

Appeal Decision

Site visit made on 28 February 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 3 May 2017

Appeal Ref: APP/Z5630/W/16/3162603

Former Dinton Works and 19 Dinton Road, Kingston upon Thames KT2 5JT

- 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 Richard Hall, Claremont Home Counties Ltd against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 16/12671/FUL, dated 23 June 2016, was refused by notice dated 10 October 2016.
 - The development proposed is conversion of the existing out house into a residential unit together with a new build in association with external works including landscaping, provision of refuse/cycle storage and associated parking spaces.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether the development makes adequate provision for waste or recycling facilities.

Reasons

Character and Appearance

3. The appeal site comprises an area of land to the rear of 11-19 Dinton Road. Numbers 11 -19 Dinton Road together with properties opposite and others within the local area are predominantly two storey detached or semi-detached Victorian or Edwardian houses. The site is within the Wyndham Road / Brockhampton Road Local Area of Special Character (LASC) which is a non-designated heritage asset. This has been subject to little significant change and retains much of its original townscape value.
 4. Beauchamp Villas comprises a block of six town houses neighbouring 11 Dinton Road. A vehicular access route between these properties serves garages to the rear of Beauchamp Villas as well as a garage block within the appeal site to the rear of no.11.
 5. Whilst the appeal site is currently overgrown and does not appear to be used as a garden at present I note that planning permission was previously granted
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for such a use. Notwithstanding the previous employment use of the site in my view the site has been used as a garden and therefore does not constitute previously developed land.

6. The existing pattern of development within the area is characterised by properties in close proximity to the highway with small front gardens and generally larger rear gardens with no on-site parking. Beauchamps Villas is an exception to this with a garage court to the rear. The rear garden of 19 Dinton Road, extending to the rear of nos. 11-17 is also uncharacteristic of the wider area.
7. The proposal involves the conversion of the existing outbuilding to the rear of 19 Dinton Road into a single studio unit and the erection of a detached two storey dwelling along with associated works.
8. Being located to the rear of the existing properties the proposed new dwellings would not follow the existing pattern of residential development and urban grain or the established building line along Dinton Road. The proposal would therefore be contrary to the traditional frontage character of development in the area. The proposed dwellings, unlike existing houses in the locality would have no frontage to the highway, relying for access on a route between existing properties.
9. The appellant suggested that the footprint of the proposed new dwellings and the plot on which they would sit would respect the character of the immediate area. However, I do not find that the area is characterised by large houses sitting on spacious plots. Whilst the scale and mass of the proposed detached dwelling would sit reasonably well within the plot it would fail to respect the setting of neighbouring properties where the urban grain is tighter. Whilst the design and appearance of the new detached dwelling would have some characteristics of neighbouring properties the appearance of the studio unit would not reflect the form of neighbouring residential properties, not least because it would be a modification of an existing property. It would also be at variance with the prevailing typology in terms of house type, size and occupancy.
10. The siting of the proposed studio unit would also mean that access to it would be via a long landscaped route with a paved footpath which would create a site layout which is contrary to the established residential pattern. Consequently it would fail to contribute positively to the strongly defined existing residential character. In spite of the studio and to some degree the proposed house not being seen from many public views within the area, the development would be substantially different from the accepted layout.
11. The proposal would therefore be contrary to Policy DM10 of the Royal Borough of Kingston upon Thames Core Strategy, 2012 (the Core Strategy). This requires new development to respect, maintain or enhance the character and local distinctiveness of a street or area including the prevailing development typologies comprising housing types, size and occupancy and the building line.
12. It would also fail to have regard to the significant contribution that existing private gardens make to the Borough's suburban character and distinctive local context. Consequently I find that the proposal, in causing harm to the local area would be contrary to the objective of paragraph 53 of the National Planning Policy Framework (the Framework) which advises local planning

authorities to consider policies to resist inappropriate development of residential gardens.

13. In failing to recognise distinctive local features and character, have proper regard to the historic environment or relate well to its surroundings the proposed development would also be harmful to the suburban character of the borough be contrary to Policy CS8 of the Core Strategy.
14. By virtue of the location of the proposed development I find that the proposed development would be contrary to the Council's Supplementary Planning Document (SPD) 'Residential Design' which requires new residential development on garden land to reflect the character of the existing form of development and urban grain. The proposal would also fail to reinforce the strong building line which exists on the Dinton Road frontage contrary to the guidance in the SPD.
15. I consider that the proposed would harm the character of the LASC contrary to Policy DM12 of the Core Strategy which states that the Council will preserve or enhance the existing heritage assets of the Borough and ensure that development proposals affecting historic assets use design features which complement the of the immediate area. It would also be harmful to the significance of the non-designated heritage asset contrary paragraph 135 of the Framework.

Provision of Waste or Recycling Facilities

16. The Council has indicated that the distances from the proposed bin stores to the back edge of the footway are 43 metres and 34 metres. This is in excess of the recommended distance of 25 metres as set out in the Building Regulations Part H and beyond the figure of no more than 15 metres from the point where the collection vehicle will stop as set out in the Council's SPD for Residential Design. I find that the alternative of placing bin stores on the access road would be likely to cause an obstruction to traffic leading to issues of highway safety.
17. The appellant identified the possibility of the use of a private waste collector to overcome the concerns of the Council and in principle the Council accepted that this could be effective. The appellant indicated that this could be addressed through a planning condition but as his would relate to land beyond the appellant's control it would need to be secured through a legal agreement. No such agreement has been provided to me but as I am dismissing the appeal for other reasons I have not pursued this matter with the main parties.
18. As a consequence the proposed development would not provide suitable waste or recycling facilities. I therefore find that the proposal would be contrary to Policy DM10 of the Core Strategy which requires new development to make adequate provision for waste facilities and to ensure that that they are located where they can be adequately accessed and serviced.

Other Matters

19. Neighbouring residents have raised a number of concerns about the proposed development. These include the suitability of the proposed access, parking and highway safety and the effect of the proposal on the living conditions of neighbours with regard to noise, outlook and privacy. In addition a number of

non-planning related matters were raised including access rights. However, none of these have led me to any different overall conclusion.

20. I have been provided with a Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990. This would restrict access to a parking permit or to enter into a contract to park in a Council controlled car park for occupiers of the proposed development. I have taken account of the effect of this proposal but this has not altered my overall conclusion.
21. The appellant has also identified a number of other material considerations in support of the scheme. These include the standard of accommodation, the lack of a detrimental impact on the living conditions of neighbouring occupiers, sustainability and drainage provisions, the retention of trees and the provision of landscaping. These are generally matters which are required to comply with policies and therefore I do not consider them to be benefits to be weighed against the harms which I have identified. The contribution which the scheme would make to the stock of housing, including family housing in the borough is a benefit but a very limited one.

Conclusion

22. For the reasons set out above, the appeal is dismissed.

Kevin Gleeson

INSPECTOR