



Appeal Decision

Site Visit made on 9 December 2020

by S Thomas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2021

Appeal Ref: APP/Z5630/W/20/3256084
18 Eversley Road, SURBITON, KT5 8BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr J Parekh against Royal Borough of Kingston Upon Thames.
 - The application Ref 20/00875/FUL, is dated 7 March 2020.
 - The development proposed is described as demolition of an existing house and erection of new 3-storey residential building housing 1 replacement dwelling and 5 new dwellings with associated parking, drop kerb, bins and cycle store.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. There is an extant planning permission for demolition of the existing house and erection of new 3 storey residential building, housing 1 replacement dwelling and 5 new dwellings with associated parking, drop kerb, bins and cycle store dated 9 December 2019. Whilst the appeal proposal is similar, it would include 2 larger 2 bedroom flats in a deeper building. I shall deal with the scheme before me on its merits.
3. Whilst the Council did not determine the application within the prescribed period, it has subsequently identified its main concerns to be the impact of the development on highway safety with regard to on street parking and on the living conditions of future occupiers with regard to amenity space.
4. During the course of the appeal the appellant submitted a signed Unilateral Undertaking (UU) dated 29 November 2020, which would restrict future occupiers from obtaining parking permits. The Council have had an opportunity to comment on this and has recommended changes to the UU. Subject to these amendments and the execution of the UU the Council is satisfied the appeal proposal would not compromise highway safety with regard to on street parking. The appellant has subsequently submitted an amended signed UU incorporating the Council's amendments dated 14 December 2020.

Main Issue

5. The main issue is whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to communal outdoor amenity space (communal space).

Reasons

6. The appeal proposal would replace the existing 2-bedroom dwelling with a large 3 storey building. This would accommodate 2no 3-bedroom dwellings and 4no 1-bedroom dwellings resulting in an additional 5 dwellings on the site. Consequently, the number of potential occupants of this building would be significantly increased from that associated with the existing 2 bedroom dwelling.
7. The Mayor of London Housing Supplementary Planning Guidance (2016) Standard 26 states that a minimum of 5 sqm of private open space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The proposed scheme would clearly not meet this minimum requirement as there is no private open space, such as balconies.
8. The Council's Residential Design Guide Supplementary Planning Document (SPD) (2013) provides for more local standards of private amenity space provision. Paragraph 3.61 of the SPD states that private amenity space should be provided in all new housing development in line with the standards in Policy Guidance 13. This states that the minimum standards should be achieved and where possible exceeded. It outlines that new flats should accommodate 10sqm amenity space per dwelling plus 1sqm per additional occupant. In this scheme, no private amenity space is proposed for the flats.
9. Policy Guidance 14 of the SPD states that all new flat developments should accommodate 50sqm of communal amenity space and where there is a deficient amount of private amenity space this shortfall should be added to the requirement. Based upon the private open space requirements per dwelling together with the additional space for additional occupants the Council calculate that the scheme should deliver 120sqm of communal space as a minimum. I consider that both the private open space requirement in Policy Guidance 13 and the communal open space requirement in Policy Guidance 14 are required to be provided in line with the SPD. Accordingly, in the absence of alternative evidence the scheme should provide a minimum of 120sqm communal space.
10. Whilst the scheme would only result in a marginal shortfall of the minimum requirement at 118sqm, the scheme does not provide any private amenity space. Given this, occupiers will be reliant on the shared area which in this case does not even meet minimum standards. Given the lack of private amenity space I consider the need to exceed minimum levels in line with the SPD to be wholly appropriate in this regard. Accordingly, considering the level of potential occupancy the proposal would not provide an adequate level of functional and useable communal space to serve future occupiers.
11. Whilst I note that the proposal would result in ample size of internal space for some of the flats, I do not consider this sufficiently compensates for below minimum requirements of useable communal space. Given the fact no private amenity space is proposed in the form of balconies, I place great weight on the need for adequate level of communal space to serve the development and

number of occupants. This is in light of the benefits of sufficient levels of outdoor space for future occupiers health and well-being. Furthermore, the evidence does not indicate the existence of areas of public open space in the nearby vicinity and neither did I view any on my visit. Taking the above into consideration, I conclude that a deficiency in on site communal space is unacceptable.

12. For the above reasons, the proposal would not provide acceptable living conditions for future occupiers with regard to communal space. Accordingly, the proposal would be contrary to Policy DM10 of the Royal Borough of Kingston Core Strategy (2012) and the SPD. Together these seek that amongst other matters developments will be expected to ensure adequate communal open space.

Other Matters

13. Whilst the appellant has now submitted a signed and dated UU to address the Council's concerns regarding on street parking, in light of my findings on the main issue above, I do not consider it necessary to consider this matter further.

Planning Balance

14. The appellant says that the Council does not have a 5-year housing land supply which is not disputed by the Council. However, the extent of the shortfall is not given.
15. I acknowledge the proposal would contribute an additional 5 dwellings to the areas housing stock on a previously developed site. It would also contribute to meeting the demand for 3 bedroom and 1-bedroom dwellings in the area. These are benefits of the scheme. I note the scheme would be acceptable with regards to impact on the character and appearance of the area, neighbouring living conditions and with the submitted UU on highway safety. However, the absence of harm in relation to these issues is a neutral matter.
16. Although the benefits of housing are recognised, I have had regard to Paragraph 127 of the National Planning Policy Framework (the Framework) which seeks that developments create places with a high standard of amenity for future users. Given the harm I have found to the living conditions of future occupiers this attracts substantial weight in this appeal. Thus, the need to boost the supply of housing to my mind cannot be to the detriment of the living conditions of future occupiers that would result from the proposal. Furthermore, an extant permission exists at the site for a very similar scheme for the same number of dwellings which the appellant could implement. From the evidence before me, this other scheme would appear to provide acceptable levels of amenity space for the occupants proposed. There is no suggestion this scheme would not be implemented should the appeal fail.
17. Consequently, whilst the scheme would deliver additional dwellings it would not be in accordance with the design objectives of the Framework. Therefore, even if the shortfall in the 5-year supply of housing land is substantial, I conclude the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. I therefore conclude that the conflict with the

development plan as a whole is not outweighed by other considerations in this case.

Conclusion

18. For the above reasons, the appeal does not succeed, and planning permission is refused.

S Thomas

INSPECTOR