



Appeal Decision

Site visit made on 2 September 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2020

Appeal Ref: APP/Z5630/W/19/3240254

Land to rear of 15 Berrylands Road, Surbiton KT5 8QX

- 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 Morrell against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 18/16335/FUL, dated 10 May 2018, was refused by notice dated 16 August 2019.
 - The development proposed is described as "single-storey detached storage areas".
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered, matching that used by the Council on their Decision Notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are i) the effects of the proposal on the living conditions of occupiers of the flats at 15 Berrylands Road with regard to the availability of outdoor amenity space, ii) the effects of the proposal on the living conditions of the occupiers of neighbouring properties with regard to potential noise and disturbance, and iii) the suitability of the access and the effect of the proposal on the highway network.

Reasons

4. The appeal site lies to the rear of 15 Berrylands Road, accessed via a private lane off Berrylands Road. At the time of my site visit, bins were being stored in this lane and a number of cars were parked. The site is currently fenced, with a small shed, hardstanding and accesses to flats above and behind the street-facing building. The site currently appears to be in use as both informal storage and outdoor amenity space for occupiers of the flats as described on the application form. Adjoining properties appear to be a mix of retail, office and food-uses on the ground floor, with residential use behind and above. Adjoining the appeal site, there are a number of outbuildings, of varying sizes and means of construction.

Outdoor amenity space

5. The proposal would clearly result in a significant reduction in the amount of outdoor space available to the occupants of the flats at 15 Berrylands Road. The proposed storage space would be substantially larger and taller than the existing shed. Access to the flats would be through a relatively narrow gap between the site boundary and the proposed storage space. In addition, the external stair to the roof terrace would be relocated, further reducing the outdoor space available to the occupiers of the flats.
6. Whilst I acknowledge that the site is currently hardstanding, it does still provide an area of outdoor amenity space, accessible to the occupiers of the flats. The appeal proposal would reduce this space significantly. The additional height of the proposal, coupled with its proximity to both the host building and the boundary, would further limit the quality and practical utility of the outdoor space that would remain, making it feel cramped and enclosed. As a result, the proposal would, in my opinion, not offer any meaningful or practically useful outdoor space for the occupiers of the flats.
7. As a result, I consider that the proposal would harm the living conditions of occupiers of the flats at 15 Berrylands Road with regard to the availability of outdoor amenity space. This is contrary to the requirements of Policy DM10 of the Royal Borough of Kingston upon Thames Local Development Framework, Core Strategy, adopted 2012 (the Core Strategy) and the Residential Design SPD, July 2013 (the SPD). These seek, amongst other things, to ensure that development provides adequate outdoor amenity space, in order to ensure appropriate living conditions and levels of amenity for residents. The proposal is also contrary to guidance in the National Planning Policy Framework (the Framework) on achieving well designed places with a high standard of amenity.

Noise and disturbance

8. The submission states that the proposed storage area is to be used for the storage and distribution of small packaged goods, with small vans dropping off and picking up these goods.
9. However, neither the original submission, nor the appeal submission give any further information as to the likely hours of operation, likely frequency of use, or likely number of users. This lack of detailed information, combined with the proposed use, the road access arrangements and proximity of the storage area to the flats and neighbouring properties, leads me consider that the proposal could cause unacceptable harm to the living conditions of occupiers of neighbouring properties with regard to noise and disturbance which could be associated with small vans and their drivers accessing and using such a storage area. Given the lack of information, I do not consider that it would be possible to mitigate against any such potential harm through the use of conditions in this case.
10. As a result, the proposal would be contrary to Policy DM10 of the Core Strategy, which seeks, amongst other things, to ensure that new development has regard to the amenity of occupants and neighbours with regard to noise and disturbance. The proposal would also conflict with the aims of the Framework to ensure a high standard of amenity.

Access and the highway network

11. Beyond disagreeing with the response of the Council and highlighting that deliveries and collections would be made with small vans, the appellant has not provided any further information as to the likely scale and frequency of use of the appeal proposal.
12. As such, I cannot be certain that the private lane would be suitable for the size, type or frequency of vehicles proposed. Nor can I be certain as to whether or not the proposed use would displace or otherwise affect the existing parking or storage within the lane which I saw on my site visit. As such, the proposal does not give me the certainty I require that the access is suitable for the use proposed, and that the use would, in turn, not cause harm to the highway network.
13. The proposal is therefore contrary to Policy DM9 and Policy DM10 of the Core Strategy. These policies seek, amongst other things, to ensure that development neither contributes to congestion nor compromises highway safety.

Other Matters

14. I note the comparisons that the appellant draws between the appeal proposal and an outbuilding used for storage at 11 Berrylands Road. However, from the details provided to me, that building appears smaller than the appeal proposal and is further away from its host property. As a result, it has different effects on its host property. Notwithstanding the difference in size, I do not have detailed information as to the specific use or frequency of use of that building and given the lack of detail provided with this appeal, can undertake no meaningful comparison.
15. I also note that the Council considers that the principle of the appeal proposal is acceptable and that there are no concerns over the design or materials proposed. However, as set out above, such limited information as to the details of the proposal has been provided, that regardless of the acceptability of the principle and design, the potential effects could lead to unacceptable harm for the reasons set out. My findings on the effects of the appeal proposal therefore remain unchanged.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

S Dean

INSPECTOR