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## Appeal Decision

Site visit made on 9 June 2020

**by Robin Buchanan BA (Hons), MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 July 2020**

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**Appeal Ref: APP/Z5630/W/19/3243111**  
**164 Hook Road, Surbiton KT6 5BZ**

- 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 Malcolm Finn against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
  - The application Ref 19/01781/FUL, dated 13 July 2019, was refused by notice dated 6 November 2019.
  - The development proposed is the conversion of a detached garage to a studio flat.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The description of development in the banner above, which is taken from the application form, does not refer to the proposed ground floor side extension to the garage. However, the Council made its decision including this extension and so shall I.

### Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area; and, the living conditions of future occupiers, having particular regard to privacy, noise and sunlight/daylight.

### Reasons

#### *Character and appearance*

4. The appeal site is located behind a frontage of two storey commercial and residential properties along this part of Hook Road. It is also to the rear of two storey, mainly terraced and semi-detached, houses which face onto Gladstone Road and Haycroft Road. Most of these houses have relatively large plots and long gardens containing outbuildings accessed along a private unmade road, which also serves some of the properties either side in Hook Road.
  5. The proposed development would convert the garage to a studio flat, including side extension, and a hardstanding to a garden. I appreciate that this building already exists, but its present use and appearance is broadly consistent with that of other outbuildings nearby. With the unusual exception of a semi-detached pair of houses, there are no other dwellings in this backland area, which next to the appeal site has a more obvious character of a rear servicing area.
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6. Furthermore, even if it would be high quality construction, the studio flat would be single storey and quite small, as would the resulting residential plot and garden space. The proposal would therefore be manifestly out of keeping with the prevailing siting, layout, form and appearance of residential development in the immediate area. This fundamental departure from established character could not therefore be remedied by a planning condition seeking further details to improve the architectural design of the proposed building. The proposal would be noticeable in a public view from Hook Road and in semi-public views from the private road which runs past the site.
7. Accordingly, the proposed development would harm the character and appearance of the area. It would be contrary to Policies 7.4 and 7.6 of The London Plan, March 2016 (LP) and Policies CS8 and DM10 of the Royal Borough of Kingston Upon Thames Core Strategy, April 2012 (CS). These policies include that development should have regard to the distinctive form of a local area, including pattern and grain of streets, and that house type, size and design is appropriate to its context. It would also conflict with the National Planning Policy Framework (Framework) paragraphs 8(c), 124 and 127(a)(b) and (c) which seek to ensure that development adds to the overall quality of an area, with good layout sympathetic to local character and the surrounding built environment.

#### *Living conditions*

8. While observation of the proposed internal living space would be very limited, most of the proposed garden space would be visible in views from first floor rear windows of the buildings opposite in Hook Road. There would therefore be a significant loss of privacy for future occupiers of the proposed development.
9. I appreciate that residential accommodation can co-exist in some mixed use areas and that the motor cycle business is not open all week. However, the studio flat and garden would be bordered on all sides by a car parking space (for another property), the motor cycle/car repair workshop and storage yard (including its vehicular access) and the private road. This road is also used to park vehicles and service commercial properties along Hook Road. I saw that this generates considerable activity and traffic in the road and close by, including a significant amount of noise and general disturbance. Even with close boarded garden fences and closed windows, these circumstances would not meet normal expectations for satisfactory residential use and occupation.
10. The proposed studio flat would include glazing on three elevations for this relatively limited, mainly single open plan living space. There would as a result be adequate internal sunlight/daylight.
11. Notwithstanding my findings on sunlight/daylight, the proposed development would cause harm to the living conditions of future occupiers with particular regard to privacy and noise. As such it would be contrary to LP Policy 3.5 and CS Policy DM10. These Policies seek to ensure that housing development is of good design and high quality internally and externally in relation to its context and attractiveness as a place to live. It would also conflict with Framework paragraphs 8(b), 124, 127(f) and 130 which seek to ensure development creates high quality and better places to live which promote health and well-being with a high standard of amenity for future occupiers.

## **Planning Balance and Conclusion**

12. The main parties agree that the Council cannot demonstrate a five year housing land supply (the appellant also contends that the Council has failed the Government's Housing Delivery Test (HDT)) and so the presumption in favour of sustainable development is engaged. The appeal site is conveniently located for some local facilities and services and is close to some bus routes, albeit the Public Transport Accessibility Level is rated 2 (poor). I also acknowledge that the studio flat may potentially provide more affordable first time 'entry level' accommodation. However, the proposal would result in a net gain of one residential unit and therefore make a very modest contribution to housing delivery.
13. I find that the proposed development would harm the character and appearance of the area and the living conditions of future occupiers. Consequently, the proposed development does not accord with the development plan. Even if I were to conclude that the Council has failed the HDT and that the scale of housing shortfall was on the scale suggested by the appellant, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.
14. For the reasons given, the appeal does not succeed.

*Robin Buchanan*

INSPECTOR