



Appeal Decision

Site visit made on 9 April 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2024

Appeal Ref: APP/P3610/W/23/3331410

15 Amis Avenue, West Ewell, Surrey KT19 9HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Kuldeep Sahota against the decision of Epsom and Ewell Borough Council.
 - The application Ref is 23/00176/FUL.
 - The development proposed is the construction of two bedrooms two storey detached dwellinghouse with vehicular access and driveway (following demolition of existing garage).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Section E of the appeal form indicates that the description of development has changed from that given on the application form. The appellant has provided written confirmation that a revised description of development has been agreed with the Council. As such, in the banner heading above, I have used the description of development provided in the appeal form.
3. 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 and to any comments received in my decision.
4. The appellant's Statement of Case suggests some amendments that could be undertaken to the proposal. These relate to the siting of the proposed dwelling. However, such an alternative scheme is not before me as amended plans and therefore I have determined the appeal based on the submitted plans.

Main Issues

5. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of 17 Amis Avenue with particular regard to privacy.

Reasons

Character and appearance

6. 15 Amis Avenue (No 15) is a two-storey semi-detached dwelling sited within a wide, irregular shaped prominent plot located where the road bends. The site's mainly open garden contains a modest detached garage and some soft landscaping.
7. The pattern of built form on larger corner plots in Amis Avenue and on plots on road bends such as the appeal site, is noticeably different to the mostly closely spaced, regimented frontages of the semi-detached bungalows and two-storey dwellings sited on less wide plots along the straight parts of the road. These larger plots therefore give a more spacious feel to development in this area and are locally distinctive.
8. The proposal would be sited in No 15's side garden. The dwelling would retain a suitable gap to the side elevation of the donor property and the gap to 13 Amis Avenue would be similar to the gap between 5 and 7 Amis Avenue. However, the proposal would significantly reduce the spaciousness of the existing garden, which is an important feature of the area. Furthermore, the proposed two storey dwelling would be large in scale and sit in a plot of limited size. As such, the proposed development would appear cramped, markedly at odds with the character of the area, thereby failing to enhance the quality of this place.
9. In addition, the detached siting of the proposed dwelling within the plot would not be consistent with the established pattern of development of semi-detached properties. Thus, the proposal would appear unnatural in the street scene and fail to respond positively to its surrounding context. Therefore, the proposal would not be the most efficient use of this land.
10. The dwelling's design would not detract from the surrounding street scene and details of the external materials could be secured by planning condition if I were otherwise minded allowing the appeal. However, this would not overcome the harm to the character of the area that I have identified above.
11. In conclusion, the proposal would have a harmful effect on the character and appearance of the area. Consequently, the proposal would fail to accord with Policies CS1 and CS5 of the Core Strategy 2017 (CS) and with Policies DM9, DM10 and DM16 of the Development Management Policies Document 2015 (DMPD). These policies include that development should make a positive contribution to the Borough's visual character and appearance and reinforce the local distinctiveness of streets. It would also not be consistent with the Framework which seeks to ensure that development is sympathetic to local character.

Living conditions

12. The dwelling would contain first floor rear facing windows which would serve a bedroom. Due to the limited depth of the proposed plot, the proposed first floor windows would closely overlook the rear garden of 17 Amis Avenue (No 17), thus resulting in an unacceptable loss of privacy to the rear garden of these neighbours.
13. Whereas it may be that there is a degree of overlooking to neighbouring gardens in urban areas, there remains an expectation that new development

does not harm current living conditions. In this instance, there is an established level of privacy and the proposal would be harmful to the living conditions of the residents at No 17 for the afore mentioned reasons.

14. I therefore conclude that the proposal would result in unacceptable harm to the living conditions of the occupants of No 17 with particular regard to privacy. The proposal would be contrary to CS Policies CS1 and CS5 and DMPD Policy DM10, insofar as these policies seek support development with high quality design which has regard to the amenities of neighbours.

Other Matters

15. The appellant suggests that the proposal would constitute the development of previously developed land (PDL). However, the definition of PDL as set out in the Framework excludes land in built-up areas such as residential gardens and I have no specific evidence before me to conclude that the proposal would constitute PDL.
16. My attention is drawn to a development allowed at appeal at 24 St Paul's Avenue, Harrow. However, I have only very limited details in relation to this scheme, with no specific details of the circumstances and considerations that led the Inspector to allow the appeal. As such, I cannot make any robust and useful comparison between the proposal and these schemes.

Planning Balance and Conclusion

17. The Council cannot demonstrate a 5 year land supply of deliverable housing sites, which is not disputed by the appellant. Consequently, due to the provisions of footnote 8, paragraph 11d) ii. of the Framework should be applied.
18. The proposal would be acceptable in relation to other matters, including the provision of landscaping, adequate accommodation and garden space. However, these are neutral factors that neither weigh for or against the development.
19. The proposal would be located close to local commerce and businesses. The dwelling would be constructed to achieve an overall sustainability rating of at least 3 stars under the Code for Sustainable Homes. Further, it would provide a dwelling with an equal degree of access that would be adaptable for future needs. The proposal would contribute towards the housing stock within the Borough and would support the Government's objective of significantly boosting the supply of homes. However, the social, environmental, and economic benefits associated with a single dwelling would be small and the benefits that would be accrued from the construction process would be temporary and limited.
20. Taken together, these benefits attract limited weight in favour of the appeal proposal. As such, the adverse impacts on the character of the area and living conditions would significantly and demonstrably outweigh the benefits associated with the proposal.

21. Overall, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations of sufficient weight to indicate that a decision should be made otherwise than in accordance with it. Therefore, the appeal is dismissed.

P Terceiro

INSPECTOR