
Appeal Decision

Site visit made on 8 October 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/Z5630/W/19/3233207

141 London Road, Kingston Upon Thames KT2 6NH

- 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 Mr A Derodra against the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 19/00553/FUL, is dated 1 March 2019.
 - The development proposed is change of use of ground floor from A1 retail to C3 residential to form one x 3 bedroom flat with associated bins and cycle provision and alterations to ground floor front, side and rear elevations to accommodate replacement and new windows.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matter

2. I have taken the description of development in the banner heading above from the application form removing elements that are not acts of development. Although different to that on the Council's registration letter and the appeal form, no details have been provided to indicate any change was agreed.

Main Issues

3. The main issues of the appeal are the effects of the proposed development on;
 - Employment and retail provision in the Borough; and
 - Highway safety, with particular regard to on street parking.

Reasons

Employment Provision

4. Policy DM17 of the Royal Borough of Kingston Upon Thames Local Development Framework Core Strategy (CS) states that the Council will protect all employment land and premises in certain parts of the Borough. Alternative uses are not considered acceptable unless it has been demonstrated by sound evidence and rigorous marketing over a number of years (up to two years) that there is no quantitative or qualitative need for a range of employment uses. Policy DM19 of the CS aims to protect existing retail uses to ensure that district and town centres perform successfully.

5. While there is no onsite parking, there is a shared pedestrian and cycle lane passing the site as well as several bus stops nearby. At the time of my visit, which I appreciate is only a snapshot in time, there was some pedestrian footfall that would provide an opportunity for passing trade. Moreover, although not within a parade of shops, there are other commercial properties on both sides of London Road near the site that could attract passing business.
6. It has been put to me that previous uses did not have sufficient business to sustain their viability. However, along with the availability of other premises to let on the road, there has been no firm information provided. In addition, at the time of my visit the ground floor of the appeal property was occupied, in part, by a commercial/retail use. This indicates that there is a demand for the appeal site for a commercial/retail use.
7. The proposal would involve the loss of an existing retail unit at the ground floor in a location, which while peripheral, is said to be within the Town Centre. There has been no clear evidence presented to me to indicate that the property has been marketed in line with Policy DM17. There would be larger commercial premises nearby and the size of the unit limits its overall contribution towards employment in the area. Nevertheless, it has not been demonstrated that there is no longer a need for employment or retail use at this location.
8. As such, the proposal would adversely impact on the provision of employment and retail uses in the Borough. It would be contrary to Policies DM17 and DM19 of the CS. These seek to protect existing retail uses and employment premises unless it is demonstrated that there is no need for them at the location.

Highway Safety

9. There is no onsite parking proposed and there are parking restrictions on London Road and some of the surrounding streets. However, there are no off street spaces provided at present for the retail unit which would also generate a certain level of traffic and associated parking need. There is a shared pedestrian and cycle route running in front of the site and there are several bus stops nearby. Furthermore, cycle storage is shown at the rear of the property. Therefore, there would be opportunities for occupiers of the proposed property to utilise modes of transport, other than private car.
10. Moreover, even if there were to be additional parking requirements from the proposed dwelling, there has been no compelling case made to show that existing on-street parking pressures are currently leading to, or that this scheme would lead to, highway safety issues.
11. Therefore, based on the individual circumstances of the scheme the proposal would not give rise to unacceptable effects on highway safety. The appeal scheme would comply with Policy DM10 of the CS where it states that developments should have regard to local traffic conditions and highway safety and ensure they are not adversely affected.

Other Matters

12. Even if I were to consider that the Council do not have an up-to-date 5 year housing land supply and that the site is previously developed land, this would not automatically lead to the granting of planning permission.

13. The National Planning Policy Framework (Framework) seeks to significantly boost the supply of housing and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement. Although is an accessible location, and providing a 3 bedroom unit, the contribution to the mix and supply of local housing in the area and benefits associated with energy efficiency would be small.
14. The Council have not raised concerns over matters such as internal space standards, flooding, drainage, living conditions or the character and appearance of the area. Cycle and refuse storage have also not been questioned. Nevertheless, the absence of harm would be a neutral factor.
15. The evidence presented regarding the restrictions that flooding and heritage assets put on development elsewhere in the Borough is limited. Therefore, this attracts little weight.

Planning Balance

16. While the scheme would not lead to harmful effects with regard to highway safety, the impact on the provision of retail/employment premises is decisive. The scheme would provide some benefits. Nonetheless, the adverse impacts of the development would significantly and demonstrably outweigh these benefits when assessed against the policies in the Framework as a whole.

Conclusion

17. I conclude that the appeal should be dismissed, and planning permission refused.

Stuart Willis

INSPECTOR