The Planning Inspectorate

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: 02 March 2020

Appeal Ref: APP/Z5630/W/19/3239839
67 Victoria Road, Surbiton, Surrey KT6 4NR

- 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 Roger Kilby against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
- The application Ref 19/01134/FUL, dated 10 April 2019, was refused by notice dated 2 October 2019.
- The development proposed is the demolition of a single storey storage building and construction of two storeys of residential accommodation over the existing car park providing four two bedroom flats.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has provided an additional plan showing an extended area of communal amenity space for the prospective occupiers of the development. As this is a minor amendment and the Council have made representation on the matter, 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 reference Sketch XX1 as it relates to the revised shared amenity space provision.

3. The appeal site lies close to the Surbiton Town Centre Conservation Area. There is no dispute between the 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 and I shall make no further reference to this matter.

Main Issue

4. The main issue is the effect of the development on:

   - the living conditions of existing and future residents of the proposed development and nearby properties with particular regard to outlook and sense of enclosure; and,

   - the provision of private and communal outdoor amenity space for prospective residents.

Reasons

Outlook and Enclosure

5. The present arrangement of windows to the rear of the building includes windows serving habitable rooms which would be enclosed or removed as a consequence of the proposed development. Notably, this would involve the kitchen/living space to existing Flat 2 at first floor level, and bedroom windows serving existing Flats 1 and 3 at second floor level.

6. A rear facing window to second floor Flat 1 would be compensated by the formation of a new side window of a similar size and providing open outlook addressing the access road to the side of the building. As such, that aspect of the development would achieve a similar standard of living accommodation to the existing living conditions experienced in that room.

7. At first floor, Flat 2 would have a rear-facing lounge window with open outlook blocked up and inward side facing windows enclosed by the proposed development as it would form a central light well between it and the projecting rear wings of existing building. To compensate for the loss of the rear window the scheme proposes a projecting side bay built up to the common boundary with 68 Victoria Road.

8. The bay would incorporate forward and rear facing windows on both of the accommodation floors. The northwest-facing bay window of Flat 2 would address the existing rear-facing bedroom window of the same flat at short distance. However, to protect the privacy of occupants of the lounge and of occupiers of accommodation at the same level, but in the neighbouring property at 68 Victoria Road, the parties agree that obscure glazing would be required. The main outlook would subsequently be limited to that from the new rear-facing window. However, this would be positioned tight up to the long projection of the external wall forming the side elevation of new flats 2 and 4.

9. Although the lounge benefits from other windows facing into the lightwell these would similarly have a view dominated by the close-sited walls of the existing opposing rear return. The resultant outlook from the living room would be markedly limited. Furthermore, the outlook from the rear bedroom of the same flat would be significantly reduced by the close proximity of the new bay and extended rear return of no68.

10. For similar reasons, the upward continuation of the bay would result in an outlook dominated by built development close to the only window serving a bedroom of existing second floor Flat 3. Although this would benefit from a slightly more open aspect on account of the greater visibility of open sky above the bay, the development would give rise to an increased sense of enclosure and restricted outlook. The rear bedroom of the same flat, which would be served by the bay, would also have limited outlook dominated by views of the new side wall. Whilst this would be offset to a small degree by a new inward-looking side window, the adverse effect on the quality of existing living conditions within the room would be pronounced.

11. No68 has been recently extended to the rear to provide residential flats on its upper floors. The layout includes a rearward facing window on each floor close to the common boundary. These currently benefit from the outward view arising from the space between the existing rear returns of no68 and the

appeal site. The side bay would result in a significant incursion into this space and at close proximity to the windows. The bay, backed by the flank elevation of the new extension, estimated by the Council as 8.6 m beyond the existing rear return, would give rise to a tunnelling effect and impose significantly on the outlook of those windows. This would be particularly harmful at the first-floor level and sufficient to cause harm to the living conditions of neighbouring occupiers.

12. For the above reasons, I conclude that the development would cause harm to the living conditions of the existing or future residents of 67 and 68 Victoria Road through the creation of poor outlook and sense of enclosure. The proposed development would therefore conflict with Policy DM10 of the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy (LDF), Policy Guidance 16 of the Royal Borough of Kingston upon Thames Local Development Framework Residential Design Supplementary Planning Document (2013) (SPD) and the Planning Policy Framework (the Framework) as they seek to protect and secure suitable standards of living conditions of existing residents and future occupiers of development.

Amenity Space

13. Notwithstanding the different character of areas within the Borough, Policy Guidance 13 of the SPD seeks a minimum of 10 m^2 of private amenity space for new flatted developments. The development would fail to deliver any private amenity space for the proposed units. Whilst some reduction is applicable within the terms of the guidance on account that the development would lie adjacent to a busy local centre where the predominant type of residential accommodation is flats with limited private amenity space, this is subject to incorporating any shortfall within accessible shared amenity space.

14. A revised plan provided at appeal includes the provision of communal space on the flat roof of the extensions and indicates that up to 80 m^2 could be provided. However, the proposed area would fall short of the specified standard and there is little evidence to suggest that the area would be fully accessible to as required in Policy Guidance 14 of the SPD.

15. Although there are examples of residential development which don't appear to benefit from private amenity space locally, I saw that there are instances of recent development in the vicinity that provide balconies at upper floor levels or sitting-out space over adjacent flat roofs. The appellant indicates that such a requirement was not imposed on the recent extension of the upper floors of no68, however, I am not provided with the full details of the circumstances of that planning permission and, in any case, the existence of development elsewhere does not represent an appropriate reason to find in favour of a proposal that would fail to deliver the required levels of outdoor space.

16. For the above reasons, I conclude that the development would fail to deliver the required private and communal amenity space and conflict with Policy 3.5 of the London Plan (2016), Policies DM10 and DM13 of the LDF, Policy Guidance 13 and 14 of the SPD and the Framework as, amongst other things, they seek to secure a suitable standard of living conditions for future occupiers of new residential development.

Other Matters

17. The parties agree that the Council is unable to demonstrate a 5 year housing land supply and therefore Paragraph 11 of the Framework is engaged. However, the small benefit to housing supply and any associated economic benefits would not, to my mind, outweigh the harm arising as a consequence of the effect of the development on existing and future residents' living conditions.

18. I acknowledge the absence of objections from neighbours, the Conservation Area Advisory Committee, Environmental Health Officer and traffic engineer, however, this does not comprise a benefit in favour of the proposed development.

19. I also note the frustrations expressed by the appellant in relation to the level of communication from the Council and delays in processing the application leading up to this appeal. However, this is not a matter for this appeal which I have determined on its own merits.

Conclusion

20. For the above reasons, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR