



Appeal Decision

Site visit made on 3 September 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 15 September 2025

Appeal Ref: APP/P3610/W/25/3366793

81 College Road, Epsom KT17 4HH.

- 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 M Dickinson against the decision of Epsom & Ewell Borough Council.
 - The application Ref is 24/01630/FUL.
 - The development proposed is erection of a 2 bed, detached 1 1/2 storey family dwelling with landscaping and other associated works (Use Class C3).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the local area.

Reasons

3. The appeal site relates to part of the rear garden of No 81 College Road, a detached property which fronts College Road with a side return to Copse Edge Avenue, a private residential road and within a predominantly residential area. This part of College Road and on either side of the junction with Copse Edge Avenue comprises detached dwellings of generous size with long gardens to the rear all within a verdant setting. The properties within Copse Edge Avenue are also generally sited on good sized linear plots within a verdant setting.
4. Although there has been infill residential development of part of the rear garden to No 81 as well as to No 83 within Copse Edge Avenue, there is a generous verdant gap between the rear of the houses fronting College Road and the development within Copse Edge Avenue which contributes to the predominant pattern of development and the separation of the residential development within the two roads. Whilst I have noted the varied pattern of development across a wider area, the verdant character and appearance of the local area with generally good sized plots is part of the local distinctiveness of this area.
5. The proposal would subdivide the remaining rear garden to No 81 to create a separate plot with access off Copse Edge Avenue and the introduction of a new 2 bedroom detached dwelling.
6. I have taken into account the Appellant's reference to the proposed removal of the existing rear conservatory to No 81. Nonetheless, the subdivision of the existing

rear garden to No 81 would result in that property having a disproportionately small rear garden in relation to the size of the dwelling and in relation to the surrounding houses fronting College Road, including at No 83. This would be clearly apparent from within Copse Edge Avenue. The small size of the rear garden in relation to the generous size of the property would appear visually discordant and the property would appear cramped within the remaining plot. This would be out of character with the predominant pattern of development with more generous sized plots within the local area. Whilst the Appellant has indicated the opportunity for additional soft landscaping this would not overcome the harm from the reduced size of the plot in relation to the size of the house and its adverse effect on the character and appearance of the local area.

7. The new proposed plot would not be dissimilar in size to the existing plot size containing No 46 Copse Edge Avenue. However, this is already one of the smaller plots in the local area and the introduction of a further plot of limited dimensions and overall size would be at stark variance with the overall pattern of development within the local area. I do not therefore agree with the Appellant's contention that the proposed dwelling taken together with the adjoining plot at No 46 Copse Edge Avenue would represent a natural gradation in plot sizes and development density across the area. It would in my view be visually incongruous and appear cramped amongst the more generous sized plots.
8. The combined result of the considerable reduction to the size of the rear garden to serve No 81, together with the small size of the proposed plot would result in an incongruous form of cramped development that would significantly detract from the predominant pattern of development in the local area with harm to its character and appearance.
9. I therefore conclude that the proposal would result in significant harm to the character and appearance of the local area. This would conflict with Policy CS5 of the Core Strategy 2007 and Policy DM9, DM10 and DM16 of the Development Management Policies Document 2015 and the National Planning Policy Framework 2024, with particular regard to Section 12, all of which amongst other matters seek a high quality of design which respects the local context.

Other Considerations

10. Taken in isolation the proposed dwelling would be appropriately designed to be accommodated on the size of the proposed plot and would provide satisfactory living conditions for the future residents and would not harm the amenities of adjoining neighbours. There would be no issues in respect of access and parking and landscaping. However, these matters do not outweigh the harm I have found to the character and appearance of the local area from the subdivision of the existing curtilage to No 81 College Road and the creation of a plot which would be incongruous in size with the predominant pattern of development.
11. There is a large oak tree which is protected under Tree Preservation Order 46/T27 in the rear garden of No 79 College Road. I am satisfied that the proposed siting and design of the dwelling would not lead to material concerns relating to the future retention of the tree. The Council raised no concerns in this regard.
12. My attention has been drawn to previous applications to erect a new dwelling in this location which have been refused permission by the Council including one

dismissed at appeal (APP/P3610/W/22/3309851). The Appellant and the Council have provided information to compare the scheme before me and the one dismissed at appeal. Each proposal must be judged on its individual merits, but in so far as the information has been made available to me, I have taken it into account. Although a number of changes have been made to seek to overcome the findings of the previous Inspector and the other refused schemes, including in respect of the relationship with the protected tree and in respect of the position of the proposed access and boundary treatments, I remain of the view that the proposal before me would unacceptably harm the character and appearance of the local area, primarily given its proposed plot size in relation to the plot sizes in the locality. The amendments made to the scheme and the plot size, compared with the previous appeal scheme, do not therefore persuade me to a different view.

13. Copse Edge Avenue is a private road and this has been raised by a number of local residents as well as by the Epsom Civic Society regarding ownership and access rights, but these would be required to be addressed separately and do not affect my planning decision. I have had regard to the other points raised by local residents, most of which have been addressed in my assessment.

Planning Balance

14. There is no dispute between the parties that the Council is unable to demonstrate the required supply of deliverable housing sites, and that as a result Paragraph 11 d) is engaged. Accordingly, in line with paragraph 11(d) and footnote 8 of the Framework, the policies most important for determining the application are out of date. Paragraph 11 d) i. is not relevant in this instance and therefore Paragraph 11 d) ii. is engaged whereby planning permission should be granted unless *any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.*
15. There would be a modest social benefit in providing an additional housing unit in a generally accessible location within the built up area of Epsom and making efficient use of the land, including the use of brownfield land. Economic advantages would also arise from the construction works and occupation of this dwelling with some environmental benefits from energy efficiency. These benefits carry some weight in support of the proposal. I have also paid particular regard to the paragraphs referenced in footnote 9 of Paragraph 11 d) ii. of the Framework. I have addressed some of these paragraphs above and whilst some of the paragraphs support the proposal, they include references to achieving well designed places. This therefore limits the weight to be attached.
16. I attach significant weight to the principle of housing delivery but the benefits arising from a net addition of one unit would be very modest. However, the provision of the new residential unit as proposed would materially harm the character and appearance of the local area. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

17. The proposal would not accord with the development plan and there are no other material considerations to override this finding. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR