The Planning Inspectorate

Appeal Decision

Site visit made on 10 February 2020

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/Z5630/W/19/3241289
Links Cottage, 26 Galsworthy Road, Kingston Upon Thames KT2 7BS

- 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 Alexander Glen Smith against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
- The application Ref 19/02316/FUL, dated 15 September 2019, was refused by notice dated 13 November 2019.
- The development proposed is demolition of existing house and garage and erection of 3 x terrace houses with parking, cycle and bin provision.

Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the appeal a signed Unilateral Undertaking dated 4 February 2020 was submitted to address the Council's second refusal reason relating to parking. I return to this later.

Main Issues

3. The main issues are the effect of the development on highway and pedestrian safety; and car parking.

Reasons

Highway and pedestrian safety

4. The appeal site lies to the rear of the Badminton Court block of flats. It was previously occupied by a single house and benefits from a planning permission for two 5-bed houses[1]. The driveway from Galsworthy Road is approximately 60m in length and no more than 3m in width, with no separate pedestrian footway. It is also shared with badminton Court, which has its own parking spaces at the front and blocks of garages to the rear. There is a bus stop immediately outside on Galsworthy Road and a pedestrian crossing a short distance to the north. The entrance to Kingston Hospital is opposite. As such, the vicinity has a busy character of both vehicular traffic and pedestrians.

5. It has been put to me that the maximum occupation of the development would be 15 persons, which is less than the extant permission. In my judgement, this is likely to be greater given the large 'home office' on the top floor could be used as additional bedroom space. Irrespective, even if I were to accept the

[1] LPA ref: 18/14913/FUL

appellant's figures, the number of households would increase. Hence, the number of separate pedestrian, cycle and vehicle movements from the site i.e. for work, school, leisure, shopping, visitors and also deliveries, is likely to be greater and therefore would intensify use of the narrow driveway. Home office space does not guarantee working from home and as already alluded to, may not be used as such.

6. From the evidence before me, only the width of the driveway itself can be relied upon by occupiers of the development. The ability for different sized vehicles to turn within the development site and exit in forward gear does not overcome the absence of passing places and pedestrian refuge along the driveway. Although referred to as a shared surface by the appellant, it is clear that the driveway is intended for and gives priority to vehicular traffic. The residents of Badminton Court have use of other pedestrian routes. In addition, whilst line of sight down the driveway is good, this would not prevent vehicles entering the site from being forced to reverse onto Galsworthy Road if faced with an oncoming vehicle. Such a manoeuvre would be unsafe for pedestrians and vehicles, particularly given the busy character of Galsworthy Road and the regular tailbacks of traffic across the entrance.

7. As such, whilst the scheme before me is for fewer dwellings than the previous appeal scheme[2], I consider that the development would increase the risk of conflict arising between vehicles, or vehicles and pedestrians, to the detriment of highway and pedestrian safety.

8. In reasoning my conclusion, I have had regard to the appellant's evidence of pedestrians, children on bicycles, and vehicles using the driveway simultaneously. However, this only serves to reinforce my concerns of the inherent danger that would exist from an intensified use of the driveway.

9. I conclude, on this issue, that the development would be harmful to highway and pedestrian safety. Thus, it is contrary to Policies DM9 and DM10 of the Royal Borough of Kingston Upon Thames Local Development Framework Core Strategy 2012 (CS), where they require that development does not compromise highway safety. It is also contrary to paragraph 108(b) of the National Planning Policy Framework (the Framework), which requires safe and suitable access for all users.

Parking

10. The Council's reason for refusal on this issue refers to the absence of a mechanism to prevent future occupiers of the development from obtaining car parking permits in the Controlled Parking Zone (CPZ).

11. In response, the appellant has provided a signed Unilateral Undertaking to address this matter. As it relies upon the provisions of section 16 of the Greater London Council (General Powers) Act 1974, I am satisfied that it would be an effective mechanism to achieve its aims.

12. I conclude, on this issue, that the development would not add to car parking stress in the area and thus, complies with Policy 7.6 of the London Plan 2016 and Policies DM9 and DM10 of the CS, which collectively seek to manage vehicle use for new development and to have regard to local traffic conditions.

[2] APP/Z5630/W/19/3232830

Planning Balance and Conclusion

13. Notwithstanding my conclusion with regard to car parking, I conclude that the development would cause harm to highway and pedestrian safety.

14. The Council accepts that it is unable to demonstrate a five-year housing land supply, so in accordance with paragraph 11d of the Framework, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

15. In light of the above, I give significant weight to the efficient use of a small site for family housing in an accessible location. There would be economic benefits arising from construction, but given the small scale of the development, this would be very modest, so I give this limited weight in favour of the appeal. The absence of harm in respect of parking, as well as other matters that did not form part of the Council's refusal, are neutral matters that do not weigh for or against the appeal.

16. However, the benefits that would arise from the development would be significantly and demonstrably outweighed by the substantial harm that I have identified in respect of highway and pedestrian safety. The proposal would therefore conflict with the policies of the Framework as a whole and with particular regard to achieving safe and suitable access for all users.

17. I have had regard to the various other developments which the appellant suggests are similar to the appeal scheme, but without the details I cannot be sure that they are comparable. I do however note from the appeal extract quoted by the appellant, that 'Stroude Close' is described as a quiet residential cul-de-sac, which is not the case here. In the St Andrews Road appeal decision[3], the previous use of that site as a car park and the access arrangements do not strike me as being directly comparable. Accordingly, nothing before me alters 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.

18. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Adrian Caines

INSPECTOR

[3] APP/Z5630/W/17/3189446