

Appeal Decision

Site visit made on 3 January 2017

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 22 February 2017

Appeal Ref: APP/Z5630/W/16/3158445

Garages 1-13, R/O 25 Stroudes Close, Worcester Park KT4 7RB

- 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 PVRE Limited against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/14408/FUL, dated 18 April 2016, was refused by notice dated 8 August 2016.
 - The development proposed is demolition of existing garages followed by erection of a two storey building comprising 2 x 2 bed and 1 x 3 bed houses, together with associated parking and landscaping improvements.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - (i) the effect of the proposal on the character and appearance of the area;
 - (ii) the effect of the proposal on highway safety; and,
 - (iii) the effect of the proposal on the living conditions of future occupiers, with particular regards to outlook and bin collection.

Reasons

Character and appearance

3. The appeal site is within a residential area, accessed off Stroudes Close but largely obscured from view from the street. The character of the area is largely defined by houses that are set within good sized plots that afford sufficient space to the front and rear for a garden. A cluster of houses south east of the access to the appeal site are an anomaly to this layout of development in that the plots are smaller, as are the houses. Nevertheless, they still benefit from space either side of the dwelling for a garden area.
 4. Whilst the development proposed has been orientated to reflect the existing layout of the garages, the houses would be on plots much smaller than existing plots within the area. Furthermore the dwellings would be positioned to the front of the plot with little space for a front garden. Whilst the density of the
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development may be appropriate for the area, the layout would be uncharacteristic of the prevailing pattern of development. The houses would therefore appear incongruous and out of keeping with the character of the area.

5. I appreciate that the site is a backland site and together with being obscured from view from Stroudes Close, has some potential for a development that is not an exact replica of its surroundings. However, policy CS8 and DM10 of the Core Strategy¹ and policy 24 of the SPD² seek development that relates well and connects to its surroundings and amongst other matters, respects plot formats. I have found that the layout of the development would not accord with these policies.
6. The form of the building, with a flat roof, would be a stark contrast to the form of existing buildings within the area. Whilst I appreciate the reasons for a flat roof, I am not convinced that this is the only design solution to create a development that is subservient to its surroundings and that has minimal impact on local amenity. As it stands, the development would appear alien within its surroundings and therefore out of keeping with the character and appearance of the area.
7. The houses would be contemporary in appearance. This approach, together with the choice of materials to reflect the local vernacular is welcome, indeed the National Planning Policy Framework (the Framework) encourages innovative approaches to development provided that it promotes or reinforces local distinctiveness. However this does not overcome the harm found to the character and appearance of the area as a result of the layout of the development and the form of the building proposed. In light of these concerns, I find that the proposal would be contrary to policy CS8 and DM10 of the Core Strategy and policy 24 of the SPD.

Highway safety

8. For a distance into the site, from Stroudes Close, the access road would be wide enough for one vehicle to pass. This would leave little space for pedestrians to pass at the same time. The free and safe movement of vehicles and pedestrians would therefore be hindered. The limited space for more than one vehicle to pass at any one time would also result in vehicles reversing along the access to allow oncoming traffic to pass. Vehicles reversing out onto Stroudes Close would conflict with vehicles and pedestrians using the adjoining highway. Similarly vehicles waiting at the other end of the access road could create a logjam into the site.
9. I recognise that vehicular movements associated with four dwellings could be relatively low, particularly when compared with the 13 garages which currently exist on site. However prospective occupiers would use the car on a frequent basis to meet their daily needs, associated with trips to school, work, local shops and other services and facilities. These vehicle movements would be independent of each other and therefore the potential for conflict between vehicle movements remains high. I appreciate that residents may know each other and be familiar with the access arrangements. However residents are

¹ Royal Borough of Kingston Upon Thames, Local Development Framework, Core Strategy (Adopted April 2012)

² Royal Borough of Kingston Upon Thames, Residential Design SPD, (Adopted July 2013, amended November 2013)

unlikely to organise their comings and goings in a way that could prevent vehicles entering the site being met by oncoming vehicles with limited space to manoeuvre.

10. The swept paths before me show that it would be possible for larger vehicles such as an emergency vehicle or a transit van to access the site. Similarly the swept paths for cars show that vehicles would have sufficient space to manoeuvre. Nevertheless, it is likely that more than one vehicle would move on site at any one time. Therefore the swept paths must not be considered in isolation of each other. When considering multiple vehicle movements, overlaps in swept paths suggests that manoeuvring would be difficult; there would, for example, be insufficient space for a vehicle from car parking space 1 and 2 to manoeuvre at the same time. I also note that the parking spaces adjoining both sides of the building proposed, if drawn to the recommended length of 6 metres, would extend into the area for vehicles to manoeuvre, adding further to the site constraints and increasing the potential conflict between vehicles.
11. In all, therefore, I find that the space on site would be restricted which in turn would make it difficult for vehicles and pedestrians to manoeuvre safely and without conflict. The proposal would therefore be harmful to highway safety and in turn would be contrary to policy DM10 of the Core Strategy which seeks development that does not adversely affect highway safety.

Living conditions

12. The Council raises a concern for the quality of the outlook from the development towards the neighbouring boundary. Whilst the distances referred to in policy guidance 16 of the SPD relate to privacy and not outlook, I agree with the Council that the outlook from the ground floor internal living spaces would be restricted because of the proximity of the shared boundary. Nevertheless, the ground floor living spaces would be kitchen areas that would be part of a larger dual aspect room. Together with the kitchen being an area where occupiers are likely to dwell for limited periods of time, the restricted outlook would not have a discernible effect on the living conditions of prospective occupiers to be considered harmful.
13. Space would be limited on the site for the Council's refuse collection vehicles to collect rubbish. It is intended however that a private refuse company would serve the dwellings proposed, secured via a unilateral undertaking which I have before me.
14. I have found that policy guidance 16 of the SPD does not refer to outlook, similarly policy 3.5 of the London Plan and policy DM13 of the Core Strategy do not refer to living conditions. The policies referred to by the Council therefore are not directly relevant to the concerns raised. Nonetheless, for the reasons given, I find that the proposed development would not have a harmful effect on the living conditions of future occupiers, with particular regards to outlook and bin collection.

Other matters

15. The Council have accepted the principle of development on the site and in the absence of any evidence to the contrary, I find no reason to take a different view. I am also aware that the redevelopment of the site would improve the

environmental quality of the area, providing a high quality development to replace dilapidated garages. However, whilst these benefits are welcome, they do not overcome the harm found to the character and appearance of the area and to highway safety.

Conclusion

16. Although I have found that the development would not have a harmful effect on the living conditions of future occupiers, the harm to the character and appearance of the area and to highway safety is decisive. For this reason the development would be contrary to the development plan and therefore the appeal is dismissed.

R Walmsley

INSPECTOR