



Appeal Decision

Site visit made on 9 June 2008

by **M A Champion BSc CEng FICE**
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an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
25 June 2008

Appeal Ref: APP/P3610/A/08/2067941 51-53 Ravensfield Gardens, Epsom, KT19 0ST.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Britannia Builders Ltd against the decision of Epsom and Ewell Borough Council.
- The application ref: 07/01037/FUL, dated 12 October 2007, was refused by notice dated 18 December 2007.
- The development proposed is demolition of existing garage and erection of 2 No three-bed semi-detached dwellings with associated parking.

Decision

1. I dismiss the appeal.

Reasons

2. I consider that the main issues in this appeal are: firstly, the effect of the proposed development on the character and appearance of the surrounding area; and secondly, whether the proposed development would make adequate provision for open spaces and education.
3. The appeal site lies in a residential area where Policies BE1, HSG11, DC1 and DC14 of the Epsom & Ewell District-Wide Local Plan, which was adopted in May 2000, deal with general policy for development and development in residential areas. Policies CS1, CS4, CS5 and CS12 of the Epsom & Ewell Core Strategy 2007, adopted in July 2007, address sustainable development, open spaces, the built environment, and meeting community needs.
4. These policies are supported by Supplementary Planning Guidance (SPG): *Single Plot and other types of Residential Infill Development*, which was subject to public consultation prior to adoption, and thus attracts significant weight. Draft Supplementary Planning Document (SPD): *Development Contributions* has been subject to consultation and is awaiting adoption. In view of the advanced stage of this document and its carrying forward of existing procedures for contributions, I attach substantial weight to it.

Effect on character and appearance

5. The proposal would subdivide the rear gardens of 51 and 53 Ravensfield Gardens and construct a pair of semi-detached houses fronting onto Walsingham Gardens. The proposed houses would lie adjacent to a pair of semi-detached houses, the only buildings on this side of this part of Walsingham Gardens, the remainder of which consists of the side boundaries of properties in Ravensfield Gardens and Thorndon Gardens.

6. While the proposed dwellings would be in a similar style to the existing, both the donor dwellings and the proposed dwellings would have plot sizes significantly smaller than occurs in the surrounding area. The proposed buildings would also be close to the site boundaries, thus appearing, in my opinion, cramped and out of keeping.
7. The proposal would provide no garaging and one off-street parking space per unit. I concur with the Council that overflow parking in the road could cause a nuisance and harm to the appearance of the street scene. In view of the level of parking in the area which I observed, I consider that the proposed development would have a significant effect in these respects.
8. I conclude on this issue, therefore, that the proposal would adversely affect the character and appearance of the surrounding area, contrary to Policies BE1, HSG11, DC1, and DC14.

Provision of infrastructure

9. New residential development gives rise to an increased need for infrastructure such as open spaces and schools. Development plan policies require that this need be met, when not possible on site, by financial contributions towards its provision elsewhere. Such contributions cannot be secured by condition but only by an obligation under s106 of the Town and Country Planning Act 1990.
10. Following their appeal the appellants have submitted a unilateral undertaking in respect of financial contributions towards open space and education provision. This undertaking would, in my view, satisfy the tests set out in Circular 05/2005 since it would be necessary to make this provision, would be directly related to planning and to the development, and would be reasonable in the circumstances. Although the Council have not commented on this undertaking, it would in my opinion meet the objectives of Policies CS4 and CS12.

Conclusions

11. Notwithstanding my conclusion on the second main issue I do not find this sufficient to overcome the objection in respect of the first main issue. For the reasons given above I conclude that the appeal should be dismissed.

M A Champion

INSPECTOR