



Appeal Decision

Site visit made on 26 February 2025

by **Lynne Evans BA MA MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref: APP/P3610/W/24/3353857

6A Bucknills Close, Epsom KT18 7NY

- 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 Nuro Homes Ltd against the decision of Epsom & Ewell Borough Council.
 - The application Ref is 24/00107/FUL.
 - The development proposed is demolition of residential dwelling at 6A Bucknills Close and the construction of five residential units (5 x 3-bed) (Class C3) together with car parking, landscaping and access arrangements.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A previous application for the demolition of the existing property and erection of 6 residential units under the Council's Ref: 23/00577 was refused permission and taken to appeal. The appeal decision was issued on 18 October 2024 under the Ref: APP/P3610/W/23/3335744 refusing permission for the development, and in particular finding that the proposal would not provide a safe means of access to the development.
3. The Council's decision on the appeal before me for the demolition of the existing residential dwelling and the erection of 5 residential units was made on 19 April 2024 and therefore before the previous appeal decision was made. However, the Council referenced the appeal decision in its appeal statement in relation to this appeal, as did the Appellants in their final comments. I have therefore taken the appeal decision into account alongside the comments from both parties but noting the differences between the two schemes and the different evidence available to that Inspector.
4. At the time of my site visit, a number of changes had been made to the appeal site and immediately adjoining land, including widening part of the access road. However, my decision must necessarily be based on the submitted information, including the red line and proposed plans accompanying the application which is now the subject of this appeal.

Main Issues

5. The main issues in this appeal are:

- Whether the proposal would be safe in terms of pedestrian and vehicular access, and
- Whether there would be appropriate waste management arrangements.

Reasons

Pedestrian and Vehicular access

6. The appeal site comprises an irregular shaped site between White Horse Drive and Bucknills Close in a predominantly residential area but also including some commercial uses and a school to the north of the application site. The existing vacant residential dwelling is sited towards the western end of the site. There is a public footpath to the west of the site that connects Bucknills Close to Dorking Road.
7. The access off White Horse Drive is between two residential properties, No 11a and No 15. The access drive serves two residential properties at Nos 13a and 13b as well as a commercial building which appeared to be empty at the time of my site visit. It is a narrow, single width access road along its full length, apart from a small section where it widens out to provide entrances to the two residential dwellings and the commercial building.
8. The proposed development would replace the existing dwelling towards the western end of the site with a terrace of three residential units and there would be a further pair of semi-detached dwellings to the immediate rear of the commercial building. Vehicular access would be from White Horse Drive and pedestrian access would also be from White Horse Drive as well as from Bucknills Close.
9. The transport information submitted with the application included traffic counts over a 7 day period along the access road, from which the anticipated number of vehicles and pedestrian movements has been assessed. This concluded an existing average of 18 two way traffic movements along the access road during a typical day, increasing to 23 two way traffic movements to take account of the new houses proposed, and a total of 35 two way traffic movements to include the commercial use.
10. In terms of pedestrian movements, the existing counts indicate that these appear to be generally associated with school activities or postal / courier deliveries. The Transport Statement Addendum accompanying the application indicated that the levels of pedestrian movement would not be expected to materially increase as a result of the proposed development, because of the opening of an alternative pedestrian route to the rear of the site.
11. I accept that overall pedestrian movements are low and would be expected to remain modest. I also accept that some pedestrian movements would be diverted to the alternative route along Bucknills Close, but the driveway towards White Horse Drive would potentially remain the principal pedestrian route as this would be more likely to continue to be associated with school trips and postal/courier deliveries. It would also appear, from the information before me, to be the shorter route to local services and the town centre. Furthermore, the public footpath accessed from Bucknills Close appears to be unlit, and this may reduce its attractiveness for use, particularly during hours of darkness and in poor weather conditions.

12. The extract from the Surrey Design Guide which has been provided to me refers to a driveway which is a private vehicular access without public right of way and not adopted by the Highway Authority being acceptable for up to 6 dwellings. The Transport Assessment indicates that the proposed development would fall within these accepted parameters but in this case, there would be the two existing dwellings as well as the 5 new residential dwellings together with the existing building in commercial use, for which I am advised planning permission exists for an extension and therefore a material increase in its size, which could alter the associated vehicle movements.
13. Furthermore, the existing driveway is some 3.1 m at its narrowest point, and a little wider along much of its length, although wider close to the entrances to Nos 13a and 13b and the commercial unit. The Surrey Design Guide accepts 2.75m for a domestic driveway, but with the presence of the commercial premises, that is not the situation in this case. The Guide further advises that where dwellings are more than 45 metres from the highway, the driveway should provide a 3.7m corridor but this does not appear to be proposed or able to be provided, with the exception of outside of the entrances to Nos 13a and 13b and the commercial unit and until the site opens out in front of the proposed dwellings. A width of 4.1 m is recommended where the driveway regularly provides pedestrian access.
14. Given its narrow width, there is and would be insufficient space for a pedestrian and a vehicle to pass safely along the driveway. The lack of passing places along the considerable length of this narrow driveway adds to the concern. Furthermore, the situation is and would be exacerbated because most vehicles would have commenced turning off White Horse Drive into the driveway before being able to see whether there would be pedestrians or another vehicle along the narrow driveway. This would be likely, under many scenarios, to necessitate a vehicle to reverse back out onto White Horse Drive, either fully or partially obstructing the footway in White Horse Drive, to allow the other vehicles or pedestrians to complete their exit from the driveway. I have taken into account that the Appellant is proposing to seek a Traffic Regulation Order to prevent parking opposite the access to ease traffic movements. Whilst this would be helpful in removing any parking opposite the driveway, it would not overcome the need to reverse out of the driveway, if required, onto White Horse Drive.
15. Concerns have been raised that there would be reduced parking availability on White Horse Drive as a result of any TRO, but this would need to be considered in the context of any such application made.
16. I do not concur that reversing out of the driveway onto White Horse Drive would be similar to reversing out of a private driveway. First the boundary treatments to the properties on either side would not be under the control of the Appellant or future residents to ensure appropriate visibility in either direction. Secondly, and although it would in part depend on their familiarity with the site and traffic movements along White Horse Drive, drivers would potentially be less able to undertake this manoeuvre safely compared with residents exiting their own private driveway. Local residents along White Horse Drive would be very familiar with their surroundings and might have a degree of flexibility over timings regarding the manoeuvres required, compared with a vehicles exiting from the driveway, particularly if faced with another vehicle or pedestrians trying to exit the site.

17. A school is located just to the north of the site, with entrances and exits on White Horse Drive. I am advised that traffic generation is therefore at its highest during school drop off and pick up times. When this is taken together with the likelihood of school children using the driveway as a means to go to school and return afterwards, as evidenced from the traffic information collected, the potential for conflict between vehicles and pedestrians at these times of the day and the resultant potential for pedestrian and driver safety is of particular concern.
18. The Highway Authority set out that it considered that any additional risks arising from the proposed development could be mitigated through a number of measures which would need to be secured in respect of any planning permission granted. These include three measures which I have considered. First the provision of bus improvements to bus stops on Dorking Road to provide real time passenger information (RTPI). The bus stops on Dorking Road would be the nearest bus stops to the proposed houses, if using the Bucknills Close pedestrian access. Whilst the introduction of RTPI would be of general benefit to users of public transport along Dorking Road, it is not clear to me how the provision of RTPI at these bus stops would materially assist and increase the number of movements from the site in this direction as opposed to via White Horse Drive. The retention of the passing space outside No 13b together with the provision of signage to remind all users that the access road is for shared use would be a sensible measure, although it is not clear to me where this signage might be usefully posted, given the narrowness of the driveway and the land under the control of the Appellant. I am not therefore convinced, on the limited information before me that such measures, either individually or taken together, would be sufficient to mitigate my concerns over the safety of the access driveway for all users, given its physical limitations.
19. Taking all the information together, including the traffic counts presented, the proposed scheme would generate a higher number of traffic and pedestrian movements along the shared driveway. Although the numbers of pedestrian and vehicles would potentially remain relatively modest in absolute terms, the shared driveway already fails to meet the recommended widths for such driveways and the intensification of use by both vehicles and pedestrians would unacceptably increase the risk of collision between pedestrians and vehicles. The fact that there is no reported incidents of collisions or injuries to date along the driveway does not persuade me to permit a scheme that would increase the potential number of vehicle and pedestrian movements, given the physical limitations of the existing driveway.
20. I therefore conclude that the proposed access arrangements would not be safe for all users, and particularly pedestrians. This would conflict with Policy CS16 of the Core Strategy 2007, Policies DM16, DM36 and DM37 of the Management Policies 201, objective 3 of the Surrey Transport Plan (LTP4) 2022-2032 as well as the National Planning Policy Framework, and in particular section 9, all of which amongst other matters seek a high quality of design which provides safe access for all users.
21. My attention has been drawn to other appeals in the vicinity where similar issues were raised but the Inspectors reached a different conclusion to the one I have reached in this case (APP/C3620/W/21/3281963 and APP/P3610/W/23/3335744). However, each proposal must be considered on the individual site specific circumstances pertaining to that proposal. Nonetheless, and in so far I have been provided with the information in respect of these other appeals, I have taken them

into account but they do not persuade me to a different view given the site specific circumstances in this case.

Refuse Collection

22. There is no dispute between the Appellant and the Council that the proposed terrace of three houses towards the western end of the site would have satisfactory arrangements for refuse collection. The Council's concern relates to the pair of semi-detached houses because of their siting within the middle of the site and away from either White Horse Drive or Bucknills Close, and the resultant drag distance to the bin collection area.
23. I have noted that this was not a reason for refusal on the earlier application, but that, in itself, does not override the issue as now raised as a reason for refusal. As a result of the proposed drag distance in the order of 60m for the semi-detached dwellings, I agree with the Council's concerns that this would be an excessive and unreasonable requirement whether the bins are pulled out by the residents or by the collection staff on behalf of the residents.
24. An alternative solution proposed by the Appellants has been put forward and considered by the Council, whereby the bins store would be sited further away from the houses necessitating the residents to take their rubbish to their bins around 30m away and then in the order of a further 30m to drag the bins to the collection points.
25. Whilst I agree that this issue requires further consideration, I am not persuaded on the very limited information before me, that the inconvenience of the refuse collection arrangements would lead to fly tipping, either close to and within the development or further afield. I appreciate that this is a subjective matter but there is no evidence to suggest that residents would choose to fly tip in close proximity to their properties, even if the distances to the bin stores would be inconvenient.
26. Whilst I understand the Council's concerns on this issue, and the need to find the most appropriate solution for refuse collection, I do not consider that it would, on its own, justify withholding planning permission. Were no other matters of concern and planning permission were to be granted, this would be a matter which would need to be addressed by condition to seek to find an appropriate solution. I understand, from the information before me, and for example, that the residents of the two properties at Nos 13a and 13b White Horse Drive, which are relatively closely sited to the proposed pair of semi-detached properties pull their bins to White Horse Drive for collection, which is a distance in excess of 30m.
27. Subject to the imposition of a condition to require details to be submitted and agreed with the Council in respect of refuse collection and the location of bin stores and collection points, I do not consider that the proposed development would result in a risk of fly tipping that would harm the character and appearance of the area and neighbour amenity. There would be no conflict with Policies CS5 and CS6 of the Core Strategy and Policies DM9 and DM10 of the Development Management Policies, as well as the Framework and in particular Section 12, all of which seek a high quality of design which respects the local context.

Planning Balance

28. I have found that the proposal would not harm the character and appearance of the local area and neighbour amenity, with particular regard to the risk of fly tipping, and that the arrangements for refuse collection could be addressed by condition. However, this does not outweigh the harm I have concluded in respect of an unacceptable risk to highway and pedestrian safety for existing users of the driveway and future residents as a result of the proposed development. Consequently, there would be conflict with the development plan policies which are consistent with the Framework's position seeking safe and suitable access for all users. As a result, I attach significant weight to this conflict.
29. There is no dispute between the parties that the Council is unable to demonstrate a five year 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.*
30. There would be a modest social benefit in providing a net gain of four additional housing units in a generally accessible location. Economic advantages would also arise from the construction and occupation of these dwellings. 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 reference, amongst other matters, to safe and suitable access to the site to be achieved for all users. This therefore limits the weight to be attached.
31. I attach significant weight to the principal of housing delivery but the benefits arising from a net addition of four units would be relatively modest. However, the provision of the new housing would increase the risk to the safety of both pedestrians and drivers because of the limitations of the access arrangements. 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

32. 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