
Appeal Decision

Site visit made on 11 January 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 30th January 2017

Appeal Ref: APP/Z5630/W/16/3160012

2 Wheatfield Way, Kingston Upon Thames, KT1 2 QS

- 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 Samaritans against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/12443/FUL, dated 28 April 2016, was refused by notice dated 7 July 2016.
 - The development proposed is described as “demolition of unsafe chimney”.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal chimney has already been removed and the application is therefore retrospective in nature.

Main Issue

3. The main issue is whether the development would preserve or enhance the character or appearance of the Fairfield/Knight’s Park Conservation Area.

Reasons

4. The appeal site is located within the Fairfield/Knight’s Park Conservation Area. This comprises an early suburb of Kingston Town Centre which dates mainly from the nineteenth century. It contains houses of various sizes and designs located in the area around the Fairfield, a large recreational open space. The appeal property is located on the edge of the conservation area fronting onto Wheatfield Way. It is an attractive period property that is in keeping with the historic buildings located to the south and east. It is located in a prominent position, and the former chimney would have been visible in public views from a number of directions.
 5. Whilst the former chimney is no longer in situ, I have been provided with photographs by the appellant. The chimney was clearly an attractive and decorative feature that contributed to the character and appearance of both the host property and the wider conservation area. It would also have been seen in the context of the chimneys located behind it to No 4. Its loss has had a detrimental effect on the host building and reduced its contribution to the wider conservation area.
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6. The appeal building is not listed, and nor is it a local Building of Townscape Merit. However, that does not alter my view that it makes a positive contribution to the wider conservation area, which is a designated heritage asset. Whilst there is no conservation area appraisal in this case, that is not uncommon, and it does not diminish the status of the conservation area.
7. Whilst the former chimney was a replica, it was constructed to replace the original following a 2005 Conservation Area Consent. The replica chimney was built in order to preserve the appearance of the building and its contribution to the wider conservation area. I therefore attach only limited weight to the fact that it was not original. In addition, whilst the former chimney would have been seen in the context of the taller chimneys to the rear (at No 4), it was located at the front of the property and would have been a prominent feature in its own right. In addition, the fact that the appeal property is not as tall as the properties immediately to the east does not diminish its contribution to the area in my view.
8. Evidence has been provided to show that the previous chimney contributed to leaks in the roof that caused damage to the interior of the property. The appellant states that the provision of a new replica stack would lead to similar problems, and result in on-going maintenance costs. However, based on the evidence before me, I see no reason why a well-constructed replica chimney could not be built that would maintain the integrity of the roof structure. In this regard, the surveyor's letter provided by the appellant does not support the contention that the only long-term solution would be the re-installation of masonry chimney breasts. Instead, this states that *"to avoid the potential need for strengthening beams for the support, (if the stack was replaced) it would preferable to remove the stack"*. Whilst it may be preferable in narrow financial terms to remove the stack, this is not a justification for the harm that has been caused to the conservation area.
9. Whilst the appeal building is located on the edge of the conservation area, and close to a number of modern office blocks, it still forms part of a group of traditional buildings fronting onto Wheatfield Way and Palmer Crescent. In this regard, I note that the block within which it sits comprises almost entirely of historic properties. In this regard, I do not consider that the small service road to the south separates the appeal building from the residential properties along Palmer Crescent to any significant extent.
10. The Kingston Town Neighbourhood Conservation Areas Advisory Committee (CAAC) did not object to the proposal. However, this is not tantamount to an endorsement, and I do not consider that it weighs in favour of the development.
11. I conclude that the appeal proposal would fail to preserve the character and appearance of the conservation area. This harm is less than substantial when considered against paragraphs 132 – 134 of the National Planning Policy Framework ('The Framework'). Set against this, the Samaritans clearly provide an important service to the social and health needs of the local community. However, the provision of a suitable replica stack would not affect the use of the building, or the public benefits that arise from this. In these circumstances, there are no public benefits that outweigh the harm to the conservation area.

12. The development is therefore contrary to Policies DM10, DM12, and CS8 of the Kingston upon Thames Core Strategy (2012), and Policies 7.4 and 7.6 of the London Plan (2015). These policies seek to ensure, amongst other things, that development respects the character of the area and has regard to the historic environment. It would also be at odds with guidance in the Framework relating to designated heritage assets.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR