
Appeal Decision

Site visit made on 2 June 2020

by JP Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2020

Appeal Ref: APP/Z5630/W/20/3245512
106 Ewell Road, Surbiton KT6 6HA

- 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 Mahendra Shah against the decision of The Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 19/02397/FUL, dated 27 September 2019, was refused by notice dated 25 November 2019.
 - The development proposed is replacement shop frontage to 106 Ewell Road Surbiton KT6 6HA. PL-002.
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Procedural Matter

1. The appeal form states the description has been changed to 'replacement shopfront at 106 Ewell Road Surbiton KT6 6HA' and is used as such on the Council's refusal notice. I have considered the appeal on this basis.

Decision

2. The appeal is allowed and planning permission is granted for replacement shop frontage at 106 Ewell Road Surbiton KT6 6HA, subject to the following conditions:
 - (1) The development hereby permitted shall begin no later than 3 years from the date of the decision.
 - (2) The development shall be carried out in accordance with the submitted planning drawing PL-001 and the Design and Access Statement PL-002.
 - (3) The development shall be carried out in accordance with the materials specified on the approved plans and the application form.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the Conservation Area.

Reasons

4. The site lies within a long avenue of various shops and commercial buildings which serve the surrounding residential area and passing traffic along the busy Ewell Road. There is a wide pedestrian pavement along Ewell Road which was being re-surfaced at the time of my site visit.

5. The site is within the designated Oakhill Conservation Area. In my opinion its significance is derived from the residential enclaves and public buildings/spaces which predominate the area. Ewell Road has two church spires at either end which provide the main visual and historic features. The Council produced a brief statement on its character to accompany the designation which details the historic residential growth of the area around the public buildings and spaces. It does not mention significance of the retail area or indeed the shopfronts. In any event, the area has a mix of shopfronts and most are not traditional.
6. In my view the site makes little contribution to the character of the area. Its main historic feature is a second storey window with a substantial rendered mullion surround but has a replacement UPVC window. The shopfront is traditionally proportioned, but the fascia is a modern sheet metal. I consider that the appeal site makes a positive but only limited contribution to character and appearance of the Conservation Area.
7. The proposal would remove the recessed doorway which is the concern in the Council's decision notice. This is a traditional feature of the shopfront, which reflects the use of the bay window displays. However, some of the integrity of the shopfront has been lost by the modern fascia. Furthermore, the doorway is a small detail compared to the overall character of the Conservation Area as a whole. I conclude that the loss of the doorway would result in less than substantial harm to the Conservation Area.
8. The appellant explains that the proposal is intended to improve the currently poor accessibility at the entrance. I noted on my site visit that the existing doorway has a ramp into the pharmacy which is significantly steep. This is compounded by the doorway being narrow. The proposal would form a longer ramp, which would be less steep. The proposal also includes a wider doorway. Both aspects would make it easier for a wide range of users including those in electric buggies or using sticks, and the use of prams with shopping or accompanying children on foot.
9. The proposal fails to preserve or enhance the character and appearance of the Conservation Area, contrary to Royal Borough of Kingston upon Thames, Local Development Framework, Core Strategy, adopted April 2012 (LDF) Policy CS8 which protects character and heritage, DM10 which promotes good design and Policy DM12 seeks to preserve or enhance the existing heritage assets as well as policy 7.8 of the London Plan, March 2016. The harm is less than substantial. Paragraph 196 of the National Planning Policy Framework (the Framework) requires the less than substantial harm to be weighed against the public benefits, including the optimum viable use. However, in such a balance, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Whilst giving the Conservation Area considerable importance and weight, the shopfront makes only a very limited contribution as I have found above, and similarly the harm. The benefit of improving accessibility is very significant to provide an important service to all the community, without the hindrance and stigma of barriers. I therefore conclude that the less than substantial harm to the character and appearance of the Conservation Area as a whole, would be outweighed by the public benefit of improving the accessibility of the pharmacy.

10. Policy CS8 of the LDF highlights the need for accessible environments, and similarly improving accessibility is intrinsic to good design as promoted by policy DM10, whilst paragraph 8 of the Framework which supports the health and social wellbeing of communities and the accessibility of services. The proposal complies with these policies by improving the entrance to an important community facility on which vulnerable groups will depend. I consider the physical and perceived accessibility benefits of the proposal, which are supported by these policies, outweigh the harm and conflict with the policies in the above paragraph.

Conditions

11. I have had regard to paragraph 55 of the Framework. In addition to the standard commencement condition, I have attached a condition requiring the development to be carried out in accordance with the submitted plans to provide certainty and similarly on materials as recommended by the Council, albeit with the implied unless otherwise agreed wording removed.

Conclusion

12. For the reasons above I conclude that the appeal should be allowed.

John Longmuir

INSPECTOR