



Appeal Decision

Site visit made on 26 November 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/P3610/W/24/3346982

135 Riverview Road, Ewell, Surrey, KT19 0JR

- 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 Ryan O'sullivan against the decision of Epsom and Ewell Borough Council.
 - The application Ref is 23/01068/FUL.
 - The development proposed is the conversion and extension of existing garage granted under 20/00589, to a one bed studio bungalow, in the rear garden of 135 Riverview Road, whilst leaving a parking bay for 135a, as required under planning permission 20/00589.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the area; and
 - Whether the bungalow proposed would provide reasonable living conditions for the future occupier(s).

Reasons

Background

3. Nos 135/135A lie on the corner of Riverview Road, which 'dog-legs' at this point, and the houses face north-west while the side gardens lie on the southern part of the road. It is apparent that No.135A is an additional dwelling which has been added to the side of the property following permission in 2020. It is understood that the permission included the erection of a double garage and two parking spaces in front to face the southern stretch of the road. It is this permitted building that is proposed to be extended and converted to a one-bedroom studio bungalow.
4. The appellant sets out that the property is intended for use by his father who is elderly and infirm and now requires ground floor accommodation. The use as a bungalow would enable the father to live close to his family for care and supervision but also be able to have a degree of independence. I saw at my site visit that the work proposed has been carried out and the front of the building contains a pedestrian entrance door and a domestic window with two parking spaces in front of it and the appellant confirms that the building is now occupied residentially.

5. I note that an application to construct a two storey, two-bedroom, house to replace the double garage permitted on the appeal site was refused in 2020.

Effect on character and appearance

6. The nature of the proposal is critical to the appeal. Although there is personal need within the family for a small unit of ground floor accommodation to meet the needs of the appellant's father, the proposal has been put forward as the creation of a separate unit of residential accommodation.
7. The proposed bungalow would be sited adjoining No. 124 which is a single storey dwelling. In simple visual terms the height of the bungalow proposed would not be out of place in the street scene. However, the site of the bungalow is tight on the north-east and south-eastern boundaries of the plot and the only amenity land with it would be a space at the front about the size of a parking space. Such an intensive use of the land with little space around the building would not be characteristic of the general pattern of development along Riverview Road. Considered as a separate dwelling independent of the garden areas of No's 135 and 135A, the bungalow would have a cramped and squeezed-in appearance which would be harmful to the street scene.
8. The Council also raises concerns about the degree of fencing that would be necessary to give the front space some enclosure and privacy, but there appeared to be many other examples of such fencing on frontages locally and this concern is not a material objection.
9. Overall on this issue I find that the proposal does not meet the provisions of Policies DM9 and DM10 of the Development Management Policies Document as a separate dwelling on this constrained plot proposed would not be compatible with the local character and townscape of the area.

Effect on Living conditions

10. The second reason for refusal relates to the quality of the internal space and external amenity area of the bungalow although the Council also now raises an issue about overlooking and loss of privacy from a window.
11. The Council refers to the Nationally Described Space Standards which indicate that a one bedroom two-person unit should have a Gross Internal Area of 50sqm., whereas the bungalow proposed has a gross internal area of 40sqm. This is a substantial deficiency. Moreover the external space is also deficient in that the space shown at the front (which the Council measure at 15m²) is shown to include the triple bin store and bike/wheelchair shed. The proposal would not provide for adequate or usable amenity space.
12. Finally the Council now indicates that as an independent dwelling the proposed double French doors to the office/study/kitchen would look directly out on to the garden of No.135. Even at ground floor level this would cause overlooking of the garden of this property and result in a loss of privacy. The submitted floor plan indicates that the French doors would be blocked up if the bungalow is ever not used in conjunction with No.135 but this does not reflect the nature on which the application is made and the work would be difficult to monitor and enforce by condition.
13. I conclude on this issue that the proposed bungalow would not provide reasonable living conditions for the occupier(s) in terms of the size and quality

of both internal and external amenity space and the proposal conflicts with Policy DM10, particularly part (ix) concerning the amenity of occupiers.

Planning balance

14. On the main issues I have found that the one-bedroom studio bungalow proposed would have a cramped and 'squeezed-in' appearance in the street scene which would be harmful to the character of the area because of the constrained nature of the plot. The bungalow would also not provide reasonable living conditions for the occupier(s) as there would be inadequate space internally and of poor quality externally. These factors mean that the proposal would conflict with the relevant provisions of the development plan.
15. This needs to be balanced with other considerations. I have taken account of the appellant's requirement to provide suitable accommodation for his elderly father and close-by, but a person specific solution for ancillary accommodation to the existing dwellinghouses is not before me. Some of the concerns about the constrained nature of a separate plot; the scale and quality of the space and the relationship with No.'s 135 may be overcome by a proposal for a specific use as a type of 'Granny' annexe used in conjunction with these properties. Nevertheless, it would not be appropriate to impose a planning condition on the present appeal scheme to achieve this as the condition would be at odds with the description of the proposed bungalow use.
16. Overall, I find that the identified harm cannot be overcome by conditions and that the conflict with the development plan is not outweighed by any other factors. Therefore the appeal should not be allowed.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR