) 2022-2032, and Section 12 of the National Planning Policies Framework 2021, I consider that any harm caused would be slight and would be outweighed by the need to have regard to the appellant's disability. I should make it clear that the weight I have given to the disability factor is specifically for this case and does not imply that it would necessarily be the deciding factor for other crossover / dropped kerb applications.
10. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition requiring a plan

showing further details will ensure that the parking and access are visually pleasing and minimise highway hazards. In this context, I note that the appeal statement refers to the use of varied surfacing for the vehicle access along with differing colouring to demarcate the vehicle and pedestrian areas. Finally, a condition stipulating the provision of an EV charging point is consistent with local and national policies to conserve energy and address climate change.

Martin Andrews

INSPECTOR