



Appeal Decision

Site visit made on 30 April 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 MAY 2024

Appeal Ref: APP/P3610/W/23/3326613

26-28 Stoneleigh Broadway, Stoneleigh, Surrey KT17 2HU

- 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 Ramazan Surucu & Nilesh Patel against the decision of Epsom and Ewell Borough Council.
 - The application Ref is 22/01757/FUL.
 - The development proposed is described on the application form as 'Proposal for a detached building, comprising of 2 No x 1 bedroom semi-detached dwellings with associated parking space, garden amenity to the front elevation, bin store and on site cycle storage.'
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Decision

1. The appeal is allowed and planning permission is granted for a pair of semi-detached two-storey houses at 26-28 Stoneleigh Broadway, Stoneleigh, Surrey KT17 2HU in accordance with the terms of the application Ref 22/01757/FUL, subject to the conditions appended to this decision.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises a pair of semi-detached two-storey houses on land to the rear of 26 and 28 Stoneleigh Broadway, with access from Dell Lane. The Council dealt with the proposal on this basis and so shall I.

Main Issues

3. The main issues are:
 - whether a satisfactory standard of accommodation would be provided, with particular regard to amenity space;
 - the effect of the proposed development on the character and appearance of the site and surrounding area;
 - whether satisfactory refuse and recycling facilities would be provided; and
 - the effect of the proposed development on parking provision.

Reasons

Standard of accommodation

4. Policy DM12 of the Epsom and Ewell Development Management Policies Document (LP, 2015) requires that all new housing developments provide private, useable, functional, safe and easily accessible amenity areas. These should receive adequate sunlight and be of a sufficient size to meet the needs of the occupiers, including families. The policy seeks a minimum space of 40sqm for 2 bedroom houses and 5sqm for 1-2 bedroom flats, with an extra 1sqm per additional occupant.
5. The proposed garden areas would measure approximately 5sqm each. This is the minimum amount required under Policy DM12 for a 1-2 bedroom flat. However, the dwellings would provide two-storey accommodation and would be reasonably described as houses. I appreciate that the site is constrained, and this is an atypical location for new housing, with limited available space. However, LP Policy DM12 accommodates for this by setting out that developments in town centres that are unable to provide sufficient external amenity space should demonstrate that suitable alternatives such as roof terraces and balconies have been considered. No such evidence is before me. Without this, I am unable to conclude that the proposed standard of accommodation would be satisfactory.
6. Overall, the proposed development would fail to provide a satisfactory standard of accommodation, with particular regard to outdoor amenity space, contrary to the relevant provisions of LP Policy DM12. This policy, in summary, seeks to ensure that appropriate levels of outdoor amenity space are provided. This is in a similar vein to the objectives of the National Planning Policy Framework (the Framework) insofar as living conditions are concerned.

Character and appearance

7. The appeal site comprises a parcel of land to the rear of properties fronting Stoneleigh Broadway. Those properties are large and form the principal buildings in the area. Smaller scale and ancillary buildings typically exist along Dell Lane. These are of a varied scale, period and design. Moreover, many of the principal buildings appear to have undergone extensions and alterations over time, meaning that there is little visual consistency within the street scene. Car parking and service yards also exist along Dell Lane. Consequently, the pattern of development within Dell Lane is not one which could be described as coherent, and the lane does not have a strong or prominent street-facing frontage.
8. The proposed development would undoubtedly be visible from Dell Lane and from the private vantage points of neighbouring properties. Where visible, it would be seen amongst established and varied built form and, by reason of its overall scale and design, would remain subordinate to the principal, street-facing properties. The minor and unadopted nature of the lane, combined with the existence of other buildings means that the proposed development would not be readily visible from Stoneleigh Broadway, Dell Road or Kenilworth Road.
9. Whilst I accept that there is limited residential development along Dell Lane, many of the residential uses at upper levels face towards it and domestic

paraphernalia is apparent. From that perspective, the proposed residential use would not be alien to Dell Lane.

10. For the above reasons, I conclude that the proposal would have an acceptable impact on the character and appearance of the site and surrounding area, in accordance with the relevant provisions of Policies CS1 and CS5 of the Epsom and Ewell Core Strategy (CS, 2007) and LP Policies DM9, DM10 and DM16. These policies, amongst other objectives, seek to ensure that development proposals promote or reinforce the local character of the area and that backland development is more intimate in scale and lower than frontage properties. This is in a similar vein to the objectives of the Framework insofar as development proposals should be sympathetic to local character.

Refuse and recycling provision

11. The Council considers that the proposed refuse storage and collection arrangements are inadequate. However, based on the submitted plans, I do not consider the site to be so constrained that it could not accommodate adequate arrangements for refuse storage and collection for existing and proposed units, even where drag distances were a little further than typical. It is likely, based on the information before me, that drag distances are already beyond the Council's recommended distances. Moreover, the site and other properties along Dell Lane already benefit from refuse storage to the rear. As such, I consider that those details could be satisfactorily dealt with by condition.
12. Consequently, and subject to a condition requesting further details, the proposed development would be acceptable in respect of refuse storage, in compliance with the relevant provisions of LP Policy DM10, which in summary seeks to ensure that development incorporates an appropriate layout and access arrangements for servicing the completed development from adjoining highway and pedestrian networks. The Council has referred to Policy DM19 in the decision notice. However, I do not consider that this policy is relevant to this main issue.

Parking provision

13. LP Policy DM37 sets out that appropriate levels of off-street parking should be demonstrated to avoid unacceptable on-street parking impacts within the local area. A minimum of 1 car parking space per 1-2 bedroom dwellings is required. In this respect, an adequate provision would be provided on the site with 4 car parking bays proposed.
14. The Council's highways objection centres on the site's current use as a car parking area. The proposed development would undoubtedly result in the loss of this, and the informal parking spaces that are currently provided there. However, this parking area is privately owned, and its management is unclear, including in respect of hours of operation, enforcement and users. In my view, the use of that parking area could be restricted or lost irrespective of the proposed development.
15. Moreover, there is no substantive evidence before me to demonstrate that any displaced parking that may occur would automatically result in dangerous or nuisance parking, effecting pedestrian or highway safety. Furthermore, the site

is located in a reasonably accessible location, providing alternative options to private car use.

16. Overall, I conclude that the proposed development would be acceptable in respect of parking provision and highway safety, in accordance with the relevant provisions of LP Policy DM37, which in summary seeks to ensure that adequate parking provision is provided. This is in a similar vein to the provisions of the Framework insofar as parking is concerned.

Planning Balance

17. The submitted evidence indicates that the Council cannot demonstrate a five-year housing land supply (1.56 years). As such, and noting the Government's objective of significantly boosting the supply of homes, the provisions of Framework paragraph 11.d are engaged. This sets out that where the policies which are most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. The proposed development would represent a contribution of two extra dwellings to housing supply in an area with an acknowledged lack of future provision. Based on the very low figure of 1.56 years housing land supply, I give significant weight to this matter.
19. There, too, would be some other social and economic benefits of the proposed development, including in supporting employment during construction and the bringing of trade to nearby services and facilities. I note that the site is also located in an accessible position near to various local services, facilities and employment. However, due to the limited scale of the development, I give no more than moderate weight to these matters.
20. Overall, therefore, the adverse effects of granting permission (relating solely to amenity space) would not significantly and demonstrably outweigh the clear benefits when assessed against the policies of the Framework as a whole.

Conditions

21. The Council has provided a list of 16 conditions. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance, and consider in that context that only 11 need to be applied. I have amended the wording of some, and combined provisions of others without altering their fundamental aims.
22. Conditions 1 and 2 on time limits and approved plans are necessary for certainty. Conditions 3 and 7 are necessary in order to protect the character and appearance of the area, with 9, 10 and 11 also necessary to ensure the adequate provision for cycle and car parking and bin storage. Condition 5 is necessary to ensure appropriate living conditions for neighbouring occupiers are maintained. Conditions 6 and 8 are required in the interests of biodiversity and sustainability. Condition 4 requires the submission and approval of sustainable water management measures. This is necessary in the interests of water management.

23. Conditions 4, 5 and 6 are pre-commencement conditions as they are necessary to ensure that any potential mitigation and measures is properly designed in prior to the commencement of development.
24. I have not imposed a suggested condition relating to hours of operation as this is adequately dealt with under condition 5. The suggested condition removing permitted development rights is unnecessary and has not been imposed. There are no exceptional circumstances before me to warrant removal of permitted development rights in this case. The suggested conditions relating to contamination and obscured glazing have not been imposed as there is no evidence before me specifically justifying the necessity of these at the site.

Conclusion

25. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions appended to the decision.

A Price

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: 02236_01 (Site Location Plan); 02236_02 (Proposed Ground Floor); 02236_03 (Proposed First Floor); 02236_04 (Proposed Block Plan); 02236_05 (Proposed Elevations); 02236_06 (Proposed Side Elevation); 02236_07 (Proposed Side Elevation); 02236_08 (Proposed Section Details).
- 3) The development hereby permitted shall be constructed in the materials detailed on the schedule of materials on the Application Form.
- 4) Prior to the commencement of the development hereby permitted, a strategy for the drainage of surface water from the site using a Sustainable Drainage System shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the development and thereafter maintained.
- 5) Prior to the commencement of the development hereby approved, including any works of demolition, a Construction Transport Management Plan (CTMP) shall be submitted to, and approved in writing by the Local Planning Authority. The CTMP shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) programme of works (including measures for traffic management);
 - v) the erection and maintenance of security hoarding;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - ix) hours of operation;
 - x) tree protection measures.

The approved CTMP shall be adhered to throughout the construction period for the development.
- 6) Prior to the commencement of the development hereby permitted, details of sustainability measures shall be submitted to and approved in writing by the Local Planning Authority. Details shall demonstrate how the development would be efficient in the use of energy, water and materials including means of providing the energy requirements of the development from renewable technologies. The approved details shall be implemented prior to the first occupation of the development and thereafter maintained.

- 7) Prior to any above ground works, full details of both hard and soft landscaping proposals, including boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the development and thereafter maintained.
- 8) Prior to the occupation of the development hereby permitted, a scheme of biodiversity measures (including at a minimum, bird and bat boxes) shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the development and thereafter maintained.
- 9) Prior to the occupation of the development hereby permitted, details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the development and thereafter maintained.
- 10) Prior to the occupation of the development hereby permitted, space shall be laid out within the site for vehicles to be parked in accordance with the approved plans. This shall include one rapid electric vehicle charging point. The approved details shall thereafter be maintained.
- 11) Prior to the occupation of the development hereby permitted, details of on-site collection areas for refuse and recyclable materials shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the development and thereafter be maintained.