



Appeal Decision

Site visit made on 2 April 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 16th April 2025

Appeal Ref: APP/P3610/W/24/3350483

9-10 Kirby Close, Ewell, Surrey KT19 0PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Ultra Green Developments against the decision of Epsom and Ewell Borough Council.
 - The application Ref is 24/00445/FUL.
 - The development proposed is the demolition of two existing detached bungalows and erection of two semi-detached pairs of dwellings (comprising a minimum of 4 dwellings and a maximum of 4 dwellings) with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission in principle is granted for the demolition of two existing detached bungalows and erection of two semi-detached pairs of dwellings (comprising a minimum of 4 dwellings and a maximum of 4 dwellings) with associated parking and landscaping at 9-10 Kirby Close, Ewell, Surrey KT19 0PW in accordance with the terms of the application, Ref 24/00445/FUL.

Application for costs

2. An application for costs has been made by the appellant against the Council which is subject to a separate decision.

Preliminary Matters

3. As it is a requirement for an application for permission in principle to set out the minimum and maximum range of dwellings that would in principle be permitted, it has been necessary to amend the description of development to reflect the range as set out on the application form. I have also amended the site address from that included on the application form to that included on the Council's decision notice as it better reflects the location of the appeal site.
4. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages. The first stage establishes whether a site is suitable in-principle and the second, technical details consent stage is when the detailed development proposal is assessed. This appeal relates to the first of these two stages.
5. The scope of the consideration for a permission in principle is limited to location, land use and the amount of development permitted. All other matters are

considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal on that basis.

Main Issue

6. The main issue is whether or not the site is suitable for residential development for a maximum of four dwellings having regard to the effect the amount of development would have on the character and appearance of the area.

Reasons

7. The appeal site is located in a cul-de-sac within an established residential area with a mix of semi-detached and detached bungalows and two storey dwellings of a similar period. 9 and 10 Kirby Close (Nos 9&10) are detached bungalows on relatively wide plots set back from the road. Both properties have off street parking between their front elevations and the road. Although the properties on either side of Nos 9&10 are also bungalows. There is a pair of semi-detached two storey dwellings located opposite No 9. There are also two storey dwellings located further up the road on both sides of the cul-de-sac. Consequently, two storey dwellings are not an alien feature in the street scene, but rather form an integral part of the character and appearance of the road and the wider area.
8. It is important to bear in mind that I am only dealing with the principle of development at this stage, with the technical details coming at a later stage. It is common ground between the main parties that the appeal site is suitable for residential development in terms of its location and land use. I agree.
9. I also agree with the Council Officer's Committee Report where it sets out that the site exhibits excellent sustainability credentials, being within a convenient distance from regular bus services, a train station and from local shops and facilities.
10. Taking account of the width of the existing plots and that semi-detached properties, including two storey dwellings are a feature of the cul-de-sac, I am satisfied that in principle a maximum of four dwellings could be accommodated on the appeal site. In reaching that view I note that notwithstanding that the number of dwellings on the appeal site would double from two to four, the overall density of development would amount to 29 dwellings per hectare which fits comfortably under the 40 dwellings per hectare benchmark which new developments should not exceed as set out in Policy DM11 of the Epsom Ewell Borough Council Development Management Policies Document, September 2015 (EEBCDMP).
11. Any plans in support of the appeal are illustrative at this stage and the detailed design, including architectural design, scale, layout, form, massing and height, would be considered at the technical details consent stage. However, based on the available evidence I am satisfied that a maximum of four dwellings could be accommodated without appearing unacceptably cramped, incongruous or result in an overdevelopment of the appeal site. Consequently, I have no reason to doubt that at the technical details consent stage, a development comprising a maximum of four dwellings could be achieved that would not harm the visual character and appearance of the wider townscape.
12. I therefore conclude that the appeal site is suitable for residential development for a maximum of four dwellings having regard to the effect the amount of development would have on the character and appearance of the area.

Consequently, the proposed development would accord with Policy DM11 of the EEBCDMP which among other things sets out that the Council will support proposals for new housing that makes the most efficient use of sites within the existing urban area, and that proposals must demonstrate how the density of development would contribute towards maintaining and enhancing the visual character and appearance of the wider townscape.

Other Matters

13. I have taken account of the concerns of many local residents about the proposal. I note some have queried the percentage of bungalows and two storey dwellings quoted in the Officer's Committee Report. However, I was able to observe the mix on my site visit and I have taken account of my own observations in the determination of the appeal. As outlined above, the detailed design of any dwellings will be determined at the next stage, but I am satisfied that at this in principle stage, a maximum of four dwellings could be accommodated on the appeal site which would not result in an unacceptable degree of overlooking or other unacceptable harm to the living conditions of neighbouring residents.
14. I also note that concern has been expressed about drainage capacity, water pressure, traffic generation, impact on wildlife, the loss of attractive bungalows and noise and inconvenience during construction. However, many of these matters will be dealt with during the technical details consent stage. In any event, given the location of the appeal site within an established residential area, none of these matters justify dismissing this appeal to allow permission in principle for a maximum of four dwellings.
15. I have taken account of the appeal decision at Kington St Michael¹ that has been brought to my attention. The Council accept that there are limited similarities between that scheme and this case but have included it merely to demonstrate that design and character and the amount of development go hand in hand. I agree that in certain circumstances the proposed amount of development would unacceptably harm the character of development and that would justify dismissing an appeal on that basis. However, that is not the case here for the reasons set out above.

Conditions

16. It is not possible for conditions to be attached to a grant of permission in principle as its terms may only include the site location, the type of development and the amount of development. Local Planning Authorities can inform applicants about what they expect to see at the technical details consent stage. The Council have provided some guidance in their Appeal Statement and in accordance with the PPG, the appellant may want to take account of this information when preparing the technical details consent application.

Conclusion

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

S Rawle, INSPECTOR

¹ APP/Y3940/W/23/3334572