



Appeal Decision

Site visit made on 11 July 2017

by Rory MacLeod BA MRTPI

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

Decision date: 28th July 2017

Appeal Ref: APP/Z5630/W/17/3173340

2 Lynton Close, Chessington KT9 1HB

- 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 Colin Owens against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/10328/FUL, dated 19 July 2016, was refused by notice dated 20 October 2016.
 - The development proposed is a single bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (1) the character and appearance of the area and (2) on the living conditions of future occupiers of the bungalow and on the occupiers of dwellings in the surrounding area.

Reasons

Character and appearance

3. The appeal relates to a square shaped parcel of land that is currently part of the rear garden to 2 Lynton Close. It is adjacent to an access way leading to Lynton Close between the side boundary to 1 Lynton Close and the rear boundaries to 115-127 Fullers Way South. Several of these dwellings have a garage at the end of their garden fronting the access way. The surrounding area is residential in character comprising a mixture of semi-detached and terraced two storey houses. These are set back from road frontages along well defined building lines and have back gardens of varying sizes.
4. It is proposed to construct a bungalow on the site with two parking spaces. Pedestrian and vehicular access would be gained from the access way alongside 1 Lynton Close. The rear garden retained for 2 Lynton Close would be similar in size and shape to others on this side of the road. The bungalow would be single storey with its principal elevation facing towards 2 Lynton Close and located 1.5m from the rear and side boundaries to the plot. It would have a footprint approximately 16m by 7m and the ridge to the pitched roof would be some 5m high.

5. As a single storey backland building, the form and character of the proposal would contrast with that of the frontage development in the surrounding area. The appellant suggests that the proposal takes its cue from the existing development to the rear of Lynton Close, single storey and detached and therefore that it would not be out of keeping with the character of the immediate surroundings. Moreover, that landscape measures would soften its appearance. The building would not be readily visible in the street scene but it would be a large and conspicuous feature when viewed from the rear windows and gardens of adjacent properties. It would be much greater in mass and height than the garages and other outbuildings along the access way and in the back gardens surrounding the site. The proposal would not be in keeping with the character of development locally and its scale and mass would detract from the appearance of the area.
6. Policy CS8 of the Royal Borough of Kingston upon Thames LDF Core Strategy (adopted April 2012) seeks to protect the primarily suburban character of the borough from inappropriate development whilst seeking opportunities for sensitive enhancements. Policy DM10 of the Core Strategy relates to the design of new development and requires the most essential elements identified as contributing to the character and local distinctiveness of a street or area to be respected, maintained or enhanced. The proposal would not respect several of the character criteria listed in Policy DM10 including the prevailing development typology, the scale, layout, height, form and mass of the building and also the plot width and spacing between buildings. In my opinion the proposal would not be a sensitive enhancement but would amount to inappropriate development and would thereby be in conflict with the provisions of Policies CS8 and DM10.

Living conditions

7. There would be a good standard of natural lighting and outlook to the principal front facing windows to the bungalow. However, the outlook from the rear bedroom window would be oppressive, facing a boundary wall with a separation distance of only 1.5m and with the garage to 115 Fullers Way South rising to approximately 3.5m high immediately behind this wall.
8. The access way serves several properties already and its use in connection with the appeal proposal is unlikely to result in any significant increase in noise or disturbance for adjoining occupiers. In view of the separation distances from the bungalow to adjacent houses in Lynton Close, Glen Road and Fullers Way South, there would not be any significant effect on the living conditions of occupiers in respect of privacy, outlook from or daylight/sunlight to the windows of these properties. Nonetheless, the height and mass of the bungalow would be apparent from adjacent back gardens and would have an overbearing impact far greater than that of any outbuildings currently in these back gardens.
9. Policy DM10 of the Core Strategy requires development proposals to have regard to the amenities of occupants and neighbours including in terms of privacy, outlook, sunlight/daylight, and the avoidance of visual intrusion and noise and disturbance. Having regard to the poor outlook from the rear bedroom window and to the visual intrusion arising from the scale and proximity of the bungalow to adjacent gardens, I consider that the proposal would be in conflict with Policy DM10. The poor outlook from the bedroom

would adversely affect the living conditions of future occupiers of the bungalow and there would be a significant overbearing impact in adjacent gardens for the occupiers of neighbouring dwellings.

10. The appellant has drawn to my attention the requirements of the National Planning Policy Framework to support sustainable development and to deliver a wide choice of high quality homes. The proposal would enhance the range of dwellings available locally and includes a pre-assessment code for sustainability report to demonstrate that the bungalow would achieve a level 4 rating. I note that there have been pre-application discussions with the Council and that the height of the development has been reduced substantially from that for a two storey dwelling previously refused at the site. It is suggested that planning conditions in relation to landscaping around the site and lighting along the access way could be used to ameliorate any impacts arising from the proposal. These factors do not outweigh the harm to the character and appearance of the area and to living conditions that I have identified.
11. Finally the appellant points out that an outbuilding for 2 Lynton Close could be constructed to similar proportions to the proposal under householder permitted development allowances. The use of such a building would need to be incidental to the use of the dwellinghouse at 2 Lynton Close and in all probability would be less intensive than that of the proposed bungalow. The capability to provide an alternative building comparable in scale under permitted development allowances does not justify allowing the proposal.
12. Several local residents have questioned whether the applicant has a right to use the access way to the rear of Fullers Way South to serve the site. As the appeal is not being allowed this is not a matter upon which I have to comment.

Conclusion

13. For the reasons set out above and having regard to all matters raised, I conclude that the proposal would be out of keeping with and detrimental to the character and appearance of the area. Furthermore, that it would have a significant adverse effect on the living conditions of future occupiers of the bungalow and on the occupiers of dwellings in the surrounding area. As such, the appeal is dismissed.

Rory MacLeod

INSPECTOR