
Appeal Decision

Site visit made on 19 April 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/Z5630/W/17/3168513
171 Surbiton Hill Park, Surbiton KT5 8EL

- 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 Toby Nevitte against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/16509/FUL, dated 12 July 2016, was refused by notice dated 15 September 2016.
 - The development proposed is construction of a new double garage detached building for associated use with 171 Surbiton Hill Park.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has requested the consideration of an amended plan (PL-12b) which shows the garage reduced in height to 3.5m. However, third parties have not had the opportunity to comment on the plan and consequently, I consider that their interests would be prejudiced by accepting the plans. I have, therefore, considered the proposal on the basis of the plans which were before the Council when it determined the application.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the host property and area.

Reasons

4. The appeal site contains a two-storey, semi-detached property which has been subdivided into three flats with gardens to the rear. The character of the surrounding area is mixed with residential properties along Surbiton Hill Park to the east and some commercial uses to the west comprising garages and workshops.
5. The row of residential properties within which the appeal site lies is comprised of two storey semi-detached and dwellings with a road frontage and long gardens backing onto the access lane. The long gardens and landscaping along the railway line contribute to the open and verdant character to the rear of the properties.
6. The proposal has been reduced in scale compared to earlier iterations of the scheme and would be ancillary to the use of the host property as opposed to a separate residential unit as per a previous proposal which was dismissed at appeal¹.

¹ Appeal reference: APP/Z5630/W/15/3002920

Nevertheless, the appeal site has been fenced off and the proposed garage would effectively sit within a separate curtilage to the rear garden of the host property. The resulting development would, therefore, contrast markedly with the grain of existing development comprised of frontage development with long rear gardens. I note that the previous appeal related to an outline application and thus detailed design issues were not considered. In addition, the size of the garage would be substantial and disproportionate to the host property and other outbuildings in the vicinity.

7. Furthermore, the proposal would reduce the open character of this area formed by the rear gardens and landscaping along the railway line. Moreover, the rear access lane is used by local residents and thus the proposal would be visible to the public. Taking these factors in combination, I consider the proposal would be an incongruous addition which would harm the character and appearance of the host property and the area.
8. Attention is drawn to the larger scale commercial buildings associated with the nearby garage. However, I consider that the appeal site relates both visually and functionally to the domestic scale residential development along Surbiton Hill Park as opposed to the commercial properties. Consequently, those buildings do not justify the harm which I have identified.
9. There are a number of garden sheds situated within the curtilages of the long rear gardens; however, these are substantially smaller. I also noted a few detached garages facing onto the rear access lane; however, these were mainly single garages of a much smaller size and generally better integrated into the curtilage of the host property. Furthermore, those buildings have been there some time and no details are provided. Consequently, I cannot be certain that they benefit from planning permission which reduces the weight which I can attach to them in my Decision.
10. Permission was granted in 2006 for a triple garage in a similar location; however, this was approved in a different development plan context. Furthermore, this case pre-dates the National Planning Policy Framework (the Framework) which states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. Whilst the proposal may have some benefits in providing parking in an area where there is competition for on-street parking spaces, this benefit does not outweigh the significant harm which I have identified.
11. For the reasons stated, I conclude that the proposal would harm the character and appearance of the host property and the area. The proposal would, therefore, be contrary to Policies CS8 and DM10 of the Council's Core Strategy 2012 and the Residential Design Supplementary Planning Document 2013 which collectively seek good design which protects the character and local distinctiveness of the Borough.

Conclusion

12. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector