
Appeal Decision

Site visit made on 18 October 2016

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 1 December 2016

Appeal Ref: APP/Z5630/W/16/3155585

Shell UK Limited, 164 Richmond Road, Kingston-upon-Thames, Surrey, KT2 5HD

- 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 Shell UK Retail against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 14/13036/FUL, dated 2 October 2014, was refused by notice dated 2 February 2016.
 - The development proposed is demolition of existing sales building & jet wash, following with the construction of a new sales building.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing sales building & jet wash, following with the construction of a new sales building at Shell UK Limited, 164 Richmond Road, Kingston upon Thames, Surrey, KT2 5HD in accordance with the terms of the application, Ref. 14/13036/FUL, dated 2 October 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Site Location Plan; 12610/PLG1/14; 12610/PLG2/14; 12610/PLG3/14; 12610/PLG4/14; 12610/PLG5/14; and, 12610/PLG6/14.
 - 3) Notwithstanding the details given on the planning application form, the external surfaces of the development hereby permitted shall be constructed in the materials detailed on approved plan nos.: 12610/PLG2/14; and, 12610/PLG6/14.

Procedural matters

2. In the absence of any evidence to the contrary, on the planning application form or within the Council's submissions, I have determined this appeal on the basis that the appeal scheme does not include any extension of the opening hours of the facilities within the appeal site, beyond those which are already allowed.
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Main Issue

3. I consider that the main issue in this case is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Character and appearance

4. The appeal site fronts onto the eastern side of Richmond Road. It contains a service station comprising, for the most part: a four pump island forecourt towards the middle of the site; a flat roofed sales building, to the south of the forecourt; a canopy, which covers the forecourt and extends to the sales building; and, a jet wash facility, which is positioned to the south of the sales building. The section of Richmond Road onto which the site fronts is otherwise predominantly residential in character.
5. The proposal includes, amongst other things, the removal of the existing sales building and jet wash facility and the provision of a replacement sales building (RSB). In common with the existing building, the RSB would be a single storey-structure with a flat roof; a form of development which is commonplace at service stations in my experience and in this context would not appear incongruous. In comparison with the existing sales building, the proposed replacement would have a much larger footprint. However, the RSB would be positioned further south within the site than the existing building, close to the southern site boundary. This would increase the open space within the forecourt area and as a result the larger building would not appear cramped within the site. The proposal would also include a reduction in the size of the forecourt canopy, thereby reducing the visual impact of the most high profile existing feature of the site.
6. The RSB would extend to within a short distance of the site's highway boundary, closer than the existing sales building. However, when approaching the site along Richmond Road, the RSB would be seen in the context of neighbouring 2-storey development to the south and east, and 4-storey development to the west on the opposite side of the highway. As a result of its single-storey, relatively narrow roadside profile and the neighbouring larger buildings, the proposed RSB would not have an unduly dominant or otherwise visually intrusive appearance in the street scene.
7. I conclude that the effect of the proposal on the character and appearance of the surroundings would be acceptable and it would not conflict with the aims of Policies CS 8 or DM 10 of the *Royal Borough of Kingston upon Thames-Local Development Framework-Core Strategy, 2012 (CS)*, insofar as they seek to protect the character of the locality.

Other matters

8. The proposed RSB would have a larger, albeit limited, sales space in comparison with the existing sales building, resulting in an intensification of that existing use, rather than the introduction of a new use. I have not been provided with any compelling evidence to support the concern of a number of interested parties that the extended sales area would be likely to increase competition with local businesses within the nearby Richmond Road Local Centre, such as a café and patisserie, so as to threaten their viability. This is not a concern raised by the Council. Based on the evidence presented, I am

not convinced that the scheme would conflict with the aims of CS Policies CS 12 and DM 19, which seek to safeguard Local Centres. Insofar as the proposal enhances the existing convenience store function within the appeal site, it would accord with the aims of those policies.

9. The increase in sales space may result in some customers spending longer on site than in the past. However, the proposal also includes an increase in the space between the sales building and pump island forecourt as well as the provision of 5 marked parking bays adjacent to the northern boundary of the site and another alongside the sales building. In my view, these arrangements, which would encourage orderly parking and ease movement around the pump island forecourt, would reduce the risk of congestion within the site. Taking the pump island bays and the other marked parking bays together, the site would have sufficient parking capacity to cater for around 25% of the predicted peak hour total flow at any one time. Under these circumstances, I consider it is unlikely that the proposal would result in queuing onto the highway, which I understand is not a common occurrence at present. Whilst a number of local residents have suggested that traffic associated with the site regularly causes highway issues, I have not been provided with any records to show that there have been associated accidents. If anything, I consider that the proposed relocation of the exit point from the site further north, away from the enclosed front garden of the neighbouring property, would be likely to improve the southern sightline of drivers emerging from the site onto Richmond Road. I consider overall, that the scheme would be unlikely to harm the safety or convenience of highway users. The Neighbourhood Traffic Engineer has not objected to the scheme and this adds further weight to my finding in this respect.
10. The planning application did not include any extension to the hours of opening of facilities on site. Given the location of the site adjacent to a busy highway, I consider it unlikely that the anticipated growth in customers calling at the site, of around 25%, would be likely to lead to a noticeable increase in noise and disturbance experienced by neighbouring residents. Furthermore, no evidence has been provided to show that most of the traffic likely to visit the site in the future is not already likely to use the local highway network or to demonstrate that the proposal would be likely to result in a material increase in air pollution. Given the limited height of the proposed RSB and set back, albeit it limited, from the boundaries shared with neighbouring dwellings to the south and east, it would be unlikely to either appear over-dominant when seen from those neighbouring properties or significantly reduce the light that they receive. The effect on the living conditions of neighbouring residents would be acceptable; a view shared by the Council. The control of anti-social behaviour, should it arise in the local area, is a matter for others under separate legislation.
11. Neither these, nor any other matters raised are sufficient to outweigh the considerations which have led to my conclusion on the main issue.

Conditions

12. The Council has suggested 3 conditions which it considers should be imposed in the event that the appeal is allowed and planning permission granted in this case. In addition to the normal commencement condition, a condition would be necessary, for the avoidance of doubt, to ensure that the development is

carried out in accordance with the application plans. In the interests of visual amenity, a condition would also be required to ensure that the materials used would be those detailed on the application plans, which are more specific than the details set out on the planning application form.

13. I have not been provided with any evidence, such as accident records, to support the contention that the level of the cross-over at either the entrance or exit of the site need to be raised in the interests of the safety and convenience of pedestrians or cyclists. Under these circumstances, I am not convinced that a condition requiring works of that nature is necessary. As the appeal scheme does not include any extension to the opening hours of facilities within the appeal site, beyond those already permitted, I see no need to impose a condition setting out permitted opening hours as suggested by the appellant in its final comments.

Conclusions

14. I consider overall, that the scheme would accord with the Development Plan taken as a whole and, having regard to the economic, social and environmental impacts of the scheme, on balance it would be likely to amount to sustainable development under the terms of the *National Planning Policy Framework*.
15. For the reasons given above, I conclude that the appeal should be allowed.

I Jenkins

INSPECTOR