

# Copse Edge Avenue Residents Association

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**2 October 2021**

Gemma Paterson  
Principal Planning Officer  
Epsom & Ewell Borough Council

BY EMAIL

**Dear Ms Paterson**

## **Objection letter from CEARA to 21/01287/FUL - 81 College Road**

I write on behalf of the Copse Edge Avenue Residents Association (CEARA) to object to the planning application referenced 21/01287/FUL. CEARA is made up of nearly 50 households. Although the plot is currently in the garden of a College Road house, the new dwelling would be in Copse Edge Avenue, a private unadopted road. The relevant planning policies and objection arguments are set out below.

### **Key policy documents**

National Planning Policy Framework - 2021

Core Strategy 2007

Development Management Policies Document 2015

Parking standards - residential development 2015

### **Key policies**

CS1 - General policy

CS3 - Biodiversity and nature conservation

CS5 - The built environment

CS6 - Sustainability in new developments

CS16 - Transport and travel

DM4 - Biodiversity and new development

DM5 - Trees and landscape

DM9 - Townscape character/distinctiveness

DM10 - Design for new developments

DM11 - Housing density

DM12 - Housing standards

DM16 - Backland development

DM19 - Development & flood risk

DM37 - Parking standards



## **Overall conclusion**

Due to its design, lack of balance between development and green space, and density, the proposed development would not be sympathetic to local character and history or reinforce local distinctiveness. It would have a materially harmful impact on the character and appearance of the wider area contrary to Policy CS5 of the Core Strategy (2007) and Policies DM9, DM10, DM11 and DM16 of the Development Management Policies (2015).

The proposed development will threaten the suburban character of the setting and destroy a family garden. Rear garden land which contributes either individually or as part of a larger swathe of green infrastructure to the amenity of residents or provides wildlife habitats must be retained. The loss and damage to trees on the build footprint or in close proximity of the proposed building will have an adverse impact upon the open garden character of the site and would reduce crucial screening to neighbouring properties that would soften the impact of the development. The foundations of the development would also result in potential root damage to the mature oak tree in #79 under a TPO. The application is therefore contrary to the requirements of Policies CS1 and CS5 of the Core Strategy (2007) and Policies DM5, DM10 and DM16 of the Development Management Policies (2015).

In our view, the proposal fails to provide the minimum required private amenity space for a three-bedroom dwelling of 70m<sup>2</sup>, with a minimum rear garden depth of 10m. The Applicant states that there is 72m<sup>2</sup> of amenity space but CEARA cannot see how this is possible from the drawings provided, as we query the usability of the proposed private amenity space provision. For these reasons, the proposal fails to comply with Policy DM12.

Proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The development will essentially replace a lawn (with high soak-away capacity) with a hard roof, thereby increasing off-site water discharge. This in turn may lead to increased flooding to #32 and 34 Copse Edge Avenue. The development will therefore be contrary to Policy CS6 of the Core Strategy (2007) and Policy DM19 of the Development Management Policies (2015).

Copse Edge Avenue is a private unadopted road. A new dwelling will be established in Copse Edge Avenue, not College Road, from this application. The Copse Edge Avenue Residents Association will not grant permission for the existing grass verge and pavement to be overlain with a drive or rights of way granted, thus access will not be enabled between the highway and the plot. The on-site parking spaces must therefore be discounted. Neither will construction traffic be allowed to park in Copse Edge Avenue during the build. The application is therefore contrary to the requirements of Policy CS16 of the Core Strategy (2007) and Policy DM37 of the Development Management Policies (2015).

## **Detailed objections**

**DM5 Trees and landscape** – the borough's trees will be protected and enhanced.

Two main contraventions here: 1. A mature apple tree at T2 will be removed and not replaced as there is no space. The footprint of the dwelling takes over most of the plot. 2. The foundations of the proposed dwelling will impinge on the 12m+ radius of the Root Protection Area of the mature oak tree at #79 College Road. As the soil levels are shallow here due to the chalk substrate, it is very likely that the oak's roots will be severely damaged over a 45 degree segment of the RPA.



The loss of trees represents 50% of those on the existing plot, so significant. No other tree or hedgerow planting is suggested as there is little plot space not taken up by building or access corridors.

**DM9 Townscape character and local distinctiveness** – compatible with local character and the relationship to the existing townscape. (3.19) Open estate layouts and mature domestic gardens are a key component of many of our established residential areas, with vegetation contributing to the streetscene and providing biodiversity value. Excessive increases in the density of these areas can result in over-development or "town cramming", which damages residential amenity. To minimise harm, the LA will normally expect proposals for new development to be comprised of a comparable plot frontage and depth to those in the immediately adjoining area.

Copse Edge Avenue, and this part of the wider borough, is characterised by 4-bedroomed detached or semi-detached dwellings within their own plots at a low density. The dwellings sit at the front of their plots with long rear gardens. There is a clear building line, set back 4-5m from the pavement. Although some houses have converted more front garden space into driveway, most houses retain an open aspect (without high front fencing) and front garden features of trees, plants and lawn.

The Environmental Character Study 2008; Character Area Summary Sheets show the plot to be in Character Area 31, made up of primarily 1930's suburban housing in long roads on long rectangular plots with reasonably sized or large gardens. Page 46 states: "Of particular note is Copse Edge Avenue, which retains a high degree of intactness and uniformity which contributes to the good quality streetscape." This proposed development differs in so many ways to the local vernacular, eg small square plot vs long rectangular plots, building line only 1-2m from pavement vs 5-6m, closed-in fenced aspect to street vs open aspect, virtually non-existent garden vs large long gardens, sloping "pent-shed-type" roof vs. hipped clay-tiled roofs, and with virtually no similar design characteristics.

Please note that no.46 is not a good comparator. It was built by the current owner's parents as a garage/art studio with some living accommodation, and then swiftly converted into a separate dwelling a few years later.

Equally as a general principle, DM9 encourages new developments to provide a distance of at least 21m of separation between opposing properties. The distance between this application and #49 is 17m. We recommend a site visit from the planning officer to check. The lack of space on the plot means that the building is set back only 1-2m from the pavement, contrasting with ALL the other properties in the area, which are typically set-back 5-6m. This results in further contravention of DM9.

**DM 10 Design requirements for new developments** - The most essential elements identified as contributing to the character and local distinctiveness of a street or area which should be respected, maintained or enhanced include, but are not limited, to the following: (i) prevailing development typology, including housing types and sizes; (ii) prevailing density of the surrounding area; (iii) scale, layout, height, form (including roof forms), massing; (iv) plot width and format which includes spaces between buildings; (v) building line; and (vi) typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.

There are virtually no similarities between that of the proposed development and the local housing in regard to these six elements. The main reasons for this are: the small plot size, the square plot shape and closeness to #46. The proposal clearly does not maintain or enhance the character and appearance of the existing townscape. It is shockingly dissimilar.



**DM11 Housing density** - The density of new housing developments will in most cases not exceed 40 dwellings per hectare.

Dividing by 40, this maximum density equates to 250m<sup>2</sup> per dwelling. The proposed development is a square plot of roughly 15.5m boundaries, equating to 243m<sup>2</sup>. This density contravenes DM11. The application form states 263m<sup>2</sup> but this looks overstated vs measurements taken from the scale drawings and from Google Maps. We recommend a site visit from the planning officer to check.

**DM12 Housing standards** - All new housing developments, including conversions, are required to comply with external and internal space standards. Amenity space for all new dwellings should be: (i) private, usable, functional, safe and bio-diverse; (ii) easily accessible from living areas; (iii) orientated to take account of the need for sunlight and shading; (iv) of a sufficient size to meet the needs of the likely number of occupiers; and (v) provide for the needs of families with young children where the accommodation is likely to be occupied by such.

For houses, a minimum total private outdoor space of 70m<sup>2</sup> for 3 or more beds will be provided. Subject to the considerations of development viability and practicality EEBC will seek a minimum depth of 10m of domestic rear garden space. This proposal will not deliver this minimum depth. There is a 10m stretch of side garden but this is only about 2.5m wide.

CEARA also queries the usability of the proposed private amenity space provision, much of which appears to be planted beds, front access, narrow access corridors to the rear and sides of the house or to the bins. We request the planning officer checks the stated amenity space of 72m<sup>2</sup>. The actual usable play area of lawn for children would only appear to be in the region of 25m<sup>2</sup>. The proposal is considered contrary to supporting paragraph 3.35 of Policy DM12, failing to provide the minimum policy requirement of private amenity space.

**DM16 Backland development** - There will be a presumption against the loss of rear domestic gardens due to the need to maintain local character, amenity space, green infrastructure and biodiversity. Rear garden land which contributes either individually or as part of a larger swathe of green infrastructure to the amenity of residents or provides wildlife habitats must be retained.

This is not an exceptional case, nor is it "modest" – the site owner's parents (now sadly deceased, with son -the applicant -inheriting) had already developed the back of their garden into creating #46. This development will virtually eliminate the remaining garden from #81 College Road (a large family house) and produce no garden to speak of for the proposed development. If you look at a satellite map of the immediate area, you will notice a green wildlife corridor extending from the Bridle Road allotments through the back gardens of Albert Road and Copse Edge Avenue and into Epsom College playing fields, and hence onto the North Downs. This development will bung up this corridor.

**DM19 Development & Flood Risk** - We will expect development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SUDS) at a level appropriate to the scale and type of development.

This development will replace grass lawn (with high soak take-up) with a roof that will maximise rainwater into the local drain. Copse Edge Avenue occasionally floods at times of heavy thunderstorms, notably effecting #32 and #34. This development will only increase the rainwater from the proposed



site coming into the road drain, which would have historically drained into grass and soil. This will increase the flood risk to #32 and 34.

There is little detail in the application as to sustainable development. We presume any PV on the roof will be ineffective, as the pitch of the roof faces north.

**DM 37 Parking standards** - Developments, redevelopments, conversions and extensions will have to demonstrate that the new scheme provides an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. Applicants will be required to demonstrate how their proposals will meet the objectives of the Epsom & Ewell Borough Parking Strategy. New development proposals must have either a positive or neutral impact on parking availability and that they do not make things worse.

The application shows two car-parking spaces onsite, but this presumes access will be available over the grass verge and pavement. Copse Edge Avenue Residents Association manages the road, which is a private unadopted road, and has responsibility for its upkeep. The owner of #81 College Road has no rights to alter the Copse Edge Avenue verge or pavement or overlay a drive over them. A request for a dropped drive must therefore come from the Association, and not from SCC. The Association will refuse such a request. In this case, the development can provide no off-street parking and will therefore fail DM37 and Parking Standards for Residential Development; Supplementary Planning Document - 2015.

Construction traffic for non-residents will not be allowed to park in Copse Edge Avenue, as it is a private road.

Finally, but importantly, the application documents state that the plot currently constitutes an under-utilised garden. This is incorrect. The immediate past residents both died only relatively recently and the house has not been released back onto the market by the family. If the house beneficiary sold the house onto a family (as most people would), the garden would not be under-utilised. The development will both create an unsatisfactory new home for a family, but will also ruin #81 as a family home, due to the removal of its garden.

If you have any questions, please don't hesitate to contact me.

Sincerely,

**Martin Owen, FCA**

Treasurer, CEARA on behalf of Copse Edge Avenue Residents Association