
Appeal Decision

Site visit made on 19 January 2017

by W Fabian BA Hons Dip Arch RIBA IHBC

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

Decision date: 31 January 2017

Appeal Ref: APP/Z5630/W/16/3161125

Corinth House, Warren Road, Kingston upon Thames KT2 7HN

- 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 Ian Grimshaw against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/14289/FUL, dated 17 March 2016, was refused by notice dated 14 July 2016.
 - The development proposed is Demolition of the existing dwelling and erection of a replacement residential dwelling with new access point, associated hard/soft landscaping, and basement parking served by car lift.
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Decision

1. The appeal is allowed and planning permission is granted for 'Demolition of the existing dwelling and erection of a replacement residential dwelling with new access point, associated hard/soft landscaping, and basement parking served by car lift' at Corinth House, Warren Road, Kingston upon Thames KT2 7HN in accordance with the terms of the application, Ref 16/14289/FUL, dated 17 March 2016, subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. Corinth House is a detached two storey colonial style brick villa with a two storey pedimented front gable and hipped plain tiled roof. It is on a generous corner plot at the junction of Edgecombe Close with Warren Road. The Coombe Estate is a leafy and secluded gated private residential estate typified by very large properties in a wide variety of styles. It is within the Strategic Area of Special Character defined by the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy, 2012, (CS) for its high quality landscape and low density of dwellings.
4. The existing house includes a large single storey side wing that projects to the rear, which includes garage accommodation opening towards the side, onto a garage court area, with access from both roads. The proposal is to demolish and replace the house, which the Council acknowledges whilst not unattractive, is of no particular architectural merit.

5. The proposed replacement single dwelling would be a very large two storey house with dormered accommodation within the roof and a basement comprising residential accommodation, a car lift and turntable as well as indoor parking for up to 3 - 4 cars. The new house would be in a classical style, of brick with stone dressings, including a two storey gabled portico with double columns and sash style windows with stone surrounds. The third floor front dormers would be set behind a roof parapet on the steeply pitched slate hipped roof. Similar rear dormers would sit comfortably on the pitched roof. No objection to the design of the proposal in terms of its style has been raised and given its coherent high quality detailing proposed and the mix of designs in the immediate vicinity, I see no reason to differ from this assessment.
6. Relative to the boundaries on each side, the new house would occupy the same position on the site as the existing one, but would sit around three metres further forward. This would be in line with other houses further along the road to the south, and would retain over fourteen metres to the front boundary. Its main rear facade would also be a little further towards the rear boundary than the two storey rear part of the existing house. However it would not reach as far as the single storey side/rear wing and central rear bay on the existing property. There would be sufficient space between the properties here that it would not impinge unduly on the large dwelling that is side-on behind it facing Edgecombe Close. It would thus comply with policy 24 of the Council's Residential Design Supplementary Planning Document, 2013, which seeks to ensure good residential amenity.
7. The appeal site lies within the area covered by the Malden and Coombe (No 6) Tree Preservation Order 1955 and as such the trees on it are protected as a group. Out of 21 or so existing trees on the site 5 would be felled as part of the proposal. The appellant's Arboricultural Report lists these as: T12 a Western Red Cedar, category U, badly damaged with a bark wound, which is close to the party boundary; and T13 – T16 all Lawson Cypress two are category C1 and two B1. The four cypress trees impinge on the driveway. The Council's tree officer has raised no objection to their removal and I see none. In this regard it seems to me that the proposal follows the landscape-led objectives set out in the SPD.
8. The proposal would have a truncated roof form comprising a flat roof set at ridge height between the surrounding hipped roofs. This is not untypical of other large houses in the vicinity. Although the central portico and parapet would result in a higher presence at the front, the overall roof height would increase by only 1.1m at the highest part and the side and rear eaves would be broadly similar to the existing ones. While the proposed building would have a deep plan form and significantly more bulky massing than the existing house, sufficient space would remain around it on each side that there would be little serious effect on the visual amenities of neighbouring residential occupants.
9. The existing building line along Warren Road is varied, such that the changed position at this plot would not be out of keeping. In the context of the mature trees that would be retained at the front of the site and the existing trellis topped high boundary wall, there is little to convince me that the increased bulk of the proposed house would be so dominant as to be an overbearing presence seen from the street, or the neighbouring properties.

10. Solid panelled high gates are proposed at both the existing and new access gateways from Warren Road. The existing gateway from Edgecombe Close would be removed. No highway objections have been raised to these alterations and, as the surrounding roads are lightly trafficked, I concur. The existing gates onto Warren Road are of wrought iron and this allows glimpsed narrow views into the site, but the existing ones off Edgecombe Close are also solid panelled, garage style doors. I have seen that gates in the area vary widely in style and design. No specific design guidance or policy in this regard has been drawn to my attention and as the proposed gates would not be out of keeping with the existing high brick walls surrounding the site, little material harm to the secluded character of the surroundings would result.
11. Nearby occupants are concerned that, given the size of the proposed dwelling, it may be used for non-residential purposes. This is understandable, but any such use would require a separate application and would be subject to further planning control.
12. Overall the proposed house although larger than the existing one, would sit comfortably within the appeal site and would not harm the character and appearance of the surrounding area. It would accord with the design aims of CS policy CS8 and DM10, which seek to protect the primarily suburban character of the Borough and ensure good design. It would also comply with policy 7.6 of the Spatial Development Strategy for London, consolidated with alterations, 2015, which requires buildings to be of the highest architectural quality.
13. The Framework clarifies that sustainable development includes three dimensions: economic, social and environmental and these are not to be undertaken in isolation, as they are mutually dependent. It also emphasises that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. It sets out a presumption in favour of sustainable development, which should be allowed if it accords with the development plan.
14. As set out above the proposal would result in a well designed house that would not cause harm to neighbouring residential amenity, thus meeting the environmental and social dimensions. It would create some economic benefits through the provision of employment and spending during construction.
15. All in all, I conclude that the proposal would be a sustainable development, in accordance with the development plan, for which the Framework indicates planning permission should be granted. Accordingly, for the reasons set out above and having regard to all other matters raised, the appeal should be allowed.
16. Conditions have been suggested by the Council and are necessary as follows. The development should be carried out in accordance with the approved drawings in the interests of proper planning. Details of any additional materials to those indicated in the application are needed to ensure compatibility with the surroundings. For the same reason further details of existing and proposed construction levels are necessary. A restriction on construction working hours is reasonable to safeguard nearby residential living conditions. To prevent roadside parking and in the interests of highway safety and residential amenity, parking, cycle storage, refuse and recycling storage provision should be implemented prior to occupation of the dwelling. For the same reasons a

scheme of on site provisions for parking, deliveries and storage as well as to prevent the spread of mud and to suppress dust and noise during demolition and construction is necessary.

17. Measures are necessary to protect all retained trees subject to the TPO. In the interests of residential amenity and structural integrity the development should be carried out in accordance with the Basement Impact Assessment. In accordance with the Council's professional advice, a scheme of archaeological investigation is necessary. A scheme to achieve energy conservation is needed to in accord with the development plan. To ensure neighbouring residential amenity windows on the south elevation should be obscured.
18. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. Given the proposed substantial increase in size over the existing dwelling, to ensure compatibility with the surroundings, a restriction on the following without a further approval is justified: future extensions; alterations to the roof; or provision of additional buildings within the curtilage. Similarly, to ensure residential amenity no additional opening should be introduced at first floor on the south elevation.
19. As set out above any change from the residential use proposed would require a further application and the suggested condition in this regard is unnecessary. Given the proposed retention of so many mature trees and their protection by TPO, a requirement for a scheme of landscaping is not reasonable.

Wenda Fabian

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, and the Basement Impact Assessment, March 2016, by RJC structural design:

Dwg No AAL-16-112-P01 Site Layout, Block Plan & Site Location Plan
Dwg No AAL-16-112-P02 Site Dimension & Comparison Plan
Dwg No AAL-16-112-P03 Floor Plans
Dwg No AAL-16-112-P04 Elevations
Dwg No AAL-16-112-P05 Proposed Gates
Dwg No AAL-16-112-P07 Proposed Roof Plan
Dwg No AAL-16-112-P08 Sectional Elevations
Dwg No AAL-16-112-P10 Site Sections

- 3) No development shall take place until details of finished construction levels (related to Ordnance Survey Datum) for the building, driveway, parking areas and pathways within the site as well as samples and details of the materials to

be used in the construction of the external surfaces of the building hereby permitted, other than as detailed within the application, have been submitted to and approved in writing by the local planning authority. Development shall be carried out and thereafter retained in accordance with the approved details.

- 4) No demolition/development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 5) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 4) above.
- 6) Tree protection fencing in accordance with the Arboricultural Impact Assessment Arboricultural Method Statement Tree Constraints Plan & Tree Protection Plan, April 2016 , by Harper Tree Consulting, shall be installed prior to commencement of demolition and shall be maintained free of any storage, works or other operation within the root protection areas and kept in place throughout the construction period.
- 7) Demolition and construction works shall take place only between hours of 0800 and 1800 Mondays to Fridays and 0800 to 1300 Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 8) No demolition/development shall take place until a details of the following provisions have been submitted to, and approved in writing by, the local planning authority:
 - i) facilities for the parking within the site of vehicles of site operatives and visitors
 - ii) a scheme for storage of plant and materials used in constructing the development, including the location of temporary site buildings, compounds and storage areas
 - iii) measures for dust suppression and noise abatement as well as for wheel-washing and to prevent the deposit of mud, grit and dirt on the public highway by vehicles travelling to and from the site.The approved provisions shall be put in place prior to commencement and maintained so throughout the course of construction.
- 9) The dwelling hereby permitted shall not be occupied until parking provision has been constructed as shown on the approved drawings. It shall be retained for that use thereafter.

- 10) The dwelling hereby permitted shall not be occupied until refuse and recycling storage and cycle parking have been provided in accordance the Refuse and Drainage Strategy and Cycle Shed Plans and Specifications. Thereafter these shall be retained in accordance with the approved details.
- 11) Within 3 months of first occupation of the dwelling hereby permitted evidence shall be submitted to the local planning authority to show the relevant requirements of level of energy performance equivalent to ENE1 level 4 and WAT 1 standards equivalent to the Code for Sustainable Homes have been met and the details of compliance provided and approved in writing. Evidence shall be submitted to and approved in writing by the local planning authority to demonstrate a 19% reduction compared to 2013 Part L regulations and internal water usage rates of 105l/p/day.
- 12) The dwelling hereby permitted shall not be occupied until the windows in the south elevation at first floor have been constructed so that no part below 1.7m above finished floor level is openable and is fitted with obscure glazing and thereafter retained so.
- 13) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development of the dwelling or curtilage relevant to those classes, including the insertion of additional windows or construction of dormers in the south elevation at first floor or above, shall be carried out without the grant of planning permission.

End of Conditions