

Appeal Decisions

Site visit made on 19 September 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 OCTOBER 2024

Appeal Ref: APP/P3610/W/24/3343175

Building to the rear of 11 Woodlands Road, Epsom, Surrey KT18 7HP

- 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 Oakton Developments Ltd against the decision of Epsom and Ewell Borough Council.
 - The application Ref is 23/01251/FUL.
 - The development proposed is an extension to existing outbuilding and its conversion into a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published in December 2023 a revised version of the National Planning Policy Framework (the Framework). The Council and the appellant have referenced this document within their appeal statements and as such I am satisfied that no party would be prejudiced by my also making reference to the Framework in this decision.

Main Issues

3. The main issues in this case are:
 - the principle of development in a rear garden location;
 - the effect of the proposal on the character and appearance of the surrounding area;
 - whether the proposal would provide adequate living conditions for future occupiers, with respect to outlook, standard of internal accommodation and the provision of outdoor space;
 - the effect of the proposal on the surrounding road network; and
 - whether the proposal would make acceptable provision for bin storage, bicycle parking and electric vehicle charging infrastructure.

Reasons

Principle of Development

4. Policy DM16 of the Development Management Policies Document (2015) (DM) indicates a presumption against the loss of rear gardens in order to, amongst other matters, to maintain local character.
5. As such, in order to assess whether or not the proposed development would comply with this it is first necessary to consider its effect on the other issues raised by the Council as set out above.

Character and appearance

6. The appeal site is a detached single storey outbuilding located to the rear of No 11 Woodlands Road, a semi-detached dwelling located on the corner of a lengthy residential street, as it extends to the rear of the open space fronting dwellings.
7. A number of dwellings also face onto this secondary road, and overall, the area is mixed in terms of dwelling size and form, with detached bungalows and two storey semi-detached dwellings evident.
8. There is a mixed surrounding architecture and dwelling sizes therefore, in accordance with the references to a character study set out by the appellant. However, whilst there are some examples of backland development and there is variety in building lines, in general the visible dwellings are set back but face onto the highway. They present an active frontage and contribute positively to the legible and spacious character of the built form and surroundings.
9. It has not been demonstrated why a front door facing the highway would not be possible, and the proposed dwelling would therefore have a mostly blank side elevation facing the highway, save for three high level windows and a rooflight. The dwelling would be single storey and would have materials that would not appear out of keeping with the mixed surrounding buildings. However, unlike any neighbouring property, it would retain the appearance of a small outbuilding even with the proposed extension and use of cladding.
10. An independent and separate residential unit in this form and location immediately next to the highway, with the lack of an obvious principal elevation facing it, would result in a prominent dwelling with an uncomfortable and awkward relationship with its surroundings.
11. In addition, whilst there is a large variety in dwellings form and sizes in the vicinity, the proposal would result in a noticeably smaller plot and dwelling than the surrounding properties, which are mostly set back from the highway. It would sit very close to boundaries on three sides and would appear cramped within its plot and squeezed into the available space. This would erode the area's general sense of spaciousness. Consequently, the proposal would not reflect the form nor grain of existing development and would therefore harm the established legible, spacious character of the surroundings.

12. The property directly on the opposite side of the road has a principal frontage facing the highway, consisting of large windows and a front door. It is a significantly larger property sitting in a larger plot, and its relationship with the street therefore is in keeping with the nearby surrounding properties and is not in this respect comparable to the proposal before me.
13. Whilst mostly existing, an independent dwelling would have a different impact on the character and appearance of the surroundings, as set out above, compared to the originally approved garden building¹. The appellant references a number of planning approvals², however limited details are provided of these which prevents direct comparison. In relation to Land To Rear of 38 Woodlands Road, and the approval for a 2 bed bungalow in this location, the Officer Report makes it clear that it would not be visible within the street scene, and as such its visual impact with the proposal before me is not comparable. It also sets out that the scale of the dwelling and plot is significantly large than the proposal before me. As set out above, from what I observed, there are no similarly small dwellings within the same street scene with the same relationship with the road.
14. I conclude that the development would harm the character and appearance of the surrounding area. Accordingly, the proposal conflicts with the requirements of DM Policies DM9 and DM10, which along with Policies CS1 and CS5 of the Core Strategy (2007) (CS), require development, including in rear domestic gardens, to respect and make a positive contribution to the built environment, street scene and character of the area. These policies are in broad conformity with the Framework.
15. Even if the proposal would meet the other exemptions set out in DM Policy DM11 relating to density, such as access to services and facilities, I have found that the proposal would harm to character and appearance. As such, it would not meet the requirement in this policy to demonstrate that the surrounding townscape has sufficient capacity to accommodate development of a higher density than 40 dwellings per hectare. The proposal would also therefore conflict with DM Policy DM11.
16. Given that I have found conflict with these policies, there is also therefore conflict with DM Policy DM16.

Living conditions

17. DM Policy DM12 requires all housing development to provide adequate internal space and appropriate external space.
18. The proposal would meet the minimum internal floorspace requirements of the nationally described space standards. The living space would be served by windows on two elevations (in addition to a roof light) providing more than one aspect and sufficient light, and it would not feel overly constricted, enclosed nor narrow. Sufficient outlook would be provided over the garden area.

¹ Application reference 16/01256/FUL

² Application references 23/00403/FUL, 22/01514/FUL, 20/01514/FUL, 18/01248/FUL, 14/01408/OUT and 14/01750/RES

19. The bedroom would be served by a glazed double doorway directly facing a boundary at close proximity. The boundary is currently a hedgerow, and, given that this room and double doors exists at present, I observed that views of the sky are possible over the hedgerow. As such, adequate outlook would be provided to this room. These large doors and a rooflight would also provide sufficient light to the room. As such, I am satisfied that the proposal would provide an adequate level of internal living accommodation.
20. The supporting text to DM Policy DM12 sets out minimum garden sizes, however, does not include any figures for a 1 bed dwelling, other than setting out that *'subject to the considerations of development viability and practicality, we seek a minimum depth of 10m of domestic rear garden space'*.
21. The Council measure the proposed garden as 30m² with a 6m garden depth. Given the 1 bed nature of the proposal, the unit would not likely be used by a family. As such, given that the space would be sufficient for sitting out and the drying of clothes, the lack of a 10m depth would not lead to harmful living conditions. The garden area would be private, usable, functional, easily accessible from the living area, receive sufficient sunlight and would be of a sufficient size (even if compromised by cycle and bin storage, as discussed below) to meet the needs of the likely number of occupiers.
22. I conclude that the proposal would provide adequate living conditions for future occupiers, in respect to outlook and standard of internal accommodation and the provision of outdoor space. There is therefrom no conflict with the housing standards requirements of DM Policy DM12 and the healthy living conditions goals of the Framework.

Surrounding road network

23. The Supplementary Planning Document (SPD) 'Parking Standards' (2015) sets out that 1-bedroom houses should provide at least 1 vehicle parking space per residential unit. It states that clear justification should be provided where the minimum level cannot be met on site.
24. DM Policy DM37 requires all development to meet parking standards and that development, including conversions, will have to demonstrate that the new scheme provides an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions. The policy does not specifically require a parking survey or transport statement to be submitted.
25. The site would be nearby a convenience store, and a nearby bus stop offering regular service to Epsom town centre, and train stations within walking distance offer a genuine convenient alternative choice of means of travel to future occupiers. The appeal site is therefore reasonably well connected. Accordingly, the intended future occupiers of the new dwelling would not necessarily be likely to have a high reliance on a private motor vehicle to access day to day services.
26. In addition, whilst only a snapshot in time, whilst this part of Woodlands Road has no off street parking opportunities, I observed that a number of spaces available on the street and nearby streets at the time of my visit. I acknowledge third party comments about this issue, however, there is no

substantive evidence before me that on-street car parking within this area causes congestion within the surrounding roads or has resulted in safety issues to users of the highway, despite there being a number of dwellings nearby that do not have off street parking spaces. Accordingly, and in the absence of evidence to demonstrate otherwise, it is unlikely that on-street car parking in the area has reached saturation, or that which does exist results in highway safety issues.

27. Paragraph 115 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
28. As such, given the limited scale of the proposal and subsequent limited demand for parking, the lack of on street parking would not result in harm to the local road network and would not exacerbate any on-street parking pressures. It is noteworthy that the County Highways Officer does not object to the proposal on 'safety or capacity grounds'.
29. As such, I find that it has been demonstrated that the lack of an off street parking space would not result in an unacceptable impact on on-street parking conditions and is appropriate in this location. As such, the proposal would not harm the surrounding road network, and would not conflict with the parking standards and prevention of traffic problems goals of DM Policies DM35, DM36 and DM37 and CS Policy CS16, and the advice set out in the Parking Standards SPD. There is also no conflict with the highway safety and the prevention of unacceptable impact to the road network goals of the Framework.

Bin, Cycle Storage and Electric Vehicle charging infrastructure.

30. No details of cycle or bin storage are provided. However, both could be accommodated in the garden space of the dwelling. Whilst this would compromise the existing 30sqm space, there would remain sufficient space for an adequate provision of space for the proposed 1 bed unit.
31. Were I minded to allow the appeal therefore, a condition requiring suitable details of both bin and cycle storage would be appropriate. Even if rubbish collection does not take place from this part of Woodlands Road, the distance from the main road is shorter than for the existing neighbours to the west and would not be not excessive.
32. DM Policy DM36 does not make specific reference to the provision of electric vehicle charging infrastructure, and I have not been pointed to any such reference in the SPD Sustainable Design (2016). Notwithstanding this, given my findings above in relation to the lack of off street parking and access to facilities and services, the lack of such provision would not prevent the proposal from meeting the requirements of this policy in terms of the promotion of sustainable transport options. The proposal would also comply with CS Policy CS6 and the Sustainable Design SPD in terms of bin and recycling storage provision.

Other matters

33. Nearby to the appeal site lies Nos 6 and 7 Woodlands Road. These properties, a pair of semi-detached dwellings, are Grade II Listed. The listing description describes them as mid 19th Century dwellings, finished in weatherboard, with a brick stack with oversailing courses and flush framed sashes with glazing bars. They are listed due to their special architectural or historic interest.
34. The setting of these properties is made up of the surrounding mixed residential built form and open space opposite. Whist glimpses of the roof of the building may be possible from the rear elevation of No 6, the proposed dwelling would form part of the mixed built form which provides the wider context of this asset.
35. Therefore, although it would be visible, it would have a broadly neutral impact on the setting of the asset. The proposal would be unlikely to affect the appreciation of this or any other listed buildings and structures and accordingly I find that their significance would be preserved, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Planning Balance and conclusion

36. Set against the harm identified there would be limited social and economic benefits associated with the extension construction process and occupation of the proposed dwelling. The proposal would provide an additional unit of accommodation in a location with access to local services and facilities. However, a single additional unit would make little difference to the overall supply of housing and the support one extra household would provide to the local economy would also be insignificant.
37. The Framework seeks to ensure that development adds to the overall quality of the area and be sympathetic to local character. As such the conflict with DM Policies DM9, DM10, DM11 and DM16, in addition to CS Policies CS1 and CS5 should be given significant weight in this appeal. The Framework supports the efficient use of land. Nevertheless, given the conflict identified above, the development would conflict with the development plan as a whole.
38. It is not disputed that the Council is falling significantly short of the required housing land supply, set out by the appellant at 0.68 years. Therefore, having regard to Framework footnote 8, Framework paragraph 11d) applies.
39. As described above the benefits associated with 1 additional dwelling would be limited even taking account of the objective of boosting significantly the supply of housing in the Framework and the significant shortfall in the Council's land supply position.
40. Given the importance given to the protection of character and appearance and high-quality design in the Framework, I give significant weight to this matter. Consequently, the adverse impacts set out above would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

41. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

B Phillips

INSPECTOR