
Appeal Decision

Site visit made on 4 April 2017

by G Rollings BA(Hons) MA(UD) MRTPI

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

Decision date: 3rd May 2017

Appeal Ref: APP/Z5630/W/16/3166366
64 Motspur Park, New Malden, KT3 6PJ

- 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 Mrs T Gabriel against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/14478/FUL, dated 4 May 2016, was refused by notice dated 13 July 2016.
 - The development proposed is demolition of existing building, and the erection of a new building to include 5no. self-contained flats (3no. 2 bedroom flats and 2no. 1 bedroom flats) with associated garden spaces, driveway, car parking, cycle parking and storage bins.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Amended plans were submitted during the appeal. These slightly alter the proposed dwelling's layout and appearance compared with the plans previously before the Council, and the parties have had the opportunity to comment during the appeal. I am satisfied that in accepting these, the interests of any party have not been prejudiced.
 3. The appellant queried the Council's description of the existing property. The existing house on the site is closely located to the neighbouring building at 66 Motspur Park, but is set slightly away from the common boundary between the properties. Whilst Nos. 64 and 66 have a symmetrical semi-detached appearance, like many of the other houses in the surrounding area, they are joined only by an ornamental archway between the buildings. As this gives rise to ambiguity as to whether the appeal dwelling is detached or semi-detached, I have taken into account the fact that no other part of the appeal building joins its neighbour at No. 64. As such, I will refer to the appeal building as a detached house.
 4. One of the Council's reasons for refusal referred to an underprovision of both indoor and outdoor space provision. The appellant has since provided additional information regarding the amount of indoor space to be provided, which the Council subsequently found to be acceptable. Accordingly, I have limited my consideration of this issue to external space provision.
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Main Issues

5. The main issues are:

- The effect of the proposed development on the supply of family accommodation within the area;
- The effect of the proposed development on the character and appearance of the area;
- Whether the proposed development would provide satisfactory living conditions for future residents, in respect of external space provision; and
- The effect of the proposed development on highway safety and sustainable transport.

Reasons

Supply of family accommodation

6. The Council's *Local Development Framework Core Strategy* (2012) identifies the priorities for housing supply within the area, based on an appraisal of local and regional demand. This identifies that there is a particular need for family housing within the borough during the plan period. Policy DM 14 resists the loss of existing accommodation, with specific reference to dwellings which are suitable for family accommodation, and includes limits on the conversion of family dwellings into flats. The policy text identifies a particularly acute need for family housing in the area, which is reflected in the restrictive nature of this policy.
7. Given that the appeal proposal would result in the loss of the unit of family accommodation which would not be replaced within the replacement building, it conflicts with the aims of Policy DM 14. I appreciate the appellant's comments that in recent years the existing building has been occupied by only two residents, but nonetheless it could potentially be occupied by a greater number of residents than at present. I also acknowledge the point that the proposed development would contribute to an overall increase in housing stock. However, given the clearly identified supply priority of the Council, which is supported by adopted Development Plan policy, the harm resulting from the loss of the unit of family accommodation outweighs any benefits gained from a small general increase in the local housing supply. Whilst there may be other examples of multiple occupation within the area, I have no evidence to suggest that these were approved under current policies, and cannot therefore consider them to have set a precedent in this instance.
8. Core Strategy Policy DM 13 requires new residential development to incorporate a mix of unit sizes and types, with at least 30% of new units to have three or more bedrooms. The Policy also mentioned that on site particularly suited to larger family housing, this minimum figure should be exceeded. In cases where the policy requirements cannot be met, it requires a robust justification of the merits of allowing otherwise. This has not been provided.
9. I therefore conclude that the proposed development would have a harmful effect on the supply of family housing within the area, and would conflict with Core Strategy Policies DM 13 and DM 14, for the reasons set out above.

Character and appearance

10. The appeal site is on the corner of Motspur Park and Chilmark Gardens. I previously described the relationship of the existing building on the site and the adjacent dwelling at No. 66; the two buildings sharing a symmetrical appearance similar to other dwelling pairs along both streets. These have distinctive catslide roof layouts. The proposed building would be joined with No. 66 by the existing arch, but would be substantially larger in scale. It would also have a similar overall roof height and pitch to No. 66, and share a common front building line.
11. Of concern is the proposed building's context in the wider street scene. The appeal site is on a prominent corner location, and the proposed building would be clearly visible, particularly along the busy Motspur Park approach. The bulky nature and larger scale of the proposed building, compared with the smaller proportions of other buildings in the area, would cause it to appear out of character with its surroundings. In addition, the proposed front dormer windows and crown roof, not commonly seen on other dwellings within the area, and its proximity to the Chilmark Gardens site boundary, would be particularly incongruous when compared with the catslide roofs on most of the other dwellings in the immediate area.
12. I acknowledge the appellant's opinion that the development would preserve the spaciousness of the site and agree that an adequate rear setback would be maintained, notwithstanding my concerns over the proposed side street setback. I have also taken into account the appellant's other points that the appeal site has no designated heritage significance, and the layout and condition of the existing dwelling. Whilst the development could be finished to a high quality of appearance, these matters do not outweigh my concerns about the proposed building's likely detrimental impact on the generally uniform character and appearance of the surrounding area and street scene.
13. I therefore conclude that the proposed development would have a harmful effect on the character and appearance of the area. It would conflict with Core Strategy Policies CS 8 and DM 10, which together require development to relate well with its surroundings and respect the prevailing design features within the area, amongst other factors.

Living conditions

14. The Council's adopted Residential Design Supplementary Planning Document (2013) (SPD) sets guidance for new residential development within the borough. Although this document does not form part of the development plan for the area, it was the subject of substantial consultation prior to adoption. Accordingly, it has substantial weight in my decision. The incorporation of its guidance is an indicator of the high design quality sought by the Council.
15. SPD Policy Guidance 13 and 14 sets out the amounts of communal and private amenity space expected within flatted schemes. For this development, the recommended provision would be 50 m² of communal amenity space and 10 m² of private amenity space per dwelling, plus 1 m² per additional occupant, with any shortfall in the private provision to be added to the communal total. Whilst the overall provision of amenity space would exceed the required total, the plans indicate that the available space to the rear of the dwelling would be split into two private gardens accessible only from the two ground floor flats.

Communal space at the front of the dwelling would be designated as driveway and parking areas and would therefore not provide effective amenity space, and as such, the proposed design would not provide any private or communal amenity space for the three remaining flats to be arranged over the first and second floors of accommodation.

16. Although the appellant notes that the amenity space provision could be split between the flats, this conflicts with what is shown on the appeal plans. As such, there would not be adequate private or communal space for all flats and the proposed development, and I conclude that this would result in unsatisfactory living conditions for future residents. The scheme proposal conflicts with Core Strategy Policies DM 10 and DM 13, which together require new development to provide adequate private and/or communal amenity space and accord with the principles of good design as set out in the Residential Design SPD, amongst other factors.

Highway safety and sustainable transport

17. The appeal scheme incorporates two proposed vehicular crossovers: one onto Chilmark Gardens in the same location as an existing crossover, to serve one car parking space; and the other onto Motspur Park, in place of an existing crossover and leading to two car parking spaces. Most of the remainder of the site forward of the proposed building would be laid out as a hardstanding area connected to the two parking spaces.
18. The Council's concerns relate to the Motspur Park crossover and parking area. Whilst it did not explicitly state that the overall parking provision is a matter of concern, it did refer to the maximum provision set out in Policy 6.13 of The London Plan (2015), which is two spaces per dwelling. However, it raised concerns over the use of the front parking and hardstanding area, which the appeal plans indicate could be capable of accommodating more than two parked cars.
19. This proposed front crossover is close to a narrow point on the road, with one-way traffic priority. I noted during my site visit that several car drivers approached the narrow point with fast deceleration, and that short queues formed in advance of the point. I acknowledge the Council concerns regarding the proposed crossover with and its potential for pedestrian/vehicular conflict, as well as potential confusion regarding parking allocation to the front of the site. Whilst the proposed layout might provide less cause for concern on a quieter road, the narrow point on Motspur Park requires a driver's attention. Any additional potential for vehicular or pedestrian conflict in this vicinity, regardless of its scale, or factors capable of diverting drivers' attention away from the narrow point, would increase the potential for conflict between vehicles, or between vehicles and pedestrians, resulting in additional safety risks. I did note that there was good availability of on-street parking in the area around the site, but this does not fully ameliorate my concerns.
20. The Council also remarked on the provision of cycle storage. Details of the proposed cycle storage, and its location on the site, along with proposed waste storage allocation, are set out on Appeal Plan P030 rev. C and the attachment "Cycle Parking Details". I am satisfied that this provision is compliant with the Council's expectations for cycle parking provision and, were the appeal to be allowed, that further details could be submitted via condition.

21. Nonetheless, my concerns as set out above are sufficient to lead me to conclude that the proposed development would have a potentially harmful effect on highway safety, and would conflict with Core Strategy Policies DM 09 and DM 10, which includes a requirement for new development to comply with car parking standard and not adversely affect highway safety. I have also had regard to the Council's adopted Sustainable Transport Supplementary Planning Guidance (2013) in my decision.

Other issues

22. The appellant provided observations on the Council's assessment of the application, and I have taken these into consideration. However, my decision is based on the planning merits of the proposed development, as set out above, which are sufficient to warrant dismissal of the appeal.

Conclusion

23. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Rollings

INSPECTOR