
Appeal Decision

Site visit made on 7 November 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 20th November 2017.

Appeal Ref: APP/Z5630/W/17/3180534
20 St Leonards Road, Surbiton KT6 4DE.

- 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 N Maclean against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/16901/FUL, dated 20 December 2016, was refused by notice dated 16 February 2017.
 - The development proposed is the demolition of outbuilding and erection of one bedroom dwelling at the rear of the site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site is within the Cadogan Road Conservation Area (CRCA). The special character of the CRCA is summarised in the Council's Conservation Area Guide¹ as a mid-19th century housing development, forming the second stage of the Surbiton New Town. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Main Issues

3. The main issues are the effect of the development on, firstly, the character and appearance of the area including the CRCA and, secondly, the living conditions of neighbouring and future occupiers with particular regards to privacy and outlook.

Reasons

4. The appeal site comprises roughly half the rear garden to 20 St Leonards Road, a two-storey, semi-detached residence. It contains a dilapidated outbuilding. The immediate area is residential in nature and comprises a wide array of building forms with little uniformity with regard to age, style or scale. Nonetheless, this is a pleasant suburban area where properties tend to share a common relationship with St Leonards Road, are well proportioned in relation to their plots and are set-back generously from the roadside behind front

¹ "Conservation Area 14 Cadogan Road: Planning Information"

gardens and/or paved parking areas and garages. In that regard, I consider the appeal site contributes positively to the character and appearance of the area.

5. The appeal scheme seeks the erection of a single storey, one-bedroom dwelling following the removal of the existing outbuilding. It would be accessed via an extension to the existing driveway.
6. The appeal scheme would occupy a back-land location and lack a frontage to St Leonards Road. Its diminutive scale and anomalous squat proportions would be decidedly different to anything else in the vicinity. Due to the constraints of the site's size and shape the dwelling would occupy a good proportion of its plot leaving little breathing space between the south and east elevations and site boundaries. There would be limited room to provide outdoor amenity space, landscaping or a turning area so that cars could enter and exit the site in a forward gear. The dwelling would thus appear relatively cramped. In my view, a 'piecemeal' dwelling to the rear of No 20 together with the necessary areas of hard surfacing would represent a conspicuous departure from the pattern of development in the immediate area. As a consequence the development would harm from the character and thus the significance, of the CRCA as a heritage asset resulting in '*less than substantial harm*' in the terms set out in the Framework.
7. I accept that the dwelling would have a similar footprint to the existing outbuilding and would not be prominent from the public domain or adjoining gardens. Nonetheless, the argument that the dwelling would be out of public view is not a good one in principle as it could be oft-repeated to the overall detriment of the character and appearance of the area.
8. Given the special attention that has to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas as set out in the Act, this harm weighs substantially against the proposal. Paragraph 134 of the Framework indicates that where a development proposal will lead to less than substantial harm this harm should be weighed against the public benefits; I have not identified any significant public benefits in this case.
9. Notwithstanding that the detailed design of the dwelling, would be acceptable, I conclude that the development would fail to preserve or enhance the character of the RCLA. The development thereby conflicts with Policies CS8, DM10 and DM12 of the "*Royal Borough of Kingston upon Thames Core Strategy 2012*" (the CS). These seek to protect the borough's suburban character and areas of historic interest.

Living conditions

10. Although the property would lack expansive views, this is a built-up residential area and in that context I am not persuaded that the outlook for future occupiers would be unacceptably poor. I have noted the Council concerns in relation to daylight. However, whilst some rooms would have a shaded aspect, I am satisfied that overall the property would benefit from adequate levels of sunlight/daylight.
11. Whilst it might be reasonably argued that the proposal would generate some traffic, it would not generate much. Outside the initial construction phase traffic movements to/from the site would not be significant and any noise that

is generated would be short-lived, transitory and mostly during daylight hours. A scheme of landscaping could be conditioned to protect the privacy of the occupiers of No 20. To that end, I do not consider that vehicular movements to/from the site would impinge unacceptably on adjacent occupiers.

12. On the second main issue, I therefore conclude that the development would not harm the living conditions of neighbouring and future occupiers with particular regards to privacy and outlook. There would thus be no conflict with the aims of the Framework or Policy DM10 of the CS which seek a good standard of amenity of amenity for future occupiers.

Other Matters

13. The appellant has drawn my attention to other developments in the local area. However, as I do not know the circumstances of these cases, I cannot be sure they are comparable to the scheme before me. As such, I have afforded them little weight and assessed the scheme before me purely on its own merits.

Conclusion

14. For the reasons given above and taking into account of all other matters raised, I conclude that the appeal should be dismissed.

D. M. Young

Inspector