
Appeal Decision

Site visit made on 28 November 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 10th January 2018

Appeal Ref: APP/Z5630/W/17/3181894

48 Ullswater Crescent, Kingston Vale SW15 3RQ

- 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 Ramsey Ammar against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 17/14271/FUL, dated 4 March 2017, was refused by notice dated 16 June 2017.
 - The development proposed is the demolition of existing dwelling, construction of replacement two-storey dwelling with attached garage, attic and basement.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling, construction of replacement two-storey dwelling with attached garage, attic and basement at 48 Ullswater Crescent, Kingston Vale SW15 3RQ in accordance with the terms of the application, Ref 17/14271/FUL, dated 4 March 2017, subject to the conditions on the attached schedule.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The site is within an established residential area which has a pleasant suburban quality. The appeal site forms a two storey detached dwelling that has been constructed in the Tudor Revival or 'mock Tudor' style with brick at ground floor leading to render with exposed timber detailing at first floor. The building has a pleasing symmetry with projecting gables and jettied windows at the first floor level. The site occupies a prominent corner location within Ullswater Crescent and benefits from a large side and front garden. The plot is wedge shaped with the existing building located on the southern side of the site, with the remaining area as private garden areas.
4. Some of the properties in Ullswater Crescent follow the 'mock Tudor' styling of the appeal property, while others are constructed of brick and tile or a mixture of brick and render or completely rendered. However, I find a defining character of the area to be that the vast majority of dwellings are large detached buildings of similar scales which occupy the majority of the width of their plots and are set back from the road with parking areas to the front. The side garden area of the site creates a visual gap along the street scene.

5. The Council's concern relates to the size, scale and design of the building which they consider would be out of keeping with the character of surrounding houses and the street scene. I am conscious that Policies CS8 and DM10 of the Royal Borough of Kingston-upon-Thames Local Development Framework Core Strategy 2012 (the Core Strategy) seek to ensure that development proposals incorporate principles of good design and that the most essential elements that contribute to the character and local distinctiveness should be respected, maintained or enhanced.
6. In addition, the National Planning Policy Framework (the Framework) tells us that, "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles". However, paragraph 60 continues by stating that "it is proper to seek to promote or reinforce local distinctiveness".
7. The site lies within the Coombe Hill/Kingston Hill Strategic Area of Special Character (the SASC) which is described as being characterised by substantial detached properties built at a low density with large landscaped and heavily planted gardens. I accept that the appeal site meets the description of a substantial detached property. However, Ullswater Crescent itself is not one of the more 'leafy' roads and does not contain the heavily landscaped and planted gardens referred to in the character assessment of the area.
8. The SASC acknowledges that while the majority of houses in the area are not of particular architectural or historical importance a significant number are of townscape importance. However, the SASC also recognises that pressure for higher density development has led to houses being built to a design that is often repetitive and unsympathetic to the character of the area.
9. While the existing building is of an attractive design, and is in keeping with other similar properties along Ullswater Crescent, it is nonetheless a typical example of architecture of the period and is unremarkable in that respect. The proposal seeks to demolish the existing dwelling and replace it with a modern interpretation of the 'mock Tudor' styling.
10. The proposed dwelling would have a central two storey element, largely on the footprint of the existing dwelling. The proposal takes the opportunity to develop the wedge shaped plot by creating a single storey flat roofed extension which would project out from the two storey element towards the boundary with No. 50 where it would join a single storey garage with a pitched roof. Design features include jettied windows and projecting gables with a palette of materials such as red/brown bricks, white render, clay tiles and timber windows.
11. The central two storey element utilises two pitched roofs that would be perpendicular to each other. Both roofs project a gable outwards to create a focal point at this particular corner of Ullswater Crescent. Flat roofed elements then project further to add more interest to the elevations. Full height windows are proposed in the gable ends while other windows wrap round the corners. The single storey element would be read as a garden wall when viewed from the public realm thereby retaining the main two storey element as the dominant feature in the street scene and retaining the visual gap that the site currently provides.

12. The proposal would result in a high quality development that would create interest on this prominent corner by introducing a modern interpretation which takes elements of the building it seeks to replace. The design of the proposed dwelling would reinforce local distinctiveness and enhance the street scene while its scale and size would be in keeping with properties that surround it. The proposal would result in a development that sits comfortably within its plot, providing adequate levels of private garden space.
13. I therefore conclude that the proposed development is acceptable and would accord with Policies CS08 and DM10 of the Core Strategy and Policy 7.4 of the London Plan 2016 which seek, amongst other things, to ensure that development proposals incorporate principles of good design, contribute to the character and local distinctiveness of a street or area and recognises distinctive local features and character.

Other Matters

14. Concerns have been raised regarding the proposed basement and potential flooding from the development. The site is not within a flood zone and I have not been provided with any substantive evidence that the proposed development would impact on groundwater or soakaways. Moreover, the construction of the basement would need to be in compliance with current Building Regulations. The site is not within an Area of Outstanding Natural Beauty or within a Conservation Area.
15. The planning system is concerned with land use in the public interest. The impact on property value is a private interest and is not therefore material to the determination of the appeal. Given the separation distance between the site and the property across the road at 77 Ullswater Crescent, the development would not impact upon daylight to a significant level. As the development only seeks to erect a single dwelling, any disruption caused by the delivery of materials and goods to the site is likely to be for a short period of time.

Conditions

16. The Council have not suggested any conditions were I minded to allow the appeal. However, the officer's delegated report which recommended approval of the application suggests a number of conditions which I have taken to be the Council's suggestions. In the interest of precision and enforceability I have reworded them where necessary. I have attached a condition specifying the approved plans for certainty. In order to ensure a satisfactory appearance of the development, a sample of the external materials to be used in the construction of the dwelling along with building levels and landscaping details would need to be submitted to the Council before development commences. To protect the living conditions of adjoining occupiers a survey of existing water courses and details of sustainable drainage systems to be used at the site would also need to be submitted to the Council before development commences along with details of a Construction Management Plan.
17. In the interest of highway safety the parking should be laid out in accordance with the approved plans and details of covered cycle parking and the provision of waste and recycling facilities should be provided. To safeguard the living conditions of adjoining occupiers, the window facing 50 Ullswater Crescent should be obscurely glazed and retained. In addition, details of boundary

treatments need to be submitted for approval by the Council and the flat roof of the single storey extension shall not be used as a balcony or an area to sit out. In the interest of sustainability, the dwelling should be constructed to reduce CO2 and internal water usage.

18. The Planning Practice Guidance advises that the removal of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances¹. In this particular case, given the unique nature of the development it would be reasonable to removed permitted development rights for extensions to include dormers and porches. The insertion of a window at first floor level in a side elevation requires planning permission and the removal of such rights is not required.

Conclusion

19. For the reasons given above, and having regard to the development plan when read as a whole, I conclude that the appeal should be allowed.

Graham Wyatt

INSPECTOR

¹ Paragraph: 017 Reference ID: 21a-017-20140306 of the PPG

Schedule of 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:
 - Dwg No 068/EX/100 existing ground floor plan
 - Dwg No 068/EX/103 existing roof plan
 - Dwg No 068/EX/101 existing first floor plan
 - Dwg No 068/EX/124 existing south elevation
 - Dwg No 068/EX/121 existing west elevation
 - Dwg No 068/PL/002 site plan
 - Dwg No 068/EX/123 existing east elevation
 - Dwg No 068/EX/122 existing north elevation
 - Dwg No 068/PL/001 site location plan
 - 068/EX/120 existing street scenes
 - 068/EX/141 existing long section
 - 068/PL/220 proposed street scenes
 - 068/PL/241 proposed long section
 - 06/PL/206A proposed site plan
 - 068_PL_200 Rev B - proposed ground floor
 - 068_PL_201 Rev B - proposed first floor
 - 068_PL_202 Rev B - proposed attic plan
 - 068_PL_203 Rev B - proposed roof plan
 - 068_PL_204 Rev B - proposed basement
 - 068_PL_205 Rev B - proposed block plan
 - 068_PL_220 Rev B - proposed street scenes
 - 068_PL_221 Rev B - proposed west elevation
 - 068_PL_222 Rev B - proposed north elevation 2
 - 068_PL_223 Rev B - proposed east elevation
 - 068_PL_224 Rev B - proposed south elevation
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, parking areas and pathways in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) No development shall take place until a schedule of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation and maintenance shall be carried out in accordance with the approved schedule. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.
- 6) No development shall take place until details shall have been submitted to and approved by the Local Planning Authority to investigate the

presence of any water courses, ephemeral springs or other groundwater issues at the site and to demonstrate that the flow of any water courses, ephemeral springs or other groundwater will not be obstructed as a result of the development. In the event of any such obstructions being identified sufficient measures shall be implemented to prevent any flooding to any neighbouring residential properties. The development shall be completed in accordance with the approved details and maintained thereafter.

- 7) No development shall take place until details of the implementation, adoption, maintenance and management of a sustainable drainage system have been submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - (a) Provision for loading/unloading materials.
 - (b) Storage of plant, materials and operatives vehicles.
 - (c) Temporary site access.
 - (d) Signing system for works traffic.
 - (e) Measures for the laying of dust, suppression of noise and abatement of other nuisance arising from development works.
 - (f) Location of all ancillary site buildings.
 - (g) Measures to protect any tree, shrubbery and other landscape features to be retained on the site during the course of development.
 - (h) Means of enclosure of the site.
 - (i) Wheel washing equipment.
 - (j) The parking of vehicles of the site operatives and visitors
 - (k) The erection and maintenance of security hoarding.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 9) No part of the development hereby approved shall be occupied until full details of the refuse and recycling facilities and secure covered cycle facilities for the occupants of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and maintained thereafter.
- 10) No part of the development hereby approved shall be occupied until evidence has been submitted to the Council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4. Evidence requirements are detailed in the "Schedule of Evidence Required for Post Construction Stage from Ene1 &

Wat1 of the Code for Sustainable Homes Technical Guide. Evidence to demonstrate a 19% reduction compared to 2013 part L regulations and internal water usage rates of 105l/p/ day must be submitted to and approved by the Local Planning Authority and maintained thereafter.

- 11) The car parking accommodation shown upon the approved drawings shall be provided with a dust free, permeable surface, adequately drained before the development to which it relates is occupied and thereafter it shall be kept free from obstruction at all times for use by the occupier of the development and shall not thereafter be used for any purposes other than the parking of vehicles for the occupiers of the development and visitors to it.
- 12) The roof of the single storey extension hereby permitted shall not be converted or used as a balcony or a sitting out area, and no access shall be gained except for maintenance purposes.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions (including porches or dormer windows) to the dwelling house or building shall be erected within the curtilage.
- 14) Full details of all of the boundary fences or walls shall be shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed prior to the occupation of the development and retained thereafter.
- 15) No part of the development hereby approved shall be occupied until the first floor windows on the north eastern elevation facing No. 50 Ullswater Crescent shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall also be fitted with, and retained in, obscure glazing of a patterned type only which shall thereafter be retained as such. Obscure glazed windows should be obscured to minimum of level 3 of the Pilkington Scale. The use of any type of film or material affixed to clear glass is not acceptable for the purposes of this Condition.