
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: 24 August 2017

Appeal Ref: APP/Z5630/W/17/3172830

Church of St. George, Borough Road, Kingston Upon Thames KT2 6BD

- 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 Andreas Pavlou against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/12802/FUL, dated 13 July 2016, was refused by notice dated 3 October 2016.
 - The development proposed is to create three new one x bedroom flats through creating a new first floor above the existing church hall. The existing hall is a one storey building and has a pitched roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) The effect of the development on character and appearance of the building and surrounding area,
 - (b) The effect of the development on living conditions of the occupiers of adjacent dwellings, and
 - (c) The need for a mix in unit sizes.

Reasons

Character and appearance

3. The site comprises a part single storey and part two storey building used as a church and for various community uses. The building is located close to the southern side of Borough Road and has a vehicular access on its western side leading to a parking area at the rear of the site. Borough Road has a mixed character with two storey houses to the east of the site and opposite with industrial buildings to the west side. It is within a Local Area of Special Character. To the rear of the site and positioned close to its boundary are large Victorian dwellings in Brunswick Road, sited within the Park Road Conservation Area.
4. The proposal is to provide three flats within a new first floor above the church hall on the eastern side of the site. This would involve raising the gable end

and pitched roof over the hall to 1.8m above the present ridge line and according to the Council's measurements raising the eaves by 2.15m. Whilst the design approach is sympathetic to that of the present building in respect of external materials, fenestration and the angle of the new pitched roof, the extension would nonetheless appear as a large and prominent feature in the street scene. It would unbalance the present symmetry with a gable end roof at the western end of the frontage, notwithstanding the additions of a porch and bell tower to the front of the building. The additional height and mass of the extension would also compete with and detract from the appearance of the bell tower as a key element in the street scene.

5. As the site is within a Local Area of Special Character, the present building constitutes a non-designated heritage asset. Paragraph 135 of the National Planning Policy Framework (The Framework) requires the effect on the significance of the asset to be taken into account. The Church of St George is an attractive building that makes a positive and distinctive contribution to the character of Borough Road. The additional height and mass resulting from the extension and its wide-ranging visibility along Borough Road would have a negative effect on the appearance of the site and thereby on the significance of the Local Area of Special Character. The rearmost part of the extension would be seen from windows in dwellings at Brunswick Road, and to a limited degree from public viewpoints in Brunswick Road, but in my opinion would not result in harm to the character and appearance of the conservation area.
6. Policy DM10 of the Local Development Framework Core Strategy (2012) (LDF) requires good design including respecting elements identified as contributing to the local distinctiveness of a street whilst Policy DM12 seeks to preserve or enhance existing heritage assets through promoting high quality design. These principles are also reflected in the Council's Supplementary Planning Document titled "Residential Design" (2013) (SPD). Having regard to the scale of the proposal and its appearance in the street scene I find that the proposal would be contrary to these policy provisions.

Living conditions

7. The church hall presently has a series of windows on its flank facing across a narrow passageway towards a boundary wall with adjacent dwellings at 26 Borough Road and 21 Brunswick Road. The proposal would involve raising the eaves to the flank wall to some 5m in height for the entire length of the hall, in excess of 30m. The raised ridge and eaves and overall length of the extension would appear as a close and dominating structure from within the rear gardens of neighbouring dwellings. The development would have an overbearing presence for the occupiers of 21 and 23 Brunswick Road and 26 and 28 Borough Road. Given its siting to the west of these dwellings, the increase in height would result in some overshadowing and loss of late afternoon sunlight within the back gardens. There would also be some loss of light to the nearest windows in adjacent dwellings.
8. Whilst the outer flats would benefit from front or rear facing windows, six window openings would be formed in the east facing flank wall at first floor level required to serve bedrooms, kitchens and living rooms. The appellant states that these would all have obscured glazing in the lower section mounted in the flank wall and clear glazing for the upper section set within the roof slope. Whilst such measures are intended to preclude overlooking and loss of

privacy for the occupiers of adjacent dwellings, I have not been supplied with sufficient information in respect of the height of the clear glazed sections or on controls to limit window openings, to be satisfied that such problems would not arise. The presence and proximity of these windows would give rise to a sense of being overlooked.

9. Policy DM10(k) of the LDF requires the design of developments to have regard to the amenities of occupants and neighbours including in relation to outlook and lighting. The policy also points to the guidance within the SPD that states that design of new residential development should maintain good levels of amenity for existing neighbouring residents. My findings are that the proposal would be in conflict with these local policies and harmful to the living conditions of the occupiers of the nearest dwellings, and this is reinforced by representations submitted.

The need for a mix in unit sizes

10. Policy DM13 of the LDF on housing quality and mix requires new residential development to "incorporate a mix of unit sizes and types and provide a minimum of 30% of dwellings as 3 or more bedroom units, unless it can be robustly demonstrated that this would be unsuitable or unviable". In that the proposal is for three 1-bedroom flats it is prima facie at variance with this requirement. To provide a 3-bedroom flat within the floor area proposed may reduce the overall number of units to two or significantly reduce the size of the other flats. The appellant has indicated that a larger number of smaller units would be more useful and provide greater flexibility in meeting needs arising from the community. This declaration on preferred sizes and use does not amount to a robust defence of the proposed mix. On the evidence available, an exception to the requirements of Policy DM13 has not been made.
11. I acknowledge that there is a need for additional dwellings in the borough and that the development could take place without undermining present community activities at the site. Furthermore, I note that the three flats would each have a good size and layout and have been designed to satisfy requirements relating to Lifetime Homes and the Building Regulations. However, these factors do not outweigh the harm that would be caused contrary to the development plan, the SPD and the Framework.

Conclusion

12. The proposal would have a significant detrimental effect on character and appearance of the building and surrounding area and on the living conditions of the occupiers of adjacent dwellings. Therefore, for the reasons given above and having regard to all other matters raised, the appeal is dismissed.

Rory MacLeod

INSPECTOR