



Appeal Decision

Site visit made on 11 February 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/Z5630/W/19/3240569

2 Hailsham Close, Surbiton KT6 6QD

- 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 Pedros Capital Limited against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 19/00246/FUL, dated 29 January 2019, was refused by notice dated 18 October 2019.
 - The development proposed is the reconfiguration of no.2 Hailsham Close alongside erection of a two-story adjoining building to provide 3x 3-bedroom dwellings, creation of a rear dormer extension over no. 2 and associated private amenity space, landscaping, and car parking spaces. .
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Decision

1. The appeal is allowed and planning permission is granted for the reconfiguration of existing dwelling and erection of two storey adjoining building to provide 2x3 and 1x2 bedroom dwellings with associated private amenity space, landscaping and car parking at 2 Hailsham Close, Surbiton KT6 6QD in accordance with the terms of application 19/00246/FUL, dated 29 January 2019 subject to the conditions listed at the end of this decision.

Application for costs

2. An application for costs was made by Pedros Capital Limited against the Council of the Royal Borough of Kingston-upon-Thames. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development was amended from that appearing in the banner heading above during the planning application as agreed by the main parties. I have used the amended description, which also appears on the appeal questionnaire and within the Council's evidence, as this provides a more accurate description of the proposed development.
4. Paragraph 5.4 of the Council's statement clarifies that references to residential amenity within the reason for refusal are in reference to visual amenity. The matter of parking accessibility is also referenced, and I have had regard to both of these aspects of the proposed development and the Council's Decision Notice in framing the main issues.
5. The appellant has provided revised plans in respect of a realignment of a parking space to serve the proposed development. As this is a minor amendment and the Council have been provided with an opportunity to comment upon it, I do not consider that their interests would be prejudiced if I

take this amended plan into account. I have therefore proceeded to determine the appeal on the basis of plan references: 049-S03-P2, 049-GARF-P3, 049-GA00-P3 and 049-S03 Issue P1 as they relate to the revised parking arrangement.

Main Issues

6. The main issues are the effect of the development on:

- the character and appearance of the locality; and,
- the way the locality functions with particular regard to highway matters.

Reasons

Character and appearance

7. Hailsham Close is a modern residential cul-de-sac characterised by consistently designed and finished 2-storey dwellings with attached garages along its main frontages. The dwellings are set behind open front gardens with forecourt and garage parking; private gardens are provided to the rear. The cul-de-sac is topped and tailed by larger individually designed residences within wider plots set behind bordered frontages. The appeal site consists of an end of row unit and its associated rear and side garden areas. The site lies adjacent to the turning bay of the cul-de-sac.
8. The proposals would cover the side garden area to extend the line of existing development on the north-eastern side of the road. The layout would respond to the site's position adjacent to the turning area serving the cul-de-sac and whilst this would increase the degree of staggering of the existing building line, it would provide a consistency in the depth of frontages visible within the close.
9. The resultant rear gardens of the new plots would be shorter than the adjacent units, however, this would not be readily apparent in public views such as to cause harm in the context of the Hailsham Close streetscape. Furthermore, the proposal would appear consistent with the existing density and grain of development on the adjoining part of the road. Whilst the development would result in the loss of the existing high frontage hedge and part of the garden area, compensation planting within the new front gardens and to the rear amenity spaces could be secured through suitable planning condition.
10. Although the proposed units and reconfiguration of the existing dwelling would result in different internal layouts to the existing properties along this main section of the close, the external appearance of the buildings would reflect the scale and proportions of the existing consistently styled units. The 2-storey elevation of the new building, which would provide its main focus, would have similar overall height, width and depth dimensions as the attached neighbouring properties. Additionally, the link element to the side of the dwelling at no2 would reflect the width of the existing link garages and their intervening lower roofs. This would maintain a consistent separation and reflect the rhythm of the main building elements along this side of the road.
11. The proposed end bay would have a greater width than the existing link elements, however, this would be set back in a corner location close to the contrasting styled garage associated with Hailsham House. Taken with its subordinate height, it would appear recessive in the streetscene sufficient to

preserve its character and appearance. The continuation of the general pattern of existing dwellings would result in a development of comparable massing to that presented by the existing rows of similarly styled properties.

12. The proposed fenestration to the building frontages would not faithfully replicate the arrangement of the existing housing type but would maintain a rhythm of similarly scaled openings to capture the characteristics of the local development. This would be further reinforced through the proposal to utilise contrasting materials at ground and first floor levels. The alternative arrangement of openings and introduction of modern building elements to the rear which are not currently present in the locality, would not be visible from public areas and therefore have no impact on the streetscene.
13. Grounded by similar scaling, proportioning, massing and form, and utilising brickwork and roofing materials to match the existing buildings, the development would integrate with the existing character of development. This would be in a manner consistent with the approach advocated in Policy 7.6 B of the London Plan (2016)(LP) where details and materials should complement, not necessarily replicate, the local architectural character.
14. The proposals to introduce alternative materials and minor details that would contribute a modern twist to the quality of design of development on the road would illustrate its additive nature whilst maintaining the principles of good design in the close. The variation in first floor materials would be of little more visual consequence than those of the larger properties either end of the close.
15. The realignment of the end parking space would not be perpendicular to the highway to be consistent with the majority of examples in the road, however, it would reflect the arrangement of the extended parking areas visible on the opposite side of the road. As such, it would be consistent with the character of local development in this respect.
16. For the above reasons, I conclude that the development would positively contribute to the local character and appearance of the locality through appropriate design and therefore be consistent with the requirements of Policies 3.5, 7.4 and 7.6 of the LP and Policies CS8, DM10 and DM11 of the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy (2012) (LDF) and the National Planning Policy Framework (the Framework) as they seek to protect local character and achieve high quality design and places.

Highways

17. There is no dispute between the main parties with respect to the level of parking provision or the capacity of the highway to accommodate traffic generated by the development. However, the site is located in an area of on-street parking controls and a relatively low scoring Public Transport Accessibility Level. Consequently, any shortfall in parking provision has potential to lead to displaced on-street parking. Whilst there is little evidence to indicate that significant on-street parking competition exists in the vicinity to the extent that harm to local living conditions or the function of the highway might arise, inadequate provision would not be in the interest of good planning in such a locality.

18. In response to the Council's concerns in relation to the accessibility of the end parking space, the appellant has provided an amended plan showing a realigned parking space. This includes a swept-path analysis to demonstrate accessibility from the highway. Although the Council remains unconvinced as to the accessibility of the space and safe manoeuvring, based on the evidence and my observations at the time of my site inspection whereupon it appears the third party hedge has spread over part of the highway, I consider the proposed standard space would be viable and, as such, provide the necessary level of parking sought by the Council.
19. Although the space is accessed from the turning head, there is sufficient room within the frontage to park a standard sized car to avoid conflict with the use of the turning area. Furthermore, access is protected by double-yellow lining within the highway.
20. For the above reasons, I conclude that the development would provide sufficient parking to avoid undue pressure for on-street parking and maintain suitable highway function in this respect. Accordingly, it is consistent with Policy 7.4 of the LP and Policy DM10 of the LDF as they relate to the functionality of locations and which of the policies referred to me are the most relevant.

Other Matters

21. The appeal site lies close to the Southborough Conservation Area. There is no dispute between the main parties that the proposed development would not have an adverse effect on the setting of the Conservation Area. Having considered the proposal and visited the site I concur with that view. Accordingly, it is my view that the development proposed would preserve the setting of the designated area.
22. The Council have assessed the development in regard to the type of residential development and its effect on the living conditions of neighbouring residents and those of prospective occupiers in terms of layout, density and amenity space. It has found that the development within its site circumstances would secure a suitable standard of living conditions for neighbours and potential occupiers so as to align with the requirements of the Development Plan and is therefore acceptable in those respects.
23. Concerns have been raised by third parties in respect of the use of the site by various forms of wildlife, however, there is no substantive evidence to support those claims. I am therefore unable to attribute significant weight to those arguments.
24. There is little evidence provided to demonstrate that the site suffers or would cause flood risk issues in the locality.

Conditions

25. The Council have suggested conditions which I have considered alongside the advice in the Framework and Planning Practice Guidance. I find the majority to be reasonable and necessary in the circumstances of this case. However, some have been edited for precision and clarity.

26. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
27. In the interests of character and appearance of the area, I have imposed conditions in relation to external materials, bin storage, boundary treatments and the landscaping of the site.
28. Conditions are attached requiring details of drainage and the finished levels of development. These are necessary to achieve the sustainable drainage of the site and in the interests of character and appearance of the area. These conditions are of necessity pre-commencement requirements to ensure the development delivers adequate arrangements in those regards.
29. To avoid adverse impacts on the living conditions of nearby residents during the construction phase of the development a Construction Management Statement is necessary.
30. To ensure the development incorporates the efficient use of natural resources, reduces its lifecycle impact on the environment and contributes to climate change mitigation, a condition requiring demonstration of building standards equivalent to Code for Sustainable Homes Level 4 in respect of CO₂ and water savings is attached. To encourage sustainable modes of transport cycle storage to serve the development is also necessary.
31. In the interests of preserving a suitable standard of living conditions for future occupiers a condition removing permitted development rights for new windows is included given the arrangement of accommodation within the scheme.
32. To avoid surface water flooding, detail of external paving and hardstandings are required.
33. A condition requiring window reveal and sill detail is not necessary or reasonable given the context of the site and variation evident there.

Conclusion

34. For the above reasons, the appeal should be allowed.

R Hitchcock

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 049-S01, 049-S03-P2, 049-GA00-P3, 049-GA02 Rev P2, 049-GARF-P3, 049-GE01, 049-GE02 Rev P2, 049-GE03 Rev P2, 049-GE04 Rev P2, 049-GS01, 049-GS02, and plans 049-GA01 and 049-GA02 insofar as they relates to the internal layout (only) of the development.
- 3) No above ground works shall take place until the details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall take place until full details of the finished levels of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) No development shall take place until details of the implementation, adoption, maintenance and management of a sustainable drainage system have been submitted to and approved in writing by the local planning authority. The system shall be implemented prior to occupation and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - a) temporary site access;
 - b) the parking of vehicles of site operatives and visitors;
 - c) loading and unloading of plant and materials;
 - d) storage of plant and materials used in constructing the development;
 - e) the erection and maintenance of security hoarding;
 - f) wheel washing facilities;
 - g) measures to control the emission of dust and dirt and suppression of noise during construction;
 - h) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - i) delivery, demolition and construction working hours; and,
 - j) measures for the protection of surrounding trees.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) Within 3 months of first occupation, evidence must be submitted to the Council confirming that the development hereby permitted has achieved no less than the CO₂ reductions (ENE1) and internal water usage (WAT1) standards equivalent to Code for Sustainable Homes Level 4 in accordance with the evidence requirements detailed in the Schedule of Evidence Required for Post Construction Stage from ENE1 and WAT1 of the Code for Sustainable Homes Guide.
- 8) Notwithstanding the details shown on the approved plans the development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The secure cycle storage shall be provided in accordance with the approved details and made available for use prior to the occupation of the development and shall thereafter be retained for cycle storage at all times.
- 9) Prior to the commencement of any above ground works a hard and soft landscaping scheme including where applicable the retention of the existing trees shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within the first planting season following completion of the development and the tree planting and landscaping shall thereafter be maintained for five years. Any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings (other than those hereby approved) shall be formed in the walls of the dwelling houses hereby approved without the prior written consent of the Local Planning Authority.
- 11) Prior to above ground works the following details shall have been submitted to and approved in writing by the Local Planning Authority and thereafter permanently retained:
 - (a) boundary treatment, including walls, fences and gates (including their manufacturer's specification, colour and texture).
 - (b) refuse storage facilities in accordance with the requirements of the Residential Design SPD, 2013 (including their manufacturer's specification, colour and texture).

The boundary treatments and refuse / recycling facilities shall be installed and retained as per the approved details prior to the occupation of the units hereby approved.
- 12) Any external ground level hard surfaces within the site shall be made of porous materials and be retained as such thereafter. Alternatively, provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

End of Schedule