



Appeal Decision

Site visit made on 2 December 2019

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 December 2019

Appeal Ref: APP/Z5630/W/19/3237186

Longcroft, 16 South Bank, Surbiton KT6 6DB

- 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 R Patel of RAA4 Developments Ltd against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 19/01168/FUL, dated 29 April 2019, was refused by notice dated 26 July 2019.
 - The development proposed is the demolition of an existing house and erection of new residential building including basement, ground, first and second floor accommodation housing 1 replacement dwelling and 6 new dwellings with associated bins and cycle store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposal on the:
 - Character and appearance of the area;
 - Supply of family housing;
 - Living conditions of future residents with regards to outlook and amenity space; and
 - Car parking.

Reasons

Character and Appearance

3. The appeal site is located in a prominent location adjacent to a junction. The existing detached dwelling on the site is of an understated but attractive suburban appearance with a pitched roof. There is a wide variety of building styles in the vicinity of the site, including substantial blocks of flats. However, a predominant characteristic in the vicinity of the site is the use of various forms of pitched roof.
4. In contrast, the proposal would have a flat roofed design. This would give the building a box-like character with a roof profile that would not sit comfortably with nearby buildings. The relationship with the adjacent pitched roof building of Bramshott Court would be particularly awkward, where the flat roof of the

proposal would project above the front eaves of the roof and beyond the roof slope of the adjacent building.

5. The proposal would also project beyond the building line established by Bramshott Court which would add to the obtrusive appearance within the streetscape. The stepped back arrangement of the front elevation would also give the proposed building an unbalanced and incongruous character, which would further exacerbate the visual harm arising from the development. Whilst the existing dwelling on the site may also include a degree of step-back and an asymmetric roof form, this has a pitched roof design and is of a more limited scale in comparison to the appeal proposal.
6. I acknowledge that the building line in the wider streetscape is not well defined, with a substantial block of flats on the opposite side of Hazelwood Court projecting further towards the highway of South Bank. Whilst it may be possible for a building of a suitable design to project beyond the building line of Bramshott Court, the unsympathetic design of the proposal would result in an obtrusive projection into the streetscape.
7. I saw that Bramshott Lodge consists of a flat roofed building located in close proximity to the appeal site. However, this served to confirm the awkward and incongruous effect of this form of development within the immediate street scene and does not therefore weigh in favour of the proposal.
8. My attention has been drawn to existing and proposed flat roofed buildings in the wider area. Reference has been made to a development to the rear of the appeal site, although I saw that this was not in as prominent a location and does not set a precedent for the appeal proposal. I acknowledge that flat roofs are more common in the wider area, but I saw that this is not the case within the immediate context of the appeal site.
9. The building would sit in close proximity to the boundary with Hazelwood Court. I saw that there are other traditional buildings in the immediate vicinity which abut directly onto the footpath so that this arrangement in principle would not be an incongruous feature, subject to a suitable design of building. Similarly, the proposed separation distance with Bramshott Court would also not be unduly limited given the varied scale and grain of development in the area. However, given the unsympathetic design of the proposal these factors do not weigh in favour of the scheme.
10. With regards to the design of the windows of the proposal, I saw that there was not a predominant form of window design in this area. The proposed windows would be proportionate features within the elevations of the proposal and would not be visually intrusive within the varied context of the street scene.
11. Notwithstanding my conclusions with regards to window design and proximity to the side boundaries, I conclude that due to its siting and design the proposal would harm the character and appearance of the area. The proposal would therefore be contrary to Policies CS8 and DM10 of the Core Strategy 2012 (the Core Strategy) and Policies 3.5, 7.4 and 7.6 of the London Plan 2016 (the London Plan) and the National Planning Policy Framework (the Framework) which together require development to relate well to its surroundings and incorporate the principles of good design, amongst other things. The proposal would also conflict with the guidance of the Council's Residential Design Guide

Supplementary Planning Document 2013 (SPD) which seeks to ensure that residential development in the Borough achieves the highest possible standards in design.

Family Housing

12. Policy DM13 of the Core Strategy requires that new residential development should provide a minimum of 30% of dwellings as 3 or more bedroom units (i.e. a 'family dwelling'). In relation to the appeal proposal this would equate to 2 family dwellings. However, the proposal would only provide 1 3-bedroom family dwelling and would therefore not comply with this element of Policy DM 13.
13. The appellant sets out the potential net gain in family dwellings from a development which accords with Policy DM13, depending on whether the extant dwelling to be replaced is classed as a family dwelling. Based on the evidence before me, the extant dwelling has 2 bedrooms at first floor level and a room at ground floor level which could be used as a bedroom. Whilst the ground floor room may be used as a dining room, a separate living room is also provided and it is therefore not an unreasonable prospect that the dwelling could be used to provide 3 bedrooms and would be suitable for family accommodation. The extent of private amenity space around the site also adds weight to my assessment on this matter.
14. The proposal would therefore lead to the replacement of a family dwelling with an equivalent and would not lead to a net increase in family accommodation on the site. Furthermore, the proposal would not meet the minimum of 30% of 3-bedroom dwellings required by Policy DM13. Also having regard to Policy DM13, it has not been demonstrated that the provision of an appropriate number of family dwellings on the site would be unsuitable or unviable.
15. On the basis of the above, I conclude that the proposal would not make suitable provision for family housing and would conflict with Policy DM13 of the Core Strategy.

Living Conditions

16. The windows and patio doors of the basement flat would look out onto lightwells. Whilst the windows and doors would be partially above ground level and would enable a view of the sky, the retaining walls of the lightwells would dominate views from the dwelling due to their relative proximity and depth. Even allowing for the extent of glazing, the proposal would provide an unduly restricted and oppressive outlook for residents of the basement flat.
17. I note the conclusions of the appellant's Daylight and Sunlight Assessment with regards to the levels of light reaching rooms at basement level, but this does not lead me to a different conclusion in respect of outlook.
18. The appellant also refers to basement dwellings elsewhere which may provide a similar or worse outlook. However I have not been provided with the circumstances that led to those developments being permitted. In any event, I have determined the appeal on its own merits and whilst a poor outlook may be provided by other dwellings this does not justify the harm to living conditions of future residents in the appeal before me

19. The access from the 3-bedroom family dwelling to the rear garden would also be convoluted and via a flight of stairs, which may be unduly inconvenient for residents with e.g. prams or small children. Due to the potential accommodation of the family sized dwelling and mindful of the existing provision of amenity space within the site, I consider that it would be appropriate for occupants to have convenient access to a private amenity area of a suitable size.
20. I acknowledge that in some circumstances family sized apartments may need to be served by stairs. The appellant has provided plans of an approved scheme at Villiers Avenue which shows larger apartments accessed by stairs. However, the plans suggest that level access to a sizeable amenity area would be provided for the ground floor units, and there is no evidence to demonstrate that this could not be achieved for family accommodation on the appeal site.
21. The front garden would be split level and would be readily visible from the public realm. Due to this arrangement and location, this would not provide suitable private amenity space for residents of the proposal. Even with extra screening provided by landscaping as suggested by the appellant, I consider that the front garden would not be sufficiently private which would significantly limit its use by residents of the family-sized dwelling.
22. The appellant has referred to The Wood park within walking distance of the site. I acknowledge that access to public open space may provide a suitable alternative to private amenity areas for residents of smaller flats. However, for the reasons stated above, I consider that the proposed family sized dwelling should have convenient access to a suitable private amenity area within the site. The potential to access a park in the area does not lead me to a different conclusion on this matter.
23. I have had regard to the significant number of other appeal decisions referred to by the appellant in respect of amenity provision. However, I have not been provided with full details of these cases and so cannot be certain that they represent a direct parallel to the appeal before me, including matters such as the nature of the location and the form of accommodation proposed.
24. I therefore conclude that the proposal would lead to unacceptable harm to the living conditions of residents of the basement flat due to inadequate outlook and amenity space. The proposal would therefore conflict with the amenity aims of Policy DM10 of the Core Strategy, Policy 7.6 of the London Plan and the Framework. The proposal would also conflict with the SPD with regards to the provision of private amenity space.

Car Parking

25. The Council's reason for refusal on this issue refers to the absence of a legal agreement addressing matters such as a car cap, precluding occupants from obtaining car permits and informing future residents of the lack of parking provision. In response, the appellant has provided a Unilateral Undertaking to address these matters, and I note that the Council has not objected to this subject to a minor amendment. On that basis, I consider that the proposal would make suitable provision in respect of car parking. The proposal would therefore not conflict with Policies DM9 and DM10 of the Core Strategy which together seek to manage vehicle use for new development and to have regard to local traffic conditions.

Other Matters

26. The proposal is located opposite to the boundary of the Oakhill Conservation Area, which has a special character as summarised in a Planning Information statement¹. I also have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the effect of the proposal on the nearby Grade II listed building of Hillcroft College, the significance of which is summarised by the list description. I am also mindful of the content of the Framework in relation to these designated heritage assets. I note that the Council Officer's report concludes that the proposal is considered not to harm the significance of these heritage assets and would preserve it. Based on the positions of the main parties and the evidence available to me, I see no reason to disagree.

Planning Balance and Conclusion

27. Notwithstanding my conclusion with regard to car parking, I conclude that the proposal would lead to harm to the character and appearance of the area, the supply of family housing and the living conditions of future residents.
28. It is common ground that the Council is unable to demonstrate a five year supply of deliverable housing sites. The 'tilted balance' of paragraph 11(d) of the Framework therefore applies, where permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
29. I have had regard to the benefits of the proposal, including the creation of 6 new dwellings in a sustainable location. Within the context of the Council's housing land supply I give this significant weight in favour of the proposal. The construction of the development would generate economic benefits, albeit for a limited period of time, and I give this limited weight in favour of the appeal.
30. However, the benefits that would arise from the proposal would be significantly and demonstrably outweighed by the substantial harm that I have identified in respect of character and appearance, family housing and living conditions. The proposal would therefore conflict with the policies of the Framework as a whole and with particular regard to achieving well designed places and delivering a sufficient supply of homes.
31. I have had regard to the other planning application and appeal decisions referred to by the appellant elsewhere in Surbiton. However, these decisions are of limited relevance to the appeal before me as they relate to different forms of residential development and raise a different range of issues. Consideration of these decisions does not alter my conclusions in relation to the overall planning balance in respect of this appeal, which I have in any event determined on its own merits
32. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

¹ Conservation Area 10: Oakhill - Planning Information