

## The Planning Inspectorate

### COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

### Appeal Reference: APP/P3610/W/20/3258490

#### DETAILS OF THE CASE

Appeal Reference APP/P3610/W/20/3258490

Appeal By MR IAN HORNER

Site Address  
39 Manor Green Road  
EPSOM  
KT19 8RN

#### SENDER DETAILS

Name MR MICHAEL ARTHUR

Address  
20aLangton Avenue  
Langton Avenue  
Epsom  
Surrey  
KT17 1LD

Company/Group/Organisation Name Epsom Civic Society

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence

Other

### YOUR COMMENTS ON THE CASE

Epsom Civic Society supports the decision of Epsom & Ewell Council in their refusal to grant permission for the change of use of Gym/yoga studio comprising a single storey 40m2 building into a residential building.

The Society made representation opposing the proposals during the consideration of the application and would like to repeat some of the comments previously advanced plus further comments now arising.

1. From observation of the site on 11 December 2020 from the public highway, it was noted that there is a warning sign displayed "Construction in Progress". Further observation of the building though the gauze screening certainly indicated work in progress concluding that the building is incomplete and cannot have been put into use.
2. Permission was granted on 18 July 2018 for an outbuilding within the curtilage of the existing garden land to the rear of a house no.39 Manor Green Road. The Society contends that the description to the appeal seeking of change of use of Gym/yoga studio to a residential building is not valid as (a) that designation was not applied for, or granted, in the original approval and (b) that to claim an existing use of Gym/yoga is a pseudonym as actual work on site is not complete and any described use of the outbuilding has not yet occurred.
3. The appeal and its proposal should be rejected as it would fail to satisfy the test within the policies of NPPF, EEBC Core Strategy and Development Proposals on several counts, namely:-
  - (a) Design and Character in relation to the locality and surrounding properties Viz, NPPF 127; CS5; DM10;
  - (b) Serious shortfall on private amenity space including lack of depth of rear garden Viz, DM12
  - (c) Harm to the existing property of 39 Manor Green Road by the sub-division of the plot and loss of its amenity space and on site parking
  - (d) Outlook, daylight and sunlight from the proposed development would fall short of requirements of DM10
4. The proposal has been referred to as a one bedroom flat. That cannot be appropriate as what is being applied for is the creation of a detached, stand-alone residential building fronting Hamilton Close and to be incorporated into that street scene. As such, policies applicable to the latter should be those considered.
5. Given previous refusals of applications to seek a new dedicated housing unit fronting Hamilton Close on this site and also dismissal at appeal of those refusals must give added weight for dismissal of this appeal.
6. The Society requests rejection of the appeal.