

Appeal Decision

Site visit made on 30 August 2016

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 September 2016

Appeal Ref: APP/Z5630/W/16/3149466

100 South Lane, New Malden, Kingston upon Thames KT3 5ER

- 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 Mrs Frances Brooks against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application, Ref. 15/14773/FUL, dated 2 July 2015, was refused by notice dated 18 March 2016.
 - The development proposed is demolition of the existing garage and the erection of a 4 bedroom detached house, refuse store and off street parking for 2 vehicles.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the character and appearance of the street scene of Thetford Road, and (ii) the effect on the living conditions for neighbouring occupiers at No. 94 South Lane as regards privacy.

Reasons

3. On the first issue, the character of the area comprises fairly low density linear development along suburban roads, with semi-detached dwellings along this part of South Lane and detached dwellings in Thetford Road. The houses in both roads have generous plots with the buildings set well back from the highway and having long back gardens.
 4. Because of its position near the junction of the two roads the appeal site is at odds with the grain of the development pattern in that even to assemble a potentially viable plot, land is required from Nos. 100, 98, 96 and 94. This is not unusual for infill development in built up areas and in principle is not in itself necessarily harmful. However, in this case the rear boundary of the plot would extend only one or two metres beyond the rear wall of the adjoining dwelling, No. 82 Thetford Road.
 5. Despite this very limited plot depth the appeal scheme is for a substantial detached house of a similar size to the existing dwellings in Thetford Road and the effect of this departure from the typical plot ratio of the surrounding area is in my view correctly described in paragraphs 26 and 27 of the Council's appeal statement.
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6. Whilst the front building line of the houses in Thetford Road is to an extent variable as mentioned for the appellant, the proposed dwelling would be noticeably in front of this line. When combined with its position as the first building on the north side of the road, it would draw the eye as a harmfully obtrusive addition to the established street scene.
7. At its maximum the house would have a depth of about 8.5m and some 70% of this would project forward of No. 82. I acknowledge that the dwelling would be of a stepped design but in my view this would not mitigate the significant visual impact of this forward siting, which is out of keeping with the road. The harm to the street scene would be particularly great in the south westward views along the road towards the junction with South Lane. The incongruity of the siting would be exacerbated by the middle part of the eastern roof profile including a large dormer that would be clearly seen in these views.
8. In addition the modestly sized front curtilage would be in marked contrast with that of No. 82 and there is little or no potential for boundary screening of the proposed two car parking spaces from that dwelling and the longer views. Overall, I have little or no doubt that the development would be perceived as cramped and unsympathetic to its context.
9. On this issue I therefore conclude that the proposed dwelling would have an unacceptably harmful effect on the character and appearance of the street scene of Thetford Road. This would be in conflict with Policies CS8 and DM10 of the Kingston upon Thames Local Development Framework Core Strategy 2012 and Section 7: 'Requiring Good design' of the National Planning Policy Framework 2012 ('the Framework').
10. On the second issue, Drawing No. PR/SL/PA3/02B now shows the appeal site including part of the rear garden of No. 94 South Lane, and this now enables the proposed dwelling to have a rear garden depth of 9.2m. This would permit a separation distance of at least 7.5m between the windows of Bedrooms 2 and 3 and the amended boundary of No. 94 to be achieved, in accordance with the Council's Residential Design Supplementary Planning Document 2013.
11. The appellant's Final Comments on the appeal dated 20 July 2016 refer to an email from the owners of No. 94 agreeing in principle to sell the 3m strip of land necessary to achieve the 9.2m depth and I note that the Council's suggested conditions if the appeal is allowed include a compliance with plans condition (No. 2). More importantly, a Grampian condition is also suggested and this requires the acquisition of the land and its incorporation within the appeal site before the commencement of development.
12. Taking these points into account, although there would be a degree of overlooking of the rear gardens of Nos. 94 and 96 South Lane, on balance I consider that subject to a further condition in respect of boundary fencing / planting there would not be an unacceptable loss of privacy for the occupiers of No. 94. There would therefore be no conflict with Policy DM10 of the LDF Core Strategy and the core planning principles of the Framework. However, my favourable conclusion for the appellant on this issue does not outweigh my firm view on the first issue that the appeal scheme would have a harmful effect on the Thetford Road street scene.

13. I have taken account of the appellant's grounds of appeal and the reference to the design and spatial relationships between other properties. However, I do not consider these to be comparable to the circumstances of the appeal site and the form of the proposed development. I accept that the design and scale of the dwelling would be generally in keeping with the overall character of the area, but having regard to the constraints of the site the effect of the development would not be one that I am able to support in this Decision.
14. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR