
Appeal Decisions

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: 02 August 2017

Appeal A Ref: APP/Z5630/W/17/3171713

Flat 6, 12 Springfield Road, Kingston Upon Thames KT1 2SA

- 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 Dr Michael Wing against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/12820/FUL, dated 9 August 2016, was refused by notice dated 10 October 2016.
 - The development proposed is to convert the existing garage and create a separate self-contained flat (6a) and side extension above upper ground level on a first floor containing an extension to existing flat (6).
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Appeal B Ref: APP/Z5630/W/17/3171717

Flat 6, 12 Springfield Road, Kingston Upon Thames KT1 2SA

- 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 Dr Michael Wing against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/13182/FUL, dated 25 November 2016, was refused by notice dated 7 February 2017.
 - The development proposed is to convert the existing garage to create a self-contained studio flat with galleried mezzanine bed deck (6a) and side extension above upper ground floor level on a first floor containing an extension to existing flat (6).
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Decision

1. Appeal A is dismissed and Appeal B is allowed subject to conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan, Proposed Block Plan, 23800_01_P, 23800_02_PS, 23800_03_E, 6-12-SR-01-C, 6-12-SR-02-C, Wheelie Bin Store and Details of Cycle Parking.
 - 3) The external surfaces of the extension hereby approved shall match those used in the construction of the building.

Procedural Matter

2. In March 2017 the Council granted planning permission under reference 17/12122/FUL for the erection of a first floor side and front bay extension and conversion of the existing garage to ancillary habitable accommodation for use

in association with the existing flat. The majority of the external building works proposed in these appeals therefore now benefit from planning permission.

Main Issues

3. For both appeals the main issue is whether the proposed new dwelling would provide acceptable living conditions for future occupiers with regard to its size and internal layout. In relation to Appeal A there is an additional main issue relating to the effect of the two storey front bay window on the character and appearance of the building and on the Grove Crescent Conservation Area.

Reasons

Living Conditions

4. The appeals relate to flat 6 which is part of a large semi-detached Victorian building paired with 10 Springfield Road. The two properties have been converted to a total of eight flats. There is a garage with living accommodation above at the side of 12 Springfield Road. Flat 6 is located at upper ground floor level and comprises a front facing lounge and rear facing kitchen with two bedrooms and a bathroom at a higher level accessed via a flight of steps from the kitchen. The bedrooms and bathroom are within the side extension and the flat also has use of the garage beneath.
5. It is proposed to convert the garage to a flat with a lounge, kitchen and bathroom at lower ground floor level. The front facing bedroom above the garage would be incorporated within the flat via a spiral staircase. The rear facing bedroom above the garage would be converted to a new bathroom for flat 6 with the present bathroom replaced by a staircase leading to two new bedrooms within an extension above. There would be a parking space for the new flat on the forecourt with parking for flat 6 within a larger parking area to the rear of 10 and 12 Springfield Road.
6. In Appeal B the appellant has referred to the upper level as a "mezzanine floor". The Council disputes this description pointing out that the narrow aperture between the floorplate and the internal wall would afford little overlooking of the floorplate below. Regardless of the description used, it is clear that the accommodation in both appeals would be arranged over two levels. In Appeal A the appellant has calculated the floor area of the new flat to be 39.67 square metres. The floor area would be reduced to 37.088 square metres in Appeal B due to a reduction in the floor area of the bedroom arising from the omission of the first floor front bay window in this appeal.
7. Policy DM13 of the Royal Borough of Kingston-upon-Thames LDF Core Strategy (adopted April 2012) relates to the quality and mix of unit sizes for new housing and refers to London Plan policies in relation to the provision of adequate internal space appropriate to the intended number of occupants. Policy 3.5 of the London Plan (consolidated with alterations) (March 2016) concerns the quality and design of housing development and includes at Table 3.3 minimum space standards for a range of dwelling sizes that reflect the DCLG Nationally Described Space Standards (2015). For a 1-bedroom, 1-bed space single storey dwelling a minimum floor area of 39 square metres is stipulated, reduced to 37 square metres if a shower room is provided instead of a bathroom.

8. In both appeals the floor area would satisfy the minimum stipulated in Table 3.3 for a one bedroom, one bed space flat but this is indicated to be for a dwelling arranged on one storey. The table does not directly address the circumstances of the appeals in which the accommodation is arranged over two storeys. The Council's report refers to a requirement of 58 square metres which is the minimum stipulated for a 1-bedroom, two person unit arranged over two storeys. This is the smallest unit envisaged in the table to be arranged over two storeys. However, in both appeals the flat is specified as being for single occupancy. Furthermore, the size of the bedroom proposed is not particularly suited to occupation by more than one person.
9. The DCLG Nationally Described Space Standards (2015) require that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide, and in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m². In Appeal A, the plans indicate that the upper ground floor comprising the bedroom would have a floor area of 12.833 square metres; this is just above the threshold for a two person dwelling giving some credence to the Council's assertion in relation to occupancy. In Appeal B, the bedroom floor area is shown as 10.145 square metres, comfortably above the threshold for a single bedroom but below that for two persons. The difference between the two schemes is the absence of the square bay window at first floor level on Appeal B. Overall, I am satisfied that the upper floor would provide a satisfactory bedspace for single person occupancy.
10. The ground floor for the proposed flat is identical in both appeals. It would have an open plan lounge and kitchen opening out on to a rear patio, an adequately sized bathroom incorporating a shower, and a conveniently located entrance within the ground floor bay. The indicative layout takes into account commonly required furniture and the spaces needed for different activities and moving around. Policy 3.5 of the London Plan requires new homes to have adequately sized rooms and convenient and efficient layouts which are functional and fit for purpose. In my opinion, the proposed flat satisfies this requirement. I find no conflict with the provisions of Policy DM13 of the Core Strategy or with Policy 3.5 of the London Plan.
11. The proposed flat would also make a small contribution towards meeting housing need in this locality in accordance with other local and national planning policy objectives. In relation to the first issue, I consider that the proposal would provide acceptable living conditions for future occupiers with regard to its size and internal layout.

Character and appearance

12. There is symmetry in the design and appearance of 10 and 12 Springfield Road with the centrally located staircases to the main entrances and bold white rendered bay windows at lower and upper ground floor levels to the side of these entrances. There are other semi-detached buildings of similar mass and design on this side of the road with smaller Victorian buildings opposite. Notwithstanding variations in detailed design, collectively the properties present a cohesive and attractive appearance in the street scene.
13. Springfield Road occupies a central location within the Grove Crescent Conservation Area. The 'special character' of this conservation area is described in the conservation area guide as a planned mid-Victorian estate of houses of

various sizes and styles, the core of which forms the Spring Grove Estate, including St John's Church, a school, and local shops.

14. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty with respect to any buildings or other land in a conservation area, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
15. In Appeal A it is proposed to construct a two storey rectangular bay at the front comprising a ground floor entrance to the new flat with a bay window for the bedroom above. Whilst this would be lighter in structure and narrower than the two storey bay window adjacent to the main entrance, its height would be the same as that of the original bay window. The proposed two storey bay would be a conspicuous feature in the street scene that would compete with the original bay window and its prominence would detract from the appearance and symmetry of 10 and 12 Springfield Road as a balanced pair of semi-detached properties. As such, the development would not preserve or enhance the character and appearance of the Grove Crescent Conservation Area.
16. The harm to the significance of the conservation area would be less than substantial, and as such Paragraph 134 of the National Planning Policy Framework requires that the harm is weighed against any public benefits of the proposal including securing the optimum viable use. The present wide window above the garage does not relate well to the original fenestration and its replacement with a more sympathetically designed window would be a benefit as would the creation of an additional unit of accommodation. However, in my opinion, the harm to the character and appearance of the conservation area arising from the creation of the proposed flat with a first floor bay would not be outweighed by these benefits. This is an issue to which I have to accord substantial weight having regard to the statutory duty.
17. In Appeal B, the single storey bay would be a lower subservient feature, and the Council has separately granted planning permission for this under reference 17/12122/FUL.
18. Policy CS8 of the Core Strategy seeks to protect areas of high quality and historic interest from inappropriate development. Policy DM10 promotes principles of good design whilst Policy DM12 guides development in conservation areas and affecting heritage assets. The height of the two storey bay proposed in Appeal A would result in harm to the character and appearance of the existing building and to the Grove Crescent Conservation Area and so would be in conflict with these policies.

Conditions

19. The Council has suggested three planning conditions in relation to Appeal B. In addition to the standard condition which limits the lifespan of the planning permission, I have specified a condition for the approved plans for the avoidance of doubt and in the interests of proper planning. A condition relating to the use of matching materials for external finishes is necessary to safeguard the character and appearance of the building. A car parking space for the proposed flat already exists on the forecourt; it is not necessary to condition its provision or retention. There is land to the rear of the site in which bins and cycles can be located as indicated on the proposed block plan; I consider a condition to detail their precise location to be unnecessary.

Conclusion

20. For the reasons set out above and having regard to all matters raised, I conclude in both appeals that the proposed new dwelling would provide acceptable living conditions for future occupiers with regard to its size and internal layout. However, in relation to Appeal A, I have concluded that the two storey front bay window would have a significant adverse effect on the character and appearance of the building and on the Grove Crescent Conservation Area. As such Appeal A is dismissed but Appeal B is allowed.

Rory MacLeod

INSPECTOR