



Appeal Decision

Site visit made on 23 September 2019

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2019

Appeal Ref: APP/Z5630/W/19/3232351

9 Willoughby Road, Kingston Upon Thames KT2 6LN

- 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 Steve Dunn, Willoughby Road Ltd against the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 19/00771/FUL, is dated 20 March 2019.
 - The development proposed is ground and first floor extensions, subdivision of existing house to create a 3-bedroom house and a 4-bedroom house.
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Decision

1. The appeal is dismissed and planning permission is refused for ground and first floor extensions, subdivision of existing house to create a 3-bedroom house and a 4-bedroom house at 9 Willoughby Road, Kingston Upon Thames KT2 6LN.

Application for Costs

2. An application for costs was made by Mr Steve Dunn, Willoughby Road Ltd against the Council of the Royal Borough of Kingston-upon-Thames. This application is the subject of a separate decision.

Background and Main Issues

3. This appeal arises since the Council failed to determine the planning application. The Council have not indicated any potential reasons for refusal. Accordingly I have identified the following main issues based on my reading of the evidence, including the representations made during consultation:
 - i) The effect on the character and appearance of the area.
 - ii) The effect of the development on living conditions of nearby residents and future occupants with regard to amenity space and waste storage.
 - iii) The effect on highway safety in respect of proposed car parking.
4. In order to determine the appeal I have referred to the documents made available by the Council together with the Residential Design Guide Supplementary Planning Document 2013 (SPD) which has been referred to in the evidence before me.

Reasons

Character and appearance

5. The appeal site is a corner plot at the junction of Willoughby Road with Beresford Road. 9 Willoughby Road is a 2-bedroom two storey detached Victorian dwelling. As a corner plot No. 9 has a significant amount of amenity space some of which is used for parking at the side. There is an existing outbuilding adjacent to the site boundary with No 56 Beresford Road. This would be demolished.
6. The proposed development comprises the extension of No. 9 to provide three bedrooms and a new 4-bedroom dwelling would be achieved by building on the existing flank wall to No. 9. The new dwelling would effectively face onto the Beresford Road frontage.
7. The new dwelling would be set back behind the frontage of No. 9 and the roof designed so, according to the appellant, it appears subservient. The gabled wall facing to the south of the new dwelling lies very close to the footway on Beresford Road. Crucially, this side of the new house would be set forward of the main building line of dwellings on Beresford Road. While the flank wall of the corner plot opposite (No. 11 Willoughby Road) also extends beyond the main building line of Beresford Road, this has legibility as it is clear that this forms the flank wall of a semi-detached pair that face onto Willoughby Road. In this sense, the proposed new dwelling goes against the grain of development in the vicinity of the site and because of this would be an incongruous addition, out-of-place in its context. The proposed dwelling is very close to the footway on Beresford Road which would mean, for example, that the occupants would have to access their waste bins as well as the garden area fronting Willoughby Road from the footway and not from the property curtilage. This is out of character for the area since it would add clutter to the streetscene.
8. Taking these factors into account I consider that the proposed development would be harmful to the character and appearance of the area. The proposed development would be over-bearing and dominant, in particular, from the Beresford Road side and in view of its dimensions viz-a-viz the original dwelling would not appear as a subservient extension to No 9 as suggested by the appellant.
9. Accordingly, I consider the proposal would represent over-development of this corner site contrary to Policy DM10 of the Royal Borough of Kingston Upon Thames Core Strategy (2012, CS) which requires new development to be of a high quality that contributes to the character and local distinctiveness of a street or area.

Living Conditions

10. The demolition of the outbuilding enables amenity space to be provided. The appellant assesses the quantum of amenity space to be provided by including all space to the front and rear at No.9 and at either side of the new dwelling. By doing so, he considers the amounts that would be provided meet the requirements of the SPD. However, if the amenity space to the Willoughby Road frontage in the calculations is excluded then the amounts of amenity space would fall below the minimum requirements for family-sized accommodation as set out in the SPD. The SPD also requires that new dwellings provided within the existing curtilage of a dwelling should not reduce the level of amenity space remaining at the existing property below the minimum.

11. With regard to the spacing of dwellings I note the SPD requires in excess of 7.5m from habitable rooms to the boundary of the property or 15m to the flank wall of adjacent properties. The appeal proposal would comply with the former but not the latter in respect of proximity to No. 56 Beresford Road but this degree of separation would not be untypical in the area. There would also be significantly more windows, particularly at first-floor level, on the Beresford Road frontage compared to No. 9 as existing but since these would face onto the flank wall on the opposite side of the road this would be compliant with policy guidance. While the proposed development would result in an additional habitable room at first floor level facing No. 56 and the room in the rear elevation of No. 9 being moved closer, I do not consider this would lead to a harmful increase in overlooking. In terms of daylighting the evidence submitted suggests the proposal would not lead to harmful impacts and this reflects my own conclusions based upon what I have seen and read.
12. On this main issue my conclusion is that the appeal proposals would have a harmful impact on living conditions in relation to the amount of useable amenity space provided. In effect, this appears to be a consequence of the over-development of the site and, as such, would be contrary to Policy DM10 of the CS which requires new development to provide adequate private amenity space. These requirements are then set out in more detail in Policy 13 of the SPD.

Car Parking

13. Car parking is a matter identified by both the Highways Authority (HA) and several consultation responses. Residents have pointed out that the demand for parking could be higher under some circumstances, for example in the event the properties were to be used for multiple occupation. There would be both a loss of on-site car parking coupled with a potential increase in demand from the new dwelling. The appeal site lies within a controlled parking zone and I understand that the occupier of No 9 has one permit. The site also has good access to nearby public transport services. The HA have suggested if the development is permitted then it should be car capped with a legal agreement precluding residents from applying for parking permits.
14. As part of the appeal process, however, the appellant has submitted evidence to suggest there is sufficient capacity in the immediate locality to accommodate the likely increase in demand for on-street parking arising from the development. They assess this as 2 spaces but, under parking standards, the development would require 3 spaces. The appellant's assessment was based on overnight surveys at the times when demand is highest and where observed parking stress was below the threshold of 90% or more.
15. The HA have not commented on the appellants report. On the basis of the evidence before me I conclude that in the interests of highway safety it would be appropriate to control the number of vehicles parking on-street arising from the development by placing a limit on the number of permits that could be issued to occupants of the proposed development. The number of permits would not exceed parking standards. This would be consistent with Policies DM9 and DM10 of the CS. However, such a restriction would need to be set out in a planning obligation and there is no such obligation before me to consider as part of this appeal.

Other Matters

16. Other matters raised include over-loaded sewers and drainage and queries over the ownership of a boundary wall. The former does not appear to have been raised in formal consultation with the appropriate body and the latter is not a matter for this appeal.
17. The appellant raised an earlier appeal decision (APP/Z5630/D/3201298) concerning an extension to No. 9. Pre-application discussions in late 2018 for a different scheme to the appeal proposal are also mentioned. The appellant indicates that both have influenced the appeal proposal. However, since I was not party to the discussions, I have determined this appeal on its merits.

Conclusions

Taking all the above matters into account I conclude that the proposal would represent over-development of the site leading to a form of development that is both out of character in its context and would fail to provide sufficient useable amenity space for family accommodation.

18. For the reasons stated above I dismiss the appeal and planning permission is refused.

David Carter

INSPECTOR