
Appeal Decision

Site visit made on 8 November 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 23 November 2016

Appeal Ref: APP/Z5630/W/16/3153888
9 St Marys Close, Chessington KT9 2EG

- 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 and Mrs D & I Juttla against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 15/10327/FUL, dated 24 September 2015, was refused by notice dated 18 March 2016.
 - The development proposed is a two storey attached dwelling house, landscape proposals, new onsite parking bay and new vehicle crossover.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the proposed development on the character and appearance of the area and the street scene;
 - the effect of the development on the living conditions of the future occupiers of the dwelling with particular regard to light, outlook and privacy and the occupiers of neighbouring properties with regard to outlook;
 - whether the development provides a satisfactory standard of accommodation for future occupiers.

Procedural Matter

3. The spelling of the appellant's surname that I have used in the banner heading above, 'Juttla' is taken from the original planning application form. I note however that on the appeal form it is spelt differently, as follows 'Jutlla'. As I am unable to ascertain which is correct from the submission before me, I have used that on the original application form.

Reasons

4. The appeal site forms an area of amenity grassland with a single mature Silver Birch tree to the side of No. 9 St Marys Close, Chessington. The area is overlooked by Nos. 18 – 24 St Marys Close which are at an elevated position separated from the site by a pedestrian footway.
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5. The area is residential in character with the appeal site located at the end of the cul de sac. The properties form attractive two storey terraced and semi-detached dwellings which have a uniformity of design and materials. They have attractive front gardens generally bounded by low walls with no off road parking. Parking is either on road or provided by a number of garages to the north of the cul de sac. The terrace row which includes No. 9 St Marys Close consists of two storey pitched roof dwellings with feature front bay windows which step back as the cul de sac rises in level.
6. The appeal proposes the erection of an attached two storey dwelling with landscaping, on site car parking and a new vehicle crossover. The dwelling would in effect extend the terrace row in which No. 9 St Marys Close is situated. It would be set further forward than No. 9 with a part hip roof and front gable feature.
7. The Council has advised that the Borough Character Study makes reference to the winding cul de sac layout with green open plan frontages as being characteristic of this area. I observed on my site visit the contribution that the appeal site makes to the character and appearance of the Close. Whilst the development is relatively dense, the open landscaped spaces provide a break in the built form and contribute positively to the street scene. The proposed development of this area of amenity grassland would in my view have a detrimental effect on the open landscaped character of the Close.
8. The other properties in the terrace all step back as they rise up to the end of the cul de sac, however it is proposed that the appeal property project forward of the terrace row. The siting of the proposal would therefore be out of step with the remainder of the terrace and appear more prominent in the street scene. I acknowledge that the plot size would be similar to other neighbouring dwellings and the property would be similar in depth and height to its neighbours. However the footprint of the dwelling would be wider and shorter and would have a projecting front gable and angled front elevation rather than a flat front elevation in keeping with the neighbouring properties.
9. The design of the proposed dwelling would include a part hipped roof form which would be at odds with the gable roof at the other end of the terrace. The existing terrace has a uniformity and symmetry of design with matching scale and proportion of fenestration and entrance porches. Whilst the appeal proposal attempts to mirror this symmetry, the development does not achieve this due to the wider entrance detail and different window dimensions. I acknowledge that the appeal proposal tries to reflect the design of dwellings on the other side of St Marys Close and in the wider area generally. However the proposed property would relate to the adjoining terrace and it is in this context that the visual impact of the development must be assessed. I consider that the proposal would unbalance the symmetrical appearance of the terrace and result in an incongruous addition adversely affecting the street scene.
10. The development includes the provision of a car parking space to the front of the dwelling. This would introduce an area of hardstanding to the front garden which would contrast with the landscaped frontages of neighbouring properties. The proposal also includes the provision of a 1.8 metre high boundary fence to enclose the side and rear garden of the proposed dwelling.

Whilst this would distinguish between the public and private realm and would not impinge on the existing footway itself, it would result in an enclosure of the footway and impact negatively on the open landscaped street scene.

11. Bringing all the above points together, I consider that the proposed development would as a result of its siting, scale and design cause harm to the character and appearance of the street scene and the wider area. The proposal would therefore conflict with Policies CS8 and DM10 of the Royal Borough of Kingston Local Development Framework Core Strategy 2012 (CS) which aims to protect the primarily suburban character of the Borough and secure high quality design in new development.

Living conditions

12. The Council has raised concern about the impact of the proposed development on the living conditions of the future occupiers of the dwelling and also that of the occupiers of neighbouring dwellings. In terms of future occupiers, the proposed dwelling would be set at a lower level than Nos. 20-24 St Marys Close which lie to the immediately to the north west of the site. Habitable room windows in the front elevations of these properties would be between 9-12 metres away from the side garden fence to the proposed dwelling. At this distance and bearing in mind the significant level difference, I consider that there would be overlooking from the neighbouring dwellings to the garden area of the proposed property. This would result in an unacceptable reduction in privacy for the future occupiers.
13. The appeal proposal would be sited approximately 4.7 metres forward of the side elevation of No. 9 St Marys Close. The two storey side elevation of No.9 would have an enclosing effect on the rear ground floor lounge window and the first floor bedroom window of the appeal dwelling. This would form an overbearing feature for the future occupants adversely affecting their outlook. Furthermore as a result of the orientation of the properties and the rearward projection of No 9, this would have the effect of reducing daylight to these windows. The appellant has argued that the rear projection of the host property would not be dissimilar to a two storey rear extension. However it would still have the same effect in terms of light and outlook on the proposed dwelling.
14. The immediately facing habitable room windows in the front elevations of Nos. 20-24 St Marys Close would be sited between 11 and 12.7 metres from the flank elevation of the appeal proposal. The Council's Residential Design Supplementary Planning Document (SPD) advises that this separation distance should be 15 metres. The appeal proposal would therefore not be in compliance with this guidance. Whilst I acknowledge that the appeal proposal would be at a lower level than the neighbouring properties and the proposed hipped roof would assist to reduce the mass of the building, I consider that it would have an adverse effect on outlook for the occupiers of Nos. 20-24 St Marys Close.
15. The proposed development would cause harm to the living conditions of future occupants of the dwelling and those of the existing occupants of neighbouring dwellings. The proposal would therefore conflict with CS Policy DM10 which amongst other things requires development proposals to have regard to the amenities of occupants and neighbours.

Standard of accommodation

16. The appeal property forms a two bedroom three person two storey house with an internal floor area of approximately 65 square metres. The Council have stated that this falls below the required internal space standard of 83 square metres as set down in Policy 3.5 the London Plan 2015. However this requirement has been amended in the Minor Alterations to the London Plan 2016 (MALP) adopted in March 2016 around the same time that the original planning application was determined. The revised minimum requirement for internal floor area is now 70 square metres. This brings this policy in line with the nationally described space standards published in March 2015. The internal floor area of the proposed property would be deficient and would not meet this requirement.
17. The appellant has argued that the proposed dwelling would be similar in size to No. 9 St Marys Close. I have not been provided with any evidence of the exact floor areas of the host property in order to make a comparison. In any event this property would have been constructed before the introduction of the nationally described space standards and revised London Plan Policy 3.5. It is these current standards that should be met by a new dwelling.
18. The proposed development would provide a substandard level of accommodation for future occupiers and would not comply with the requirements of Policy 3.5 of the London Plan, CS Policies DM10 and DM13 and the Council's Residential Design SPD. These policies amongst other things seek to achieve good design and ensure that housing is delivered to a high quality with appropriate internal space for the intended number of occupants.

Other matters

19. I acknowledge that the provision of a new dwelling would contribute to the supply of housing in the Borough. In addition the Council has raised no concern in respect of car parking or the provision of the vehicle crossover. The existing mature Silver Birch tree on the site would need to be removed to facilitate the development. However this tree is not protected and it would be replaced with two new trees. This would comply with the requirements of CS Policy DM10. I also note the appellant's intention to construct the property to a high standard in an energy efficient way making use of renewable power sources.
20. Whilst the above factors give support to the scheme they do not outweigh the harm I have found in respect of the main issues.

Conclusion

21. I have found that the appeal proposal would cause harm to the character and appearance of the area, the living conditions of future occupants of the dwelling and the occupants of neighbouring properties and it would provide a substandard form of housing.
22. For the reasons given above and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenfull

INSPECTOR