

Appeal Decision

Site visit made on 18 October 2016

by Jameson Bridgwater DipTP MRTPI

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

Decision date: 9 November 2016

Appeal Ref: APP/Z5630/W/16/3154451

9 Cotsford Avenue, New Malden KT3 5EU

- 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 Mr Neil Parsons against the decision of the Royal Borough of Kingston Upon Thames.
 - The application Ref 16/14382/FUL dated 8 April 2015, was refused by notice dated 10 June 2016.
 - The development proposed is described as 'Erection of 2 off 4-bed semi-detached chalet bungalows with off-street parking, bicycle, refuse and recycling storage following refurbishment, part or whole demolition of existing buildings'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 No 4-bed semi-detached chalet bungalows with off-street parking, bicycle, refuse and recycling storage following refurbishment, part demolition of existing buildings at 9 Cotsford Avenue, New Malden KT3 5EU in accordance with the terms of the application, Ref 16/14382/FUL, dated 8 April 2015, subject to the 12 conditions set out in the attached schedule.

Procedural matters

2. The description of development was amended by the Council at the application stage to refer to '*erection of 2 No 4-bed semi-detached chalet bungalows with off-street parking, bicycle, refuse and recycling storage following refurbishment, part demolition of existing buildings*'. I agree that this more accurately describes the proposed development and this is the description I have therefore used in my decision.

Main issues

3. The main issues in the appeal are:
 - the effect of the proposal on the character and appearance of the area, with particular regard to the street scene; and
 - the effect of the proposal on the living conditions of the occupiers of No 7 Cotsford Avenue (No 7), with particular regard to outlook.

Reasons

4. Cotsford Avenue is a residential street which is suburban in character. The houses in the area are predominantly detached with some semi-detached in the street. The houses are constructed from a variety of materials, but in the
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main, brick and render, with many retaining their original timber fenestration. Number 9 is a single-storey property with living accommodation within the roof space. The property is finished in render with a side access to the rear garden. The appellant is proposing to refurbish, extend and sub-divide the property to create 2 dwellings.

Character and appearance

5. The creation of two dwellings would result in 2 narrower plots in the street scene. However, the cumulative effect of the 2 semi-detached dwellings would not be materially different in size, height or spacing when compared to other properties on the southern side of Cotsford Avenue. Furthermore, the proposal replicates the design features of the host dwelling and other properties in the street, in particular the prominent gable feature and half hipped main roof. As such the proposed sub-division of the plot would not be so stark as to appear incongruous when viewed from the street. Therefore, the proposed development would not be out of character with the general pattern of development in Cotsford Avenue and therefore would not result in material harm to the character and appearance of the area.
6. Having reached the conclusion above, the proposed development is therefore consistent with Policies CS8 and DM10 of the Royal Borough of Kingston Upon Thames Local Development Framework Core Strategy. These seek amongst other things to ensure that proposals for development protect the character and local distinctiveness of the area.

Living Conditions

7. The form and pitch of the roof plane of the proposed dwellings in conjunction with the single storey rear element would ensure that there would be no significant adverse overbearing effect. Furthermore, the effect of the proposal would be further mitigated by the adequate separation and intervening shared boundary treatment between the proposal and No 7. Consequently, the proposed development would not result in an increased sense of enclosure or overbearing impact on the outlook of occupiers of No 7 when compared to the relationship with the host dwelling as existing.
8. Having reached the conclusion above, the proposed development would not result in harm to the living conditions of the occupiers of No 7 and is therefore consistent with Policy DM10 of the Royal Borough of Kingston Upon Thames Local Development Framework Core Strategy. This seeks amongst other things to ensure that development has regard for the amenities of neighbours.

Other considerations

9. Local interested parties have raised the issues of flooding and the potential for precedent. I have therefore applied a condition that requires a sustainable urban drainage scheme to be submitted to the Council for approval and thereafter implemented, maintained and retained for the life of the development.
10. In relation to setting a precedent for future proposals. Inevitably the context of any future proposal would differ to that of the scheme before me, and so it would be for the Local Planning Authority to determine each application in accordance with the Development Plan based on its individual merits.

Conditions and conclusion

11. The conditions suggested by the Council have been considered in light of the advice contained within the National Planning Practice Guidance and the National Planning Policy Framework. I have amended their wording where required, or have combined or separated others, in the interests of clarity.
12. In addition to the standard implementation condition, to ensure certainty, it is necessary to define the plans with which the scheme should accord. To ensure the satisfactory appearance of the scheme and to protect the character and appearance of the area, it is necessary for the materials used to be submitted to the Council for approval. In the interests of amenity and the environment it is necessary to impose conditions relating to surface water (SuDS), internal water usage and cycle, refuse, recycling storage.
13. In this case, it is necessary for permitted development rights relating to extensions, alterations, and porches to be removed to enable the Local Planning Authority to assess any future development with regard to living conditions of adjoining occupants and to further protect the character and appearance of the area. It is necessary to ensure that first floor east and west facing windows are obscure glazed and do not have opening lights below 1.7m finished floor level to safeguard the living conditions of nearby occupants.
14. However, it is not necessary to apply a condition in relation to the submission of a landscaping scheme as it is clearly provided within the submitted plans; I have however applied a condition requiring the implementation of the landscaping scheme. It is not necessary to apply a condition in relation to the submission of levels; as the proposed finished height of the development in relation to the adjoining development can clearly be ascertained from the submitted plans. Furthermore, it is not necessary given the domestic scale of the building works associated with the proposal to apply a condition in relation to the arrangement and operation of the site during construction although I have found it necessary to apply a condition controlling the times construction work can be carried out.
15. For the above reasons and having regard to all other matters I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 9CA/010, 9CA/011, 9CA/012, 9CA/013, 9CA/014, 9CA/015, 9CA/016, 9CA/017, 9CA/018, 9CA/019, 9CA/020, 9CA/021 and site location plan.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Before the occupation of the proposed development, details of secure cycle facilities, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the secure cycling facilities have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.
- 5) Before the occupation of the proposed development, details of refuse and recycling storage facilities, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the refuse and recycling storage facilities have been provided within the site in accordance with the approved details and thereafter the facilities shall be permanently retained at the site.
- 6) The site and building works required to implement the development shall be only carried out between the hours of 0800 and 1800 Mondays to Fridays and between 0800 and 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no structure including additions to the dwelling house as defined in Classes A, B, D of Schedule 2, Part 1 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.
- 8) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the first floor windows on the east and west elevations shall be glazed in obscure glass and non-opening below 1.7m above finished floor level in the room that it serves and thereafter retained.
- 9) Prior to the first occupation of the development hereby approved, details of the implementation, maintenance and management of the sustainable urban drainage scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation; and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangement to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

- 10) The dwellings hereby permitted shall not be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than the CO2 reductions (Ene1) and internal water usage (Wat1) standards equivalent to Level 4 of the Code for Sustainable Homes. Unless otherwise agreed in writing, evidence to demonstrate a 19% reduction compared to 2013 Part L Regulations and internal water usage rates of 105l/p/day shall be submitted to and approved in writing by the Local Planning Authority.
- 11) Fences, walls and other means of enclosure shall be erected along the boundaries of the site prior to the occupation of the dwellings in accordance with details that have been submitted to and approved in writing by the Local planning Authority and shall thereafter be permanently retained.
- 12) All hard and soft landscape works shall be carried out in accordance with the approved details. The approved scheme shall be carried out within the first planting season following the occupation of the development or in accordance with the programme agreed with the Local Planning Authority; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written approval to any variation.