
Appeal Decisions

Site visit made on 8 December 2016

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 25 January 2017

Appeal A Ref: APP/Z5630/W/16/3156402

Rear of 10 Catherine Road, Surbiton, Surrey KT6 4HA

- 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 C Hamilton of Amalgamated Property Holdings Limited against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/12297/FUL, dated 30 March 2016, was refused by notice dated 24 June 2016.
 - The development proposed is demolition of the existing lock-up garages and removal of hardstanding and the erection of a single-storey dwelling house together with associated off-street car parking, amenity space and landscaping.
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Appeal B Ref: APP/Z5630/W/16/3156399

Land adjacent to 10 Catherine Road, Surbiton, Surrey KT6 4HA

- 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 C Hamilton of Amalgamated Property Holdings Limited against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/12302/FUL, dated 31 March 2016, was refused by notice dated 27 June 2016.
 - The development proposed is the erection of an attached three storey dwelling house together with a front and rear garden and associated bin store area and landscaping.
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Decision

Appeal A Ref: APP/Z5630/W/16/3156402

1. The appeal is allowed and planning permission is granted for demolition of the existing lock-up garages and removal of hardstanding and the erection of a single-storey dwelling house together with associated off-street car parking, amenity space and landscaping to the rear of 10 Catherine Road, Surbiton, Surrey KT6 4HA in accordance with the terms of the application, Ref 16/12297/FUL, dated 30 March 2016, subject to the conditions located in the schedule at the end of this decision.

Appeal B Ref: APP/Z5630/W/16/3156399

2. The appeal is dismissed.

Main Issues

3. In relation to both appeals the main issues are:
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- whether the proposed dwellings would preserve or enhance the character or appearance of Cadogan Road Conservation Area and the building of townscape merit at 10 Catherine Road; and
- the effect of the proposed dwellings on the living conditions of occupiers of the existing flats at 10 Catherine Road with particular regard to the amount of retained outside amenity space and light.

Reasons

Character and appearance

4. Cadogan Road Conservation Area is dominated by mid-19th century housing development, mainly in the form of villas of which 10 Catherine Road is an example. The area is interspersed with more modern development of blocks of flats that are of similar bulk but different design that results in a varied character to the area.
5. 10 Catherine Road is currently a four storey detached building, including lower ground floor, which contains a number of flats and has been identified as a building of townscape merit. Internally it has high ceilings that are evident from the window heights when viewed externally.

Appeal A

6. The proposed dwelling to the rear would be single storey and would replace a number of existing unattractive flat roofed garages backing onto the existing building and fronting the access drive that leads from Maple Road to the rear of properties on Catherine Road and Grove Road. The building would be a modest building of modern design, with green walls fronting the access drive and green roof, which would assist in blending the building into the surrounding gardens and provide a softer appearance from the access drive. It would be located in a discreet position to the rear of the main buildings, such that it would only be visible in limited views.
7. Whilst the appearance of the proposed building would not reflect that of existing buildings fronting the surrounding roads, it would be of high quality design and materials that, given its discreet location and modest size and height, would be subservient to surrounding development. The location on the drive to the rear of properties fronting Catherine Road and Grove Road means that there would be limited effect from such a modest development on the character and appearance of the area. Given that it would replace the existing unattractive garages, I consider that effect would enhance the character and appearance of the area.
8. My attention has been drawn to an appeal decision (reference APP/Z5630/W/15/3004961) for similar development on the opposite side of the access drive and also within the conservation area that has not yet been constructed. That development would be of similar height and layout to that proposed in this case, and also of modern design. Whilst each scheme must be assessed on its merits, that decision supports my conclusions in this case.
9. For these reasons, the development proposed under Appeal A would enhance the character and appearance of the Cadogan Road Conservation Area and conserve the building of townscape merit. As a result, this development would comply with Policy 3.5 of the London Plan, Policies CS8, DM10 and DM12 of the

Royal Borough of Kingston-upon-Thames Core Strategy (CS) that seek to ensure development recognises the character of the area, incorporate principles of good design and preserve or enhance the established character and architectural interest of existing heritage assets.

Appeal B

10. The proposed attached dwelling would reflect the design features of 10 Catherine Road, with materials that reflect the existing building, and similar style of windows and doors. However, it would not replicate the storey heights of the existing building that results in a significantly lower building and, combined with a narrower width, it would appear as a scaled down version of the existing building. It would be attached to the side projection that provides the entrance to the flats and would have a prominent entrance door that would draw attention to the proposed dwelling. These factors would result in the proposed dwelling appearing incongruous adjacent to the existing building and discordant within the street scene, thus harming the character and appearance of the building of townscape merit and the conservation area.
11. I understand that the design seeks to ensure the scale and location back and away from the existing building would result in it being subservient. However, these matters would not overcome the harm that I have identified.
12. The Framework advises at Paragraph 132 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. In this case, I consider that the harm to the conservation area and building of townscape merit would be substantial.
13. Paragraph 133 of the Framework confirms that where proposed development would lead to substantial harm, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or that the proposal should meet a number of criteria. In this case, the only public benefit is the addition of a single dwelling to housing supply, but this would not be a substantial benefit to outweigh the harm to the heritage assets. In addition, the criteria referred to at Paragraph 133 of the Framework are not relevant to the development proposed.
14. For these reasons, the development proposed under Appeal B would fail to preserve or enhance the character or appearance of the Cadogan Road Conservation Area or the building of townscape merit. As a result, this development would be contrary to Policy 3.5 of the London Plan, Policies CS8, DM10 and DM12 of the CS. The combined effect of these is to ensure development recognises the character of the area, incorporate principles of good design and preserve or enhance the established character and architectural interest of existing heritage assets.

Living conditions

15. Both of the proposed developments would provide outside amenity space for occupiers of the new dwellings, which results in a reduction in outside space for occupiers of the existing 7 flats. The Council suggest that this would have an

- adverse effect on living conditions of those occupiers in both cases, although did not refuse the development subject of Appeal B for that reason. I have concluded that appeal should be dismissed for other reasons, which would result in more of the outside amenity space being retained than would have been the case if both appeals were allowed.
16. The appellant suggests that the remaining outside amenity space would be 297sq.m following completion of the development at the rear, which compares to the requirement of 10sq.m per flat plus 1sq.m per additional occupier within the Residential Design Supplementary Planning Document (SPD). Consequently, even allowing for both developments, the proposal would result in sufficient outside amenity space to meet the requirements of the SPD and the needs of occupiers of the existing flats.
 17. The development to the side of the existing building at 10 Catherine Road proposed in Appeal B would be attached to the building such that side windows would be blocked by the development. It is unclear from the evidence what rooms those windows may serve, but they are narrow windows, those in the basement very small, such that their loss would have limited effect on the sunlight and daylight in the flats at no. 10.
 18. I note that concern has been raised by neighbouring occupiers as to the effect of the proposed developments on privacy and light to their properties. Both proposed developments would have windows facing toward their outside amenity areas, but not directly toward the houses or gardens of neighbouring occupiers. Whilst there may be some oblique or long range views over neighbouring gardens, this is not unusual within a residential area and would not have a material adverse effect on surrounding occupiers. Given the orientation and limited height of the proposed dwellings, particularly in comparison to the existing building, there would not be material adverse effect on either daylight or sunlight to surrounding occupiers.
 19. For these reasons, I conclude that the proposed development would not have a material adverse effect on the living conditions of surrounding occupiers, with particular regard to loss of outside amenity space or loss of light. As such, the proposed developments comply with Policy DM10 of the CS and the National Planning Policy Framework that seeks adequate private and/or communal amenity space and to have regard to the living conditions of neighbours of development.

Conditions

20. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition is necessary for materials to match those proposed in the application to maintain the character and appearance of the area. Conditions relating to access and parking, including cycle parking, are necessary to ensure adequate access into the site and parking is provided on site to protect highway safety and provide for the needs of the development. A condition is necessary to provide, prior to development commencing, a construction method statement to ensure the development works take place without undue disturbance to neighbouring occupiers and to maintain highway safety. Approval, implementation and retention of landscaping works, including details of the green roofs, green walls and irrigation system, are necessary in order to ensure the development would reflect the character and appearance of the

area. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity.

Conclusion

21. For the above reasons and taking into account all other matters raised, I conclude that Appeal A should be allowed and Appeal B should be dismissed.

AJ Steen

INSPECTOR

Schedule of 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: L2313/LP rev A, L2313/20, L2313/25 rev B, L2313/26 rev A, L2313/27, L2313/28, L2313/29, APH/1509012, 3051/01 rev A, 3051/202, 3051/03, TH/A3/1177/AIP, artist's perspective.
- 3) The facing materials to be used in the construction of the building shall be those specified on the application form and approved drawings and shall thereafter be retained as such.
- 4) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
- 5) The dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. L2313/25 rev B for cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) Provision for loading/unloading materials;
 - ii) Temporary site access;
 - iii) Signing system for works traffic;
 - iv) Measures for the laying of dust, suppression of noise and abatement of other nuisance arising from development works;
 - v) Measures to protect any tree, shrubbery and other landscape features to be retained on the site during the course of development;
 - vi) Means of enclosure of the site;
 - vii) Wheel washing equipment;
 - viii) The parking of vehicles of the site operatives and visitors;

ix) The erection and maintenance of security hoarding.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping, including details of the green roofs and green walls and irrigation system. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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 similar size and species.