
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: 23 March 2017

Appeal Ref: APP/Z5630/W/16/3163963

21 Lancaster Gardens, Kingston-upon-Thames KT2 5NQ

- 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 James Reilly against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/12425/FUL, dated 25 April 2016, was refused by notice dated 16 June 2016.
 - The development proposed is erection of 1 x 2 bedroom detached house with associated parking for one car.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed dwelling on highway safety with regard to the adequacy of parking provision;
 - the effect of the proposed dwelling on the character and appearance of the surrounding area;
 - the effect of the proposed dwelling on the living conditions of neighbouring occupiers at 21 and 23 Lancaster Gardens with particular regard to noise disturbance and outlook; and
 - whether prospective occupiers would enjoy satisfactory living conditions.

Reasons

Highway safety

3. The proposed development would provide parking to meet the needs of residents of the proposed dwelling, but the access route to the side of the dwelling would displace the off road parking of occupants of the existing dwelling at 21 Lancaster Gardens that is presently located to the front and side of the existing dwelling.
 4. This would result in occupiers of 21 Lancaster Gardens parking on the road outside the property. Although not within a controlled parking zone, there is limited parking available in the area, with accesses to off road parking reducing
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space for on road parking and a number of surrounding dwellings that also do not appear to have sufficient off road parking. It is unclear from the evidence submitted what the level of parking stress is within the area, or what impact the livery at the site has on parking availability at the property. However, no off road parking would be provided for residents of the existing property following the proposed development. As a result, additional parking on the street would put pressure on the capacity of the local road network that could result in inconsiderate parking, detrimental to highway safety.

5. For these reasons, I conclude that the loss of an off street parking space for occupiers of 21 Lancaster Gardens would adversely affect highway safety. As such, the development is contrary to Policy DM10 of the Kingston-upon-Thames Local Development Framework Core Strategy (CS) that require car parking for development in order not to adversely affect highway safety.

Character and appearance

6. Lancaster Gardens is a residential street of predominantly two storey semi-detached houses and maisonettes that have a similar character. Most houses have off road parking to the front and side. That at 21 Lancaster Gardens is a semi-detached dwelling that reflects the character and appearance of surrounding dwellings, but the rear garden leads to an open area that is used as a private livery, containing a number of stables and shed and extending to the rear of dwellings at nos. 23-29. The site is bordered to the rear by a substantial commercial building on an industrial estate and to the side by a block of flats.
7. The proposal would remove the existing stables and shed to redevelop the site with a single storey dwelling of modern character and appearance. Although development to the rear of houses is unusual in this location, the height of the proposed dwelling means that it would be visible only in limited views from surrounding properties. The proposed dwelling would retain space within the site for parking and garden space, such that it would not result in a cramped appearance to the development.
8. Access to the site would utilise the existing access to the side of the property and this would be visible from the road. However, this uses the existing access to the house and livery and there are other accesses from Lancaster Gardens to parking in front of and to the side of houses, and to access the rear of houses fronting Aragon Road a short distance away. As a result, the access arrangements would not materially alter the existing appearance and would not be unusual in views from the street.
9. Whilst the plot of the existing house would be narrowed given the provision of the access drive, the length would remain that reflects that of surrounding properties, such that it would not materially affect the character and appearance of the area. I note that a number of trees are proposed to be removed, however, these are not protected and a substantial amount of landscaping is proposed to replace them.
10. For these reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area. As such, it would comply with Policies CS8 and DM10 of the CS that seek to protect the suburban character of the Borough and incorporating principles of good design.

Living conditions of neighbouring occupiers

11. The existing dwellings at 21 and 23 Lancaster Gardens are semi-detached dwellings with a gap between them through which is access through the rear garden of no. 21 to the private livery at the rear. The proposal would provide access to the side of that garden to access the proposed dwelling in the location of the existing private livery.
12. The access would result in limited amounts of traffic accessing the proposed single dwelling and an acoustic fence is proposed to separate the proposed access from no. 23. At present, access is taken to the livery stables through this garden by vehicles and horses, albeit it is not clear how regularly this occurs. Consequently, although it would be in close proximity to the dwellings to either side and their rear gardens, there would be limited additional noise and disturbance from the use of the proposed access that would not cause material harm to the living conditions of neighbouring occupiers.
13. The proposed access would remove the side of the garden to the existing property, but a substantial garden would be retained that would provide for the needs of occupiers of that dwelling. Landscaping is shown on the boundary within the retained garden. This would result in a smaller garden, but would not harm the outlook of occupiers of that property.
14. The removal of trees at the site would open views to the industrial estate from rear gardens and windows of 21-23 Lancaster Gardens. However, whilst visible, those buildings are some distance away and substantial planting is proposed that would, in time, help screen the industrial estate from those houses.
15. As a result, the proposed access to the single dwelling to the rear of 21 Lancaster Gardens would not cause material harm to the living conditions of occupiers of adjoining properties at 21-23 Lancaster Gardens by reason of noise and disturbance, nor to their outlook. As such, the proposed development would comply with Policies CS8 and DM10 of the CS that seek to ensure development relates well to its surroundings and has regard to the living conditions of neighbouring occupiers.

Living conditions of prospective occupiers

16. The existing site is located to the rear of houses fronting Lancaster Gardens, but a large industrial building is located in close proximity to the rear boundary. The proposal would provide a dwelling sunken into the ground, with a long rear wall facing toward that boundary. The proposed dwelling would separate the proposed sunken garden that would be likely to form the main outside living space of the proposed dwelling from the industrial building, such that this area would not be dominated by that building. A small area of garden would remain dominated by the building, but this is likely to be a secondary outside living space and the effect would be softened by proposed planting, such that this would not result in inadequate living conditions for prospective occupiers.
17. Limited numbers of windows would be located on the rear wall of the dwelling and these would be away from the industrial building. Windows serving the living room closest to that boundary would be screened by an extended wall, such that the living room would not be dominated by the neighbouring building.
18. Windows to the proposed dwelling would allow light into the main living areas, with additional roof lights in the roof. Consequently, although the amount of

sunlight may be restricted through some of the windows to the main living areas given their orientation and the proposed roof overhang, this would not be restricted to such an extent to result in poor living conditions to prospective occupiers. Although sunlight may be reduced into some windows, this would not affect the amount of daylight available.

19. The Council suggest that there may be a level of disturbance from the neighbouring industrial units. I understand that these are in warehouse and light industrial uses and currently have limited opening hours. There is no evidence that this disturbs occupants of the existing dwellings. Whilst the proposed dwelling is closer to that industrial estate, it is orientated and designed in such a way as to block noise and disturbance from that use.
20. A number of surrounding buildings, including the flats in Lancaster Close and windows in the neighbouring industrial unit, overlook the existing site. However, a mutual degree of overlooking is common in such a residential area and, in this case, the proposed building has been laid out such that it would block most views into the main private outside amenity areas and windows would be located away from the main sources of overlooking.
21. As a result, I conclude that the living conditions of prospective occupiers of the proposed dwelling, by reason of noise and disturbance, sunlight and daylight, would be acceptable. As such, the proposed development would comply with Policies CS8 and DM10 of the CS that seek to ensure development relates well to its surroundings and have regard to the living conditions of future occupiers.

Other matters

22. I note that a previous outline planning application was dismissed on appeal (reference APP/Z5630/W/15/3006592) that I understand related to a larger dwelling. Other developments have been brought to my attention for similar forms of development in different locations. However, I have been provided with very limited information on those schemes, so have assessed the proposed development on its merits.
23. I note that the standard of accommodation would meet room size requirements, outdoor amenity space is sufficient, refuse storage and cycle storage would also meet relevant standards. The Energy Statement demonstrates that the proposal would achieve a reduction in CO2 emissions in accordance with policies and the landscaping scheme and green roof provide opportunities to enhance biodiversity. However, these matters, and those relating to the character and appearance of the area and living conditions of neighbouring and future residents would not outweigh the harm I have found to highway safety through the lack of off road parking for residents of the existing property.

Conclusion

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

AJ Steen

INSPECTOR