



Appeal Decision

Site visit made on 27 February 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 APRIL 2024

Appeal Ref: APP/P3610/W/23/3325967

176 East Street, Epsom KT17 1ES

- 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 Aaron France against the decision of Epsom and Ewell Borough Council.
 - The application Ref 22/01814/FUL, dated 11 November 2022, was refused by notice dated 3 July 2023.
 - The development proposed is described as *the change of use from class E(a) to C3 including a first floor rear extension. Conversion of the loft space into habitable space with the addition of 2 rear dormers including hipped to gable extension. General alterations to the external fenestration.*
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from E(a) to C3, conversion of garage into habitable accommodation, hip-to-gable roof extension, rear dormer windows and alterations to fenestration to create 2 flats at 176 East Street, Epsom KT17 1ES in accordance with the terms of the application, Ref 22/01814/FUL, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Mr Aaron France against Epsom and Ewell Borough Council. This application is subject to a separate Decision.

Preliminary Matters

3. The description of development in the heading above has been taken from the planning application form. However, Section E of the appeal form provides a different description of development to that in the application form, albeit it indicates that it has not changed. For clarity, I have used the description of development provided in the appeal form in my decision above, as it more accurately describes the proposed works.
4. There has recently been a revised National Planning Policy Framework (the Framework) published by Government. The parties have had the opportunity to comment on this as part of their appeal submissions. I have had regard to the revised Framework in my decision.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site comprises a two-storey end of terrace property located on a prominent corner plot near the junction of East Street (A24) and Chuters Grove. To the rear of the appeal building there is a single storey flat roofed garage. The row of terraces has commercial uses on the ground floor with residential accommodation above. It has a symmetrical appearance, with a hipped roof with prominent chimneys and two front gabled-ended projections at either end of the building.
7. There is no prevailing style or appearance to the nearby buildings, which gives the surrounding area a distinctive character. The roofscape is varied and it comprises hips, half-hips, gables and dormers.
8. The proposed hip to gable extension would alter the visual symmetry of the terrace. However, given the width of the row of terraces, it would be unlikely that the proposed extension would be perceptible in the same view as the property on the other end. Further, the proposed hip-to-gable would be of a simple design and would be set-back within the roof, so the two gable projections on either end, together with the chimneys, would remain the focal points on the front façade of the terrace. Thus, the proposal would preserve the architectural interest and visual attractiveness of the terrace, as well as its positive contribution to the character of the area.
9. The two dormer windows in the rear elevation would be modest in size, set down from the ridge line and set back from the eaves. Therefore, the dormers would be subservient to the design of the host building and would not undermine the local character.
10. Taken together, the proposed roof alterations would form a sympathetic and proportionate addition to the host building that would not result in a top-heavy form of development. As such, the resulting terrace would have an appropriate roof form that would not detract from the varied roofscape within the locality.
11. Although not included in the reason for refusal, my attention is drawn to the Householder Applications: Supplementary Planning Guidance 2004 (SPG). Notwithstanding the age of the SPG, for the reasons set out above, the character of the area would not be adversely affected by the asymmetrical roof, in accordance with the SPG.
12. I am therefore satisfied that the development could be accommodated at the site without causing harm to the character and appearance of the area. Thus, the proposal would comply with the general design requirements of Policy CS5 of the Core Strategy 2007; Policies DM9 and DM10 of the Development Management Policies Document 2015; and the Framework.

Other Matters

13. The proposed development includes alterations to the existing shop front, alterations to fenestration and a change of use from class E(a) to residential. The Council raises no concerns with these elements of the proposal and based on the information before me, I see no reason to disagree.

Conditions

14. I have considered the Council's suggested planning conditions in light of the Framework and Planning Practice Guidance. For clarity, I have amended these where necessary.
15. The standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. A condition securing matching materials is also necessary, to ensure that the development is in keeping with the existing building and, where visible, with its surroundings.
16. To ensure that adequate cycle parking is provided as a means to promote sustainable travel, a condition is necessary to require the provision and retention of cycle parking facilities.
17. A condition is necessary to ensure that any contamination is identified and adequately addressed so that the development is safe. As any required measures must be secured before development begins, a pre-commencement condition is appropriate in these circumstances. This has been agreed with the appellant.
18. A condition cannot be used to extinguish another planning permission. As such, I have not included the Council's suggested condition precluding this development of being implemented if works associated with a previous planning permission had commenced.

Conclusion

19. Overall, I conclude that the proposal would comply with the development plan as a whole. There are no material considerations that indicate that a decision should be taken otherwise than in accordance with it. As such, the appeal is allowed.

P Terceiro

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be commenced within three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 17377 P 001 A; 17377 P 020 A; 17377 P 021; 17377 E 022; 17377 E 023; 17377 P 002 A.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The cycle parking facilities as shown on the approved plans shall be provided prior to first occupation of the development to which this permission relates and shall be permanently retained for that purpose and kept free from obstruction thereafter.
- 5) Prior to any development on site, the following shall be undertaken in accordance with current best practice guidance:
 - i) a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) with the potential to impact sensitive receptors on and off site. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and
 - ii) if filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority prior to first occupation.