



Appeal Decision

Site visit made on 11 March 2025

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 April 2025

Appeal Ref: APP/P3610/W/24/3350649

Green Gables, Ashley Road, Epsom, Surrey KT18 5BB

- 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 Colin Preston against the decision of Epsom and Ewell Borough Council.
 - The application Ref is 23/00968/FUL.
 - The development proposed is demolition of existing dwelling and erection of four dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and erection of four dwellings at Green Gables, Ashley Road, Epsom, Surrey, KT18 5BB in accordance with the terms of the application, Ref 23/00968/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. A Preliminary Ecological Appraisal (PEA), Bat Survey Report and Additional Bat Emergence Survey Report were provided at the outset of the appeal or shortly after. The Council and other parties have had the opportunity to comment on them and therefore would not be prejudice by my taking them into account.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, including the Worple Road Conservation Area (CA); and,
 - biodiversity.

Reasons

Character and appearance

4. The significance of the CA, comes, in part from the historic layout of the streets and the traditional appearance of many of the buildings within it. Its setting includes buildings of a variety of size and design. The appraisal¹ identifies an Important View towards the CA from beyond the appeal site. Many buildings within the CA opposite and 20 Ashley Road (No 20) are positioned close to the road.
5. The set back of properties in the row with Green Gables and their more simplistic appearance is distinctly different from that within the CA. Despite this the buildings on the same side of the road as the appeal site within the CA, including No 20, as

¹ Worple Road Conservation Area Character Appraisal & Management Proposals

stated in the appraisal, are generally well screened from the road by a variety of hedging and trees in many views. The angle of No 20 with the road means that in the views over the appeal site, it is the side and rear elements that can be seen in glimpses through the vegetation. As such, the setting as far as it relates to the appeal site does not contribute positively to the significance of the CA.

6. While it would not replicate them and be more of a modern interpretation, the building for plots 3 and 4 draws on aspects of the more traditional properties nearby. Although it would appear different to the Malvern Court properties, there are more traditional properties opposite. In addition, the properties within the CA the appeal scheme would be seen with do not have a uniform alignment to the road with some being angled to it. Moreover, different designs close to, and seen with each other is not untypical of Ashley Road or other edges of the CA. Therefore, the appearance of the building would not appear out of place.
7. The building line for plots 3 and 4 would be far closer to the road than those in Malvern Court and the other end of Malvern Court has a more open parkland setting. Notwithstanding this, the angle and position of properties varies in the streetscene towards and beyond the appeal site. There are a number of properties that it would be seen with of a comparable set back from the road including those opposite and No 20. Plots 3 and 4 would bookend Malvern Court being located where there is largely no existing built form. As such, it would not disrupt the flow of the other existing and proposed buildings that form the consistent open fronted row at Malvern Court or appear incongruous.
8. The site would have more hard surfacing and built development than at present. However, plots sizes nearby are not consistent and while smaller than many, there would still be space to the rear and front of the buildings. As such, the scheme would not appear cramped.
9. Occasional trees along the street and within plots contribute positively to the character of the area by helping to break up the built form. Features to be lost within the site are not significant contributors to this. Measures that could be secured by condition are proposed to protect those being retained. Roots from T6 have disturbed the footway to the front of the site. Compensatory planting can be conditioned for its replacement which would ensure the verdancy of the streetscene is retained.
10. Therefore, the proposed development would not harm the character and appearance of the area, including the CA. It would accord with Policies CS1 and CS5 of the Core Strategy, along with Policies DM5, DM9, DM10 and DM16 of the Development Management Policies Document (DMPD) where they seek to protect heritage assets and the built environment as well as ensure schemes are compatible with and maintain local character.

Biodiversity

11. Bat survey reports were provided due to buildings on site being identified as being suitable for bats in the PEA. While the second survey was late in the season, there is no clear evidence that the results of either are incorrect or outside relevant guidelines. No evidence of roosting behaviour was detected during the survey, and no bat emergencies were observed.

12. The application was made prior to the mandatory Biodiversity Net Gain being applicable to schemes of this size. Nevertheless, some enhancements are suggested in the PEA and along with compensatory planting can be secured by condition.
13. As such, the proposed development would not harm biodiversity. It would comply with Policies CS1 and CS3 of the Core Strategy, and Policy DM4 of the DMPD where they require mitigation and compensation for any loss.

Other Matters

14. The proposal would bring elements of built form closer to some properties adjacent to the appeal site and at a greater height. However, although the proposed buildings would be prominent in, and change views from the adjacent properties and their gardens, the separation distances would be comparable to existing ones near the site. Some overlooking is inevitable and tolerable in such locations and already exists. Conditions are imposed relating to obscure glazing for certain windows and boundary treatments to reduce overlooking and in many places the orientation of buildings reduces direct views. The distances between buildings, their scale and orientation also indicate that sufficient light could enter the adjacent buildings and spaces.
15. There is no clear evidence that the proposal would lead to any damage to adjacent properties. A condition is imposed regarding construction management to reduce effects on living conditions and highway safety.
16. Given the level of on plot parking, which is said to align with the parking standards, I see no reason why the scheme would lead to any additional on street parking causing neighbour conflict or highway safety concerns. Due to the scale of the scheme, additional traffic would not be significant. Sufficient visibility would be provided at the access and space within the site to accommodate vehicle movements.
17. The proposed gardens fall marginally short of the depth requirements set out in local guidance. However, their overall size far exceeds the area requirements. While in places it is divided into smaller areas, the space would be adjacent to the main living accommodation and provide usable, functional areas for the occupiers. Consequently, the scheme would provide appropriate living conditions for future occupiers with regard to outdoor space.
18. The proposal would not align with the housing mix set out in Policy DM22 of the DMPD as it provides only 2 bed units. Nonetheless, the proposal is an efficient use of land, and the site is in a location accessible to services and facilities. Therefore, the mix would be appropriate to the location.

Conditions

19. In addition to the standard time limit condition, I have imposed one in relation to the approved plans in the interest of certainty.
20. Conditions relating to materials, tree protection and landscaping are needed to protect the character and appearance of the area. For the same reason and to protect living conditions of nearby occupiers, boundary treatment details are required. To prevent harm to highway safety and living conditions of nearby occupiers a demolition and construction traffic plan is necessary. To reduce risks

from flooding, a surface water drainage scheme is conditioned. Details of potential contamination are sought to prevent harm to residents and the environment.

21. Provision of cycle storage and charging points are necessary to promote sustainable forms of transport. In the interest of highway safety conditions relating to access, footways, visibility and parking facilities are imposed. To prevent loss of privacy obscure glazing is required at certain windows. Final details of biodiversity measures are conditioned as some of the documents provide recommendations only or elements where further clarity is required.
22. The pre-commencement conditions are necessary as they relate to or affect the early parts of the development.

Conclusion

23. For the reasons given above the appeal should be allowed.

Stuart Willis

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawing numbers unless otherwise stated in the conditions below:
 - Site Location Plan J004405-DD-01 Rev A
 - As Proposed Block Plan J004405-DD-05
 - As Proposed Site Plan with Ground Floor Plan J004405-DD-06
 - As Proposed Site Plan with First Floor Plan J004405-DD-07
 - As Proposed Site Plan with Technical Information J004405-DD-08
 - As Proposed Floor Plans Plot 1 & 2 J004405-DD-09
 - As Proposed First Floor Plan J004405-DD-10
 - As Proposed Elevations Plot 1 and Plot 2 Drawing Number J004405-DD-11
 - As Proposed Elevations Plot 3 and Plot 4 J004405-DD-12
 - As Proposed & As Refused Section A-A J004405-DD-13
 - As Proposed Shed / Cycle Store J004405-DD-15

- 3) No development shall commence until a Demolition and Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details throughout the entire demolition and construction phase.

- 4) No development shall commence until a detailed surface water drainage scheme for the site, including a timetable for its implementation; and, a management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved details. The drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 5) No development shall commence until a Ground Contamination Desk Study and Conceptual Site Model has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:

- i) i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
- ii) ii. the site has been remediated in accordance with the approved measures and timescale; and
- iii) iii. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

- iv) i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and

- v) ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 6) No development shall commence until details of both hard and soft landscape works along with an implementation programme have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the agreed details and implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No development above ground level shall commence until details and samples of the external materials to be used for the development are submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) Prior to the occupation of any of the proposed units hereby approved, details of biodiversity mitigation and enhancement along with a programme of implementation shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and measures retained thereafter.
- 9) Prior to the occupation of any of the proposed units hereby approved:
 - i) the tree labelled T6 on plan J004866-DD-06 shall be felled, the footway around the base of the tree made level and a tree replanted, and
 - ii) the existing access from the site to Ashley Road shall be permanently closed and kerbs, verge, footway, fully reinstated,in accordance with a scheme that has first been submitted to and approved in writing by the local planning authority.
- 10) Prior to the occupation of any of the proposed units hereby approved:
 - i) the proposed vehicular access to Ashley Road, along with parking and turning facilities within the site shall be constructed in accordance with plan As Proposed Site Plan with Technical Information J004405-DD-08. Thereafter, these shall be retained and maintained for their designated purposes, and
 - ii) pedestrian inter-visibility splay measuring 2m by 2m shall be provided on each side of the proposed access, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
- 11) Prior to the occupation of each of the proposed units hereby approved, cycle parking facilities shall be provided for that unit in accordance with plans As Proposed Shed / Cycle Store plan ref J004405-DD-15 and As Proposed Site Plan with Technical Information J004405-DD-08. Thereafter, the cycle parking facilities shall be retained in accordance with the approved details.
- 12) Prior to the occupation of each of the proposed units hereby approved a fast charge socket shall be provided for that unit in accordance with a scheme that has first been submitted to and approved in writing by the local planning authority. Thereafter, the facilities shall be retained in accordance with the approved details.

- 13) Prior to the occupation of each of the proposed units hereby approved details of the positions, height, design, materials and type of boundary treatment to be erected for that unit shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed in accordance with the approved details before that unit is occupied and retained thereafter.
- 14) Prior to the occupation of the unit they relate to, windows serving the following rooms shall be fitted with obscured glazing, details of which have first been submitted to and approved in writing by the local planning authority, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened:
 - i) Landing area on the side elevations of Plot 1 and Plot 2,
 - ii) En-suite for Bedroom 1 for Plot 3,
 - iii) Bedrooms 1 and 2 on the side elevation of Plot 3.Once installed the obscured glazing shall be retained thereafter.
- 15) With the exception of details relating to T6, the development hereby permitted shall be carried out in accordance with the tree protection details contained in Arboricultural Assessment Method Statement prepared by Connick Tree Consultants, reference 200080/AMS/RT. Tree fencing is to be retained for the duration of the demolition and construction works.