
Appeal Decision

Site visit made on 8 February 2017

by Brendan Lyons BArch MA MRTPI IHBC

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

Decision date: 15 March 2017

Appeal Ref: APP/Z5630/W/16/3163630

Cotswood, Kingston Hill, Kingston Upon Thames KT2 7LN

- 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 Anthony Nuttall against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/14542/FUL, dated 18 May 2016, was refused by notice dated 26 July 2016.
 - The development proposed is described as the demolition of the existing detached dwelling of two storeys plus further accommodation in the roof, to be replaced with a pair of semi-detached dwellings consisting of a basement, ground and first floors, with further accommodation in the roof.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing detached dwelling of two storeys plus further accommodation in the roof, to be replaced with a pair of semi-detached dwellings consisting of a basement, ground and first floors, with further accommodation in the roof, at **Cotswood, Kingston Hill, Kingston Upon Thames KT2 7LN**, in accordance with the terms of the application Ref 16/14542/FUL dated 18 May 2016, subject to the conditions set out in the schedule annexed to this decision.

Procedural matter

2. The appeal was submitted by Mr Keith Parkinson, owner of the property, through his agent Mr Anthony Nuttall. However, the original planning application was made by Mr Nuttall in his own name and the right of appeal cannot be transferred to another party. Mr Nuttall has since requested that the appeal should proceed in his name, which therefore appears in the heading above.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the character of the area.

Reasons

4. **Cotswood** is one of a row of detached houses that stand on the west side of **Kingston Hill**, which is a main local route. The house appears two storeys high to the front, but has attic-level rooms lit by two dormer windows to the rear. The front garden is largely given over to hard standing, with vehicular access
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from Kingston Hill, while a single garage opens off Warboys Road, the parallel road to the rear.

5. Permission is sought to demolish the house and to replace it with a matching pair of semi-detached houses. These would be of three storeys over a basement, but the top floor windows would be sited either in the prominent gables to front and rear or as dormers in the recessed central portion of each main façade. The houses would be built in yellow stock brick, with contrasting red bands, and would have white-painted timber windows. The roof covering would be slate. The existing access from Kingston Hill would be closed and the brick boundary wall replaced by railings, with a vehicular access to each of the two plots taken from Warboys Road.
6. The Council accepts that the existing house is of no great architectural merit, and as the surrounding area is predominantly residential, sees no objection in principle to a suitable replacement. Planning permission was granted in 2014¹ for a single detached house on the site.
7. The new houses would also occupy broadly the same location as the existing house, but would be some 2.6m wider and 0.9m higher. Owing to the increased width, the houses would be closer to the side boundaries and to the neighbouring dwellings, Kings Lynn to the north and Manor Cottage to the south. However, the Council acknowledges that the house for which planning permission has been granted would have very similar footprint, form and design to the appeal proposal. No objection is now raised by the Council on grounds of scale, mass and design treatment, or the visual relationship with the adjoining houses.
8. The reason for refusal of the application is instead based on a concern that subdivision of the site would be out of character with the surrounding area, in terms of plot size and pattern of development, and that a pair of houses would represent overdevelopment of the site.
9. The Council states that the site is located within the Kingston Hill/Coombe Hill Strategic Area of Special Character, but has not referred to any specific development plan or other policy governing development in this area. Such areas are defined by the Council's Supplementary Planning Document ('SPD') on Residential Design, adopted in July 2013, as "areas of special character of metropolitan as opposed to local importance, comprising areas of architectural and historic interest and major open space of high landscape value"². The Council states that the area is defined by large houses of individual styles set away from the highway and usually screened from view, within large spacious plots. The specific interest that would give this widely drawn area particular importance is not outlined.
10. Kingston Hill extends for a considerable distance, and appears to offer a varied pattern of development at different stages along its length. The segment on the west side between Warboys Approach and Ladderstile Ride, including the appeal site, is characterised by a row of detached houses standing on relatively wide plots. Apart from their generally tall front boundary walls and fences, the houses are set out in a conventional suburban arrangement, facing the road in a generally consistent alignment. None of the houses is of any obvious

¹ Ref 14/15003/FUL

² Glossary, p107

outstanding design merit. Other lengths of the road, including that opposite the site, show a less consistent pattern, although apparently also made up of detached houses. But in a slightly wider area, including the roads off to each side as noted by the appellant, there is greater diversity, including some quite densely built terraces.

11. In this context, the subdivision of the existing plot and the insertion of a pair of semi-detached houses would be slightly different from the immediate surroundings, but not out of character with the wider area. The resulting plot sizes would not be greatly confined in area or particularly narrow in width, at over 8m each, and provision of outdoor space would more than meet required standards³. The overall pattern of a row of substantial houses addressing the road would be maintained, while the effect on prevailing density would be minimal.
12. The Council's concern about potential overdevelopment of the site would be understandable if the proposal were to result in a harmful increase in built form or reduction in the space between buildings. However, in this instance these parameters are virtually identical to those approved in the previous permission. The space between some other buildings in the row is already closer than that now proposed, and the new building would not stand out in this respect. Seen from the public realm, the proposal would be very similar to the earlier approval.
13. The introduction of an additional house would intensify the domestic use of the site, but not to any significantly different degree from the existing use. The distinctive character of Warboys Road would not be altered by the formation of a further vehicular access.
14. For these reasons, I find in the particular circumstances of this case that the proposal would not have an adverse effect on the character of the area. The proposal would comply with the objectives of Policies 3.5, 7.1, 7.4 and 7.6 of the London Plan 2016, which collectively seek new high quality housing design that respects its context. It would also comply with Policies CS8, DM10 and DM11 of the Kingston Core Strategy 2012, which seek to protect the suburban character of the area by promoting good design that respects essential elements of local distinctiveness, and would accord with the guidance of the Residential Design SPD.

Other matters

15. A number of concerns have been raised by neighbouring residents that are not endorsed by the Council. The submitted arboricultural report shows that all existing trees both on the site and close to its boundaries would be retained. Any climbing plant encroaching onto the appeal site would already be susceptible to being cut back. Removal of shrubs to allow an additional access should not result in significant loss of privacy to the rear of Kings Lynn. Similarly, there should be no loss of privacy due to overlooking from the proposed houses, as the existing house already has dormer windows facing the rear. The location of parking to the rear of the houses would cause some minor noise and disturbance in adjoining gardens but not significantly different from existing vehicle noise on Warboys Road. The risk of subsidence due to basement excavation is discounted in the submitted engineer's report, but is

³ As set out in the Mayor of London's Housing Supplementary Planning Guidance.

best dealt with under other legislation. I agree with the Council that these matters would not justify dismissal of the appeal.

Conditions

16. The Council has put forward a number of conditions to be imposed, to which the appellant has raised no objection. With one exception and one addition, and subject to some amendment in the interests of greater precision and reference to more up-to-date standards, I consider the conditions to be reasonable and necessary and to comply with the tests set out by national policy guidance.
17. In addition to the standard condition on commencement time, a condition identifying the approved plans is necessary to confirm the approved form of development. Approval of materials and levels, the implementation of landscaping, the erection of boundaries and the protection of trees⁴ are necessary to protect the character and appearance of the area. For the same reason, an additional condition is needed to require submission and approval of proposed landscaping. Approval, implementation and later management of sustainable drainage are necessary to reduce the risk of flooding. To ensure the safe implementation of the development and to avoid harmful effects on neighbours' living conditions, conditions are necessary on construction management and hours of work. The protection of living conditions and of the character of the area also justifies a condition restricting future extensions and alterations. However, a proposed condition requiring obscure glazing to side-facing windows would not be justified as it would result in unsatisfactory conditions for future occupants, and as such windows are already found in the existing house. Targets for the reduction of CO₂ emissions and water usage are necessary to meet national and local policy objectives for sustainable construction, having regard to transitional arrangements since the move away from the Code for Sustainable Homes.

Conclusion

18. For the reasons set out above, I consider that the proposal would respect the character of the area, in accordance with national and local policy. I conclude that the appeal should be allowed and planning permission granted subject to conditions.

Brendan Lyons

INSPECTOR

⁴ The Council's draft has been amended to refer to the most recent 2012 version of BS5837, as cited in the appellant's submitted tree report.

Annex

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Schedule of Conditions Nos.1-14

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:
 - 1408_1.3_21 Existing location plan/site plan
 - 1408_1.3_501A Proposed basement plan
 - 1408_1.3_502A Proposed ground floor
 - 1408_1.3_503B Proposed first floor
 - 1408_1.3_504C Proposed second floor plan
 - 1408_1.3_505B Proposed roof plan
 - 1408_1.3_506B Proposed location plan/site plan
 - 1408_1.3_507B Proposed site plan
 - 1408_1.3_508A Proposed North Western elevation (rear)
 - 1408_1.3_509 Proposed South Western elevation (side)
 - 1408_1.3_510B Proposed South Eastern elevation
 - 1408_1.3_511 Proposed section AA
 - 1408_1.3_512 Proposed section BB
 - 1408_1.3_513A Proposed East elevation
 - 1408_1.3_514A Proposed East elevation Street view
 - 1408_1.3_515A Proposed West elevation
 - 1408_1.3_516A Proposed West elevation street view
 - 1408_1.3_527 Proposed North Eastern elevation side
3. No development shall take place until samples of the facing materials to be utilised in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall then be built in accordance with the approved samples.
4. No development shall take place until details of the levels of buildings, roads, parking areas and pathways within the site of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall then be built in accordance with the approved levels.
5. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: boundary treatments, vehicle access and parking areas, pedestrian access and circulation areas, hard surfacing materials, retained trees and landscape features and proposed planting.
6. All planting, seeding or turfing detailed in the approved landscape scheme 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, unless the Local Planning Authority gives written consent to any variation. The area shown to be landscaped shall be permanently retained for that purpose only.

7. Fences, walls or other means of enclosure shall be erected along the boundaries of the site prior to the occupation of the dwelling to which they relate, in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained.
8. No demolition, site clearance or building operations shall commence until tree protection to the standards set out in BS5837: 2012 Trees in relation to Design, Demolition and Construction: Recommendations has been erected around the trees shown on the approved plans as being retained on the site. The fencing shall be not less than 1.5 metres in height and shall enclose either the area described by the limits set out in Table D.1 of BS 5837: 2012, or an area previously approved in writing by the Local Planning Authority.
9. Such tree protection shall be maintained during the course of development, and no storage, site structures, parking or any other operation shall be permitted within the area thereby protected. Within the protected area:
 - (a) levels shall not be raised or lowered in relation to the existing ground level;
 - (b) no roots shall be cut, trenches dug, or soil removed or drains and services laid;
 - (c) no buildings, site huts, or roads shall be constructed or other engineering operations carried out;
 - (d) no vehicles shall be driven over the area;
 - (e) no materials or equipment shall be stored.The destruction by burning of any materials shall not take place on the site or adjoining land unless the fire is at a minimum distance of 6.0m from the protected area.
10. No development shall take place until details of the implementation, adoption, maintenance and management of a sustainable drainage system have been submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.
11. All works on site shall take place in accordance with the following details which shall have previously been submitted to and approved in writing by the Local Planning Authority prior to the commencement of work:
 - (a) Provision for loading/unloading materials;
 - (b) Storage of plant, materials and operatives vehicles;
 - (c) Temporary site access;
 - (d) Signing system for works traffic;
 - (e) Measures for the laying of dust, suppression of noise and abatement of other nuisance arising from development works;
 - (f) Location of all ancillary site buildings;
 - (g) Means of enclosure of the site;
 - (h) Wheel washing equipment;
 - (i) The parking of vehicles of the site operatives and visitors;
 - (j) The erection and maintenance of security hoarding.
12. The site and building works required to implement the development shall be carried out only between the hours of 08.00 and 18.00 Mondays to Fridays

and between 08.00 and 13.00 on Saturdays and not at any time on Sundays and Bank Holidays.

13. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) shall be added to the dwelling houses hereby permitted and no buildings shall be erected within their curtilages.
 14. Within 3 months of first occupation, evidence shall be submitted to the Local Planning Authority confirming that the development hereby permitted has achieved not less than the CO₂ reductions (ENE1) and internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4. Evidence to demonstrate a 19% CO₂ reduction compared to Part L of the Building Regulations 2013 and internal water usage rates of 105 l/p/day shall be submitted to and approved by the Local Planning Authority.
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