



Appeal Decision

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2024

Appeal Ref: APP/P3610/X/24/3343404

42 Arundel Avenue, Ewell, Surrey KT17 2RG

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Thivanishan Visvanathan against the decision of Epsom and Ewell Borough Council.
 - The application ref 24/00042/CLP, dated 11 January 2024, was refused by notice dated 12 April 2024.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is described as widening of existing vehicular crossover including dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development within the banner heading is taken from the decision notice as this is the most accurate and concise description of the proposal.

Main Issue

3. Whether the proposed development complies with Class B, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Reasons for the Recommendation

4. The appeal property comprises a dwelling setback from the highway by a section of hardstanding. A dropped kerb facilitates the existing vehicular access between the appeal site and the highway. The proposal would extend the existing section of dropped kerb adjoining the hardstanding, widening the vehicular access.
5. Class B, Part 2, Schedule 2 of the GPDO permits the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class within Schedule 2 of the GPDO excluding Class A, Part 2. The Council have refused the application as they allege that the widening of the access would not be required in connection with the existing area of hardstanding, which they deem to be permitted by Class F, Part 1, Schedule 2 of the GPDO.

6. The appellant confirms within their appeal statement that the existing access arrangements allow two vehicles to be parked on the hardstanding adjoining the front elevation of the appeal property. Therefore, the existing vehicular access facilitates the use of the hardstanding adjoining the highway for the parking of vehicles. Whilst the appellant maintains that the proposal would optimise the use of the hardstanding, it is not required for its use as such.
7. For these reasons, on the main issue, I conclude that the proposal for the widening of the existing vehicular crossover including dropped kerb would not comply with the requirements of Class B, Part 2, Schedule 2 of the GPDO so would not comprise permitted development.

Other Matters

8. Whilst I acknowledge the appellant's personal requirement for additional parking, it is not a matter I can consider as part of this LDC appeal.
9. The appellant had drawn my attention to other LDC applications, nonetheless I have not been made aware of the full details nor circumstances of these and consequently do not know if the considerations and approach were the same as the appeal before me. Furthermore, each appeal must be determined on its own merits.

Conclusion and Recommendation

10. For the reasons given above and on the evidence now available, that the Council's refusal to grant an LDC was well-founded and that the appeal should be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A U Ghafoor

INSPECTOR