The Planning Inspectorate

Appeal Decision

Site visit made on 2 March 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 22 March 2017

Appeal Ref: APP/Z5630/W/16/3163904
36 Upper Brighton Road, Surbiton KT6 6LS

- 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 the trustees of the late Ebenezer Thorogood against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
- The application Ref 16/16461/FUL, dated 14 June 2016, was refused by notice dated 19 September 2016.
- The development proposed is the division of the rear garden to no. 36 Upper Brighton Road, existing property (no. 36) to be retained & unchanged under this proposal. The erection of a new bungalow unit to the west (rear) of rear garden, 2 bedroom 4 person unit.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed dwelling would preserve or enhance the character or appearance of Southborough Conservation Area.

Reasons

3. Southborough Conservation Area comprises a suburban area of housing mainly constructed between the 1860s and 1930s around Southborough House, a Grade II listed building dating from 1808. Dwellings within the conservation area are pre-dominantly detached dwellings of a character typical of this period, with large gardens.

4. 36 Upper Brighton Road is located on the edge of and within the conservation area. To the rear is a previous development of three houses outside the conservation area, constructed in the 1960's of a style typical of the period in which they were constructed. To the side of the garden at no. 36 is another development to the rear of neighbouring houses outside the conservation area, which mostly date from the 1950s and are also typical of the period in which they were constructed. Kirkleas Road is located to the rear of those developments and is another later development, within the conservation area but it is not visible either from the site or Upper Brighton Road.

5. The proposed dwelling would be a bungalow constructed in materials that seek to reflect those at no. 36. The windows are proposed to be in uPVC, which, although there are other uPVC windows within the conservation area, would not reflect the character or appearance of the conservation area. The design of

the proposed dwelling would be simple, resulting in a plain building that would not reflect the appearance of surrounding buildings.

6. The proposed dwelling within the rear garden of 36 Upper Brighton Road would reduce the size of the existing plot, which would result in a plot size uncharacteristic of the generally large gardens within the conservation area. Whilst it would be visible only in limited views from the road and surrounding dwellings, the effect of development within this garden would harm the character and appearance of the Southborough Conservation Area.

7. 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. Accordingly, while less than the 'substantial harm' referred to in Paragraph 133 of the Framework, the harm to the conservation area is nevertheless a matter of considerable importance in this case.

8. Paragraph 134 of the Framework establishes that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The only public benefit in this instance is the addition of a single dwelling to the supply of housing. However, that benefit is minimal and cannot outweigh the identified harm to the conservation area

9. For the above reasons, I conclude that the proposed dwelling would fail to preserve or enhance the character or appearance of the Southborough Conservation Area. As such, the proposal is contrary to Policies CS8, DM10 and DM12 of the Royal Borough of Kingston-upon-Thames Local Development Framework Core Strategy and the Framework that seek to protect the suburban character of the borough and incorporate principles of good design, including preserving or enhancing the heritage assets of the Borough.

10. The proposed dwelling would exceed the floor space standards required by the London Plan and meet the density standards. It is designed to meet Council requirements, such as accessibility and garden size. It would not overlook neighbouring dwellings given its limited height, although there would be limited overlooking from neighbouring occupiers in surrounding two storey properties but this is not unusual in such a suburban location. Parking is proposed to be provided to meet the needs of the development and access would be provided that I understand would be laid out so as not to obstruct access to neighbouring dwellings. Surrounding trees are proposed to be protected and maintained and the one tree proposed to be removed would be replaced. The appellant suggests that the development would meet CO_2 and water conservation standards. However, none of these matters would outweigh the harm identified to the character and appearance of the conservation area.

11. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Steen INSPECTOR