

Appeal Decision

Site visit made on 25 July 2019

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2019

Appeal Ref: APP/Z5630/W/19/3226999

Land rear of 13 Rosemont Road, Kingston upon Thames, KT3 3ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by John Holland & Associates Ltd against the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 18/14815/FUL is dated 23 August 2018.
 - The development proposed is the erection of single storey three bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey three bedroom dwelling at land rear of 13 Rosemont Road, Kingston upon Thames, KT3 3ER in accordance with the terms of the application, Ref 18/14815/FUL, dated 23 August 2018, subject to the conditions on the attached schedule.

Preliminary Matter

2. The Council's Officers have made no recommendation or delegated decision on this proposal and there is no resolution as to how the scheme would have been determined had it remained with the authority. The Council's submission to this appeal comments that "the LPA would request that the Inspector consider the scheme in terms of its impacts on the character and appearance of the surrounding area and the residential amenity of the neighbouring occupiers and future occupants of the application site and whether or not the applicant has sufficiently demonstrated that the proposed development would not result in unacceptable impact on highway safety, or the residual cumulative impacts on the road network would not be severe". From my perspective it would be appropriate to draw these points together as the main issues.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the host property and the locality;
 - residential amenity for neighbours and future occupiers; and
 - highway safety.
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Reasons

4. The site is rubbish strewn ex-Council owned backland and measures 0.4ha. It lies to the rear of properties in Ashcombe Square and Rosemont Road and is bounded by the Wimbledon to Richmond railway line to the south and Dickerage Lane which passes its eastern boundary. The site is flat and contains no trees. Access to the site is by means of an existing pathway some 2.6 metres in width which runs for about 150 metres along the rear of gardens to properties in Ashcombe Square. Surrounding properties are almost all two storeys in height and generally have gardens front and rear. The proposal is as described above.

Character and appearance

5. The character of the area is residential. This planned home would be at some variance from the norm which is generally two storey with road frontage. However the property would be discreetly positioned and accessed. In any event in its own right it would be a simple single storey structure of a low key nature which would not be jarring on the eye and would sit comfortably within its plot. Furthermore introducing a productive use and design variety into an extensive homogenous estate can to my mind be a positive step and in this instance would be.
6. Consequently I conclude that there would be no conflict with London Plan (LP) Policies 7.4 and 7.6 or Core Strategy (CS) Policies CS08 and DM10 which taken together and amongst other matters call for well designed and appropriate buildings having regard to local character and streetscene.

Residential amenity

7. The planned property would not introduce new vehicular movement to the rear of the nearby homes which would limit any potential disturbance to only other domestic activities. There would be some coming and going and garden uses but I would not expect anything out of the ordinary for a housing estate in terms of noise and disturbance. The building itself and its boundary mitigation may actually reduce railway noise for some nearby residents. There would be no overlooking from this single storey structure and at ground level screen fencing is in place.
8. The site itself would be overlooked by nearby two storey homes, particularly on the long entrance side. Of course many street side properties have a frontage with no privacy. Furthermore the internal layout would be such that main living accommodation would be to the rear and there would be reasonable areas of garden well removed from the closest scope for overlooking and offering good private or semi private amenity space. Rail noise could be mitigated by a specialist noise attenuation fence. Internal space standards used by the Council would be met and outlook would be reasonable.
9. In these circumstances I conclude that there would not be conflict with LP Policy 3.5 and CS Policies CS08, DM10 and DM13 in so far as they are concerned with protecting and providing good standards of residential amenity.

Highway safety

10. The estate has a reasonable road pattern and whilst I have no evidence before me I would not expect there to be any significant record of accidents. Car

parking does prevail in parts but again I would not envisage this leads to any great safety issues. Traffic for one additional dwelling is not in any sense going to lead to any individual or cumulative impacts of a severe nature. The appeal scheme would rely on on-street parking. The positive side of this is that there would not be risk of regular conflict along the access pathway. The negative is that there may be some minor inconvenience added for those looking for local on-street parking as numbers would increase. This however would be marginal and not of sufficient scale to outweigh the social, economic and environmental benefits of this scheme. I conclude that the appeal proposal would not result in any breach of Council cited development plan policies which are concerned with highway safety and parking provision.

Other matters

11. A previous proposal (17/15235/FUL) for a bungalow on this site was refused on the basis that the Council deemed the access to be unacceptable for pedestrians and vehicles and that collection of refuse had not been covered by acceptable arrangements. There was thus concern expressed over pedestrian and highways safety on Rosemont Road.
12. As explained above the appeal proposal would not lead to residential vehicles going down the pathway to the planned home as no parking is provided. There would thus not be scope for conflict between cars and pedestrians. The pathway is entirely suitable for walking and getting cycles to the appeal site. The question of vehicles regularly using it would not now arise and as noted above I am content on the matter of highway safety.
13. On the matter of the collection of refuse I entirely understand that operatives may not go so far as the planned home. However from time to time these types of long entrances are encountered and the home-owner simply has to get their bins closer to kerb-side for times of collection or make other private arrangements. The small inconvenience over bin collection would not in this instance be a justified reason to prevent a new home.

Conditions

14. The standard commencement period should apply. A condition that works are to be carried out in accordance with listed, approved, plans is put forward by the Council; I would agree to provide certainty. External materials should be agreed in the interests of visual amenity. The railway line requires satisfactory noise attenuation in the interests of residential amenity. Surface water drainage methodology needs to be agreed to prevent flood risk and maximise sustainability and it is appropriate and agreed by the Appellant that such details would be needed prior to the start of work so that the specification and mitigation measures can be incorporated into the build. Refuse storage and cycle parking facilities should be secured for purposes of protecting amenity and encouraging sustainable travel.
15. I am not persuaded that landscape and its management needs to be agreed for a single garden of this size in this location in the interests of visual amenity; the detailed choice of soft and hard landscape could reasonably be left to any developer or occupier. I take the same view on fencing and walling other than any acoustic measures which would be dealt with under the previously mentioned attenuation condition. In my opinion there is no justifiable

residential amenity reason for additional controls over the high level bathroom window shown in the east flank.

16. On the matter of energy consumption / CO2 reductions I would agree with the Council's proposition in the interests of sustainable development. I would also agree with the suggested water usage rate limitations and shall apply a condition accordingly in the interests of good management of water resources.
17. On occasions I include some variation from the wording set out by the Council in order to aid precision and accord with national guidance and legislation.

Overall conclusion

18. For the reasons given above I conclude that the proposal would not have unacceptable adverse effects on the character and appearance of the host property and the locality, or on residential amenity for neighbours or future occupiers, or on highway safety. Accordingly the appeal is allowed.

D Cramond

INSPECTOR

SCHEDULE OF CONDITIONS (9)

1. The development to which this permission relates shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 181053/P01, P02, P03, P04 & P05.
3. A sample of the facing materials to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any works on site above damp proof course level are commenced. The development shall then be built in accordance with these approved samples.
4. The secure cycle parking facilities shown on the approved plans shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for this use at all times.
5. The bin storage facilities shown on the approved plans shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for this use at all times.
6. The residential unit hereby approved shall not be occupied until it has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
7. The residential unit hereby approved shall not be occupied until it has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum water consumption (to include a fixed factor of water for outdoor use of 5 litres per person per day for in accordance

with the optional requirement defined within Approved Document G of the Building Regulations).

8. No development shall take place above damp proof course level until a detailed acoustic report on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The report shall include a scheme of noise insulation measures for the hereby approved dwelling. The noise insulation measures shall be designed to achieve noise insulation to a standard that nuisance will not be caused to the occupiers of the hereby approved dwelling by noise from the train tracks along the southern boundary of the site. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings. The approved scheme shall be implemented prior to the first occupation of the dwelling and be permanently maintained thereafter.
9. The development hereby approved shall not commence until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using Suds methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the first occupation of the dwelling and maintained thereafter for the lifetime of the development.