

Appeal Decision

Site Visit made on 23 March 2021

by Steven Rennie BA (Hons), BSc (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2021

Appeal Ref: APP/Z5630/W/20/3260562

19 Alexandra Drive, SURBITON, London KT5 9AB

- 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 A GUDKA against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref 20/01216/FUL, dated 27 May 2020, was refused by notice dated 1 October 2020.
 - The development proposed is for the demolition of an existing house and erection of new residential building including housing (6 dwellings) with associated bins, cycle store, parking and drop kerb widening to side and rear.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing house and erection of new residential building including housing (six dwellings) with associated bins, cycle store, parking and drop kerb widening to side and rear at 19 Alexandra Drive, SURBITON, London KT5 9AB, in accordance with the terms of the application Ref 20/01216/FUL, dated 27 May 2020, subject to the conditions in the attached Schedule.

Main Issues

2. The main issues would be the effect of the development on (1) the character and appearance of the area; (2) the living conditions of neighbours to the site; and (3) whether there development would provide suitable accessibility for future occupants to services and facilities locally.

Reasons

Character and Appearance

3. The proposal would replace the existing house with a larger detached building which would accommodate the flats. The street scene generally is characterised by detached or semi-detached houses of traditional early 20th Century design. These houses sit mostly within sizable and spacious plots.
4. The existing house fits with the character of the street but is not particularly special in its design and its demolition would not have a harmful visual impact.
5. The proposed replacement building clearly attempts to reflect the design characteristics of the other houses within the street, such as through the incorporation of hipped roofs and gables, together with the facing brickwork at ground floor and the render at first floor level, for example. To my mind, the proposed design appropriately reflects the general character of the street.

6. The proposed residential building would not be the same in terms of scale and design as other dwellings within this street, but this is not harmful as there is some degree of variety within the street already. Although a large building, it would not overdevelop the site, with the layout providing for communal garden space, landscaping and parking, as well as the residential building itself. It would remain a detached building with gaps to the sides to retain a sufficiently spacious character. Furthermore, its height at ridge level would not be dissimilar to neighbouring houses on this side of Alexandra Drive, and would be in general positioned with the building line along this street.
7. Whilst many of the neighbouring properties are single dwelling houses there is no substantive evidence before me that the introduction of these flats would be in some way harmful to the character of the street or its community, including through the increase in density. The flats would add more dwellings and provide more of a mix, which I would consider as generally beneficial. Furthermore, the increase in density would be a more efficient use of the site for housing. I also note that there are some sites with higher density in the area, if not actually on Alexandra Drive. The proposed development of flats would not be out of keeping with the wider area and the introduction of these flats within this street would not be harmful to its character.
8. For these reasons the proposed residential development would not be out of character with the street or wider area. It would be of a suitable design and scale, thereby being in accordance with policies CS8, DM10 and DM11 of the Core Strategy, 2012. These policies require development to protect the suburban character of the Borough, respect the typology of housing types and densities, amongst other things.
9. The proposal is also in general accordance with the aims and objectives of the Council's Residential Design SPD, 2013, such as the provision of high standards of design for new development, for example.
10. The London Plan policies referred to by the Council in relation to this issue have been superseded. However, from the evidence before me the proposed development does not conflict with the latest London Plan on this main issue.

Living Conditions of neighbours

11. The proposed development is within a residential area, with neighbouring properties to the side and rear. In this circumstance there could be some impact to the living conditions of neighbours to the site.
12. No 12 Courtlands Road is to the rear. There would be rear windows in the proposed development that would look towards the side of No 12 where there are windows. However, there is a substantial distance between the proposed rear elevation and the side of No 12. The overlooking impact is also mitigated to some extent due to the raised position of No 12, on a higher ground level than the proposed development. There would likely be some views from the upper floor rear windows of the proposed development over the rear garden of No 12, although at a distance that would sufficiently mitigate any loss of privacy. Overall, the proposed development would not result in any significant adverse overlooking or any other impacts to the occupiers of No 12. Furthermore, with the separation distances involved the development would not be overbearing or result in significant overshadowing to this neighbouring property.

13. The proposed residential building would be larger than the existing house. As such, it is likely to increase the overshadowing of the side of No 20 Alexandra Drive and its rear garden. The appellant has responded with the submission of a Daylight and Sunlight Assessment, which states that all neighbouring windows retain an adequate level of sunlight. However, there would be some level of overshadowing increase, but it would not be to a significant degree over and above existing levels, either to neighbouring windows or gardens at No 20.
14. Furthermore, the outlook from some of the windows at No 20 would be affected by the larger replacement building, but not to a degree that would result in a significant harm to occupiers living conditions, with the difference from existing outlook levels not being substantial. Views from the rear of No 20, for example, would still remain generally open. With the space between No 20 and the proposed new residential building, which is to be located on a similar location to the existing house at No 19, the development would not be unduly overbearing when viewed from No 20, taking the existing situation into consideration.
15. The proposal would result in some level of increased overshadowing of the neighbouring property at 21 Alexandra Drive. However, this would be limited to a certain time of day and would not be to any significant degree.
16. There would be windows to the west side of the proposed development facing across the road towards No 18 Alexandra Drive. However, given the separation distances involved any loss of privacy for occupants of No 18 would be minimal.
17. Overall, the proposed development would not result in any significant adverse impacts to neighbour living conditions over and above existing levels for any neighbours to the site. What increase in impacts occur would not be unacceptable in a residential area such as this. The proposal therefore accords with policy DM10 of the LDF Core Strategy which requires development to have regard to the amenities of neighbours, for example. The proposal is also in general accordance with the aims and objectives of the Council's Residential Design SPD, 2013, to provide and protect acceptable levels of amenity for both existing and future residents, for example.

Access to services/facilities

18. The site is within an urban area, surrounded by other dwellings. It is recognised that there are no public transport links within the immediate area, such as bus routes, which has resulted in the low PTAL rating. However, whilst the proposal would increase the density of development in this location, I would not regard the site as isolated or remote from services and facilities.
19. In this regard, the site is not a significant distance from the shops and services on Ewell Road, which is where there are bus connections also. There is also a large area of public open space opposite the site. I walked the area on my site visit and whilst I acknowledge that the distances for walking may not be achievable for some, the site is reasonably located to achieve access to services generally. In my opinion, future residents may be able to cycle or walk to these local services rather than being reliant on private cars for transport.

20. On this basis, the proposal is in accordance with policies CS8, DM10 and DM11 of the Core Strategy, 2012, and is also in general accordance with the policies of the 2021 London Plan.

Other Matters

21. The proposed development may result in some increase in traffic but given the scale of the development this is unlikely to be a significant increase. The parking provision is satisfactory, with cycle parking incorporated also. Whilst I note that the site is adjacent to a road junction and would result in more access points to the parking areas, there is no substantive evidence before me that the development would result in increased traffic congestion, significant parking issues or highway safety impacts.
22. The proposal would result in the loss of a single family sized house. However, this would be replaced by six new dwellings, albeit of a smaller size. Nonetheless, there is no detailed evidence before me that there is a significant issue with a lack of family sized dwellings in the area to which the loss of the existing house would result in a harmful impact.
23. There will likely be some noise and disturbance through the construction process. However, conditions requiring a Construction Management Plan and the restriction on hours of operation can be imposed. Furthermore, this would be a temporary phase and such impacts should cease once the development is built.
24. There have been comments received concerned with the noise from future occupants at the development, including through additional vehicles driving in and out of the site. Whilst there could be an increase in noise generally from existing levels, there is no substantive evidence that this is likely to significantly impinge on neighbour living conditions.
25. The proposed bin stores are set away from the boundaries with neighbouring properties which should be sufficient to prevent any odour issues.
26. From the details before me, the living conditions appear adequate internally with suitable outlook quality, with a sizable communal garden space also available. Future occupant living conditions is therefore considered acceptable.
27. The works to the trees has been set out by the appellant, with tree protection measures where necessary also, which can be enforced via a condition to be imposed. Landscaping is also proposed which should enhance the site, which would sufficiently compensate for any tree loss proposed.
28. The proposal would result in an increase in occupants at the site, but not to the degree that it is likely there would be a resultant strain on services and facilities locally.
29. There has been question with regards the ownership of the site and the associated planning application documentation. The appellant has responded on this matter and I have no reason to believe that there are any further issues in this regard.
30. Other matters have been raised by interested parties, such as asbestos at the existing building, sewer capacity and land stability, for example. However, after

considering all these other matters it is my conclusion that they do not constitute reason for dismissal of this appeal.

Conditions

31. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework (the Framework). The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
32. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.
33. The site is in a residential area with neighbours close by. As such it is necessary to impose a condition for a Construction Management Plan and also a condition restricting hours of construction.
34. As part of the proposed development, full drainage details are required to ensure a suitable system and avoid any flooding issues. A condition to this effect is therefore necessary.
35. There are some windows on the east elevation of the proposed residential building which could result in overlooking impacts to the neighbouring house to the east, and so these should be fixed shut and obscure glazed where necessary, as set out in an imposed condition. I do not regard it necessary for the same to apply to the west elevation windows/rooflights, as these would not result in significant adverse living condition impacts if openable and clear glazed.
36. A condition should be imposed to require the proposed tree protection on site, throughout the course of construction. A condition is required also for the implementation of the submitted landscaping scheme.
37. There should also be conditions restricting work, pruning or removal of trees in bird nesting season. This condition does not prevent work being undertaken at the site, so long as there is no works of any kind to trees during these nesting/breeding months.
38. The development should also be implemented in accordance with the mitigation set out in the submitted Ecological Appraisal, together with an Ecology Enhancement Strategy. This is required as although there is a basic level of detail of enhancements set out in the submitted Ecological Appraisal, full details shall be required. Furthermore, the ecological mitigation includes reference to lighting and avoiding light spill, but a condition requiring details of this is required. These conditions are required in the interests of visual amenity and ecology protection.
39. In the interests of visual amenity full details of the boundary treatment of the site is required, as this boundary treatment will be prominent in the street scene.
40. Conditions for the provision of the parking spaces, closing up of the existing access, and the provision of the cycle parking are all necessary, in the interests of highway safety, parking provision and sustainable transport.

41. The Council have recommended a condition which requires CO2 reductions in line with Code for Sustainable Homes Level 4. However, there has been updated policies with the London Plan 2021. In terms of minimising greenhouse emissions, policy SI2 states that residential development should achieve a 10 per cent reduction beyond current Building Regulations. There is no substantive evidence before me that makes me conclude that any requirement should be more than this. There is, however, a condition which requires limited water usage, which is in accordance with policy SI 5 of the London Plan.
42. In accordance with policy D7 of the London Plan, there is a policy which requires suitable levels of accessibility to the proposed flats. Although this refers to Building Regulations, as made clear in the London Plan this can also be a condition on planning applications. I note from the evidence that it is considered that requiring the upper floor flats to be M4(2) compliant is likely to make the scheme unviable. Considering the benefits of the scheme in providing a net increase of housing and the fact that two flats would be M4(3) compliant, I regard this standard M4(1) as acceptable for the upper floor flats, even if it is less than the London Plan requirement.
43. A condition requiring that remediation be required if contamination is discovered on site during the course of construction is imposed, for environmental reasons.
44. Full details of a bin storage area are shown on the submitted plans, which I would consider as satisfactory from the evidence before me. There is no necessity for any further details required by condition for waste management of this development.
45. I am satisfied that there is exceptional justification for imposing the pre-commencement condition as attached.

Conclusion

46. For the reasons given above I conclude that the appeal should be allowed, subject to conditions as set out in the attached schedule.

Steven Rennie

INSPECTOR

SCHEDULE – CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The approved development shall be carried out in accordance with the following drawings/details:

C0420 - T - Site Survey

AD19-AP1-1001 - Existing Plans and Elevations

AD19-AP1-1002 - Existing and Proposed Site/Block Plan

AD19-AP1-1003 Rev E - Proposed Ground Floor and Landscape Plan

AD19-AP1-1004 - Proposed First and Second Floor Plans

AD19-AP1-1005 - Proposed Roof Plan

AD19-AP1-1006 Rev A - Proposed Front and Side Elevations

AD19-AP1-1007 - Proposed Rear and Side Elevations

AD19-AP1-1008 Rev A - Proposed Sections

AD19-AP1-1009 Rev A - Proposed Front Street Scene

AD19-AP1-1010 Rev A- Proposed Elevations Showing Boundary Treatment

3. The development shall be completed in accordance with samples for all facing materials including fenestration, which shall be submitted to and approved in writing by the Local Planning Authority before any works on site above damp proof course level. The development shall then be built in accordance with these approved samples and completed prior to occupation.
4. No development shall take place including any works of demolition until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
 - (a) Provision for loading/unloading materials.
 - (b) Storage of plant, materials and operatives' vehicles.
 - (c) Temporary site access.
 - (d) Signing system for works traffic.
 - (e) Measures for the laying of dust, suppression of noise and abatement of other nuisance arising from development works.
 - (f) Location of all ancillary site buildings.
 - (g) Means of enclosure of the construction site.
 - (h) The parking of vehicles of the site operatives and visitors
 - (i) The erection and maintenance of security hoarding.

The demolition and construction of the development shall be carried out in accordance with the construction method statement so agreed.

5. Prior to any works above damp proof course level or any drainage works on site (whichever is sooner) a Sustainable Drainage Strategy and associated

detailed design, management and maintenance plan of surface water drainage for the site using Sustainable Urban Drainage (SuDS) method, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the first occupation of the development and maintained thereafter for the lifetime of the development.

6. Before the beneficial occupation of the development hereby permitted, the windows and rooflights above ground floor level in the side (east) elevation (facing towards No 20 Alexandra Drive), shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable, and any part below that level shall be fitted with obscure glazing to a level and method first agreed in writing by the Local Planning Authority. These windows/rooflights shall remain as such thereafter, with any agreed obscure glazing as necessary.
7. If during development contamination not previously identified is found to be present at the site, no further development shall be carried out until an investigation strategy and risk assessment, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the measures identified in the approved remediation strategy and verification plan has been completed and a verification report demonstrating completion of the approved remediation works and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority.
8. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays, or Bank or National Holidays.
9. No development or other operations shall take place except in complete accordance with the approved document titled Arboricultural Impact Assessment, Method Statement & Tree Protection Plan, by Trevor Heaps Arboricultural Consultancy Ltd (dated 13/05/2020) (hereinafter referred to as the Approved Scheme). This shall include that:
 - a) No operations shall commence on site in connection with development hereby approved until the tree protection works required by the Approved Scheme are in place on site.
 - b) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.
 - c) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site.
10. No works to, pruning or removal of trees at the site in association with the development shall be carried out during the bird breeding season (March to

August inclusive) in order to protect breeding birds, their nests, eggs and young.

11. Notwithstanding the approved drawings, details shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of all gates, boundary treatment, fences and means of enclosures (including the incorporation of 'hedgehog highways') to be erected. The development shall be carried out in accordance with the approved details before the building is occupied.
12. The vehicle parking spaces shown on the approved plans shall be fully implemented and made available for use prior to the first occupation of development and shall thereafter be retained for this use at all times.
13. The development shall not be occupied until the cycle parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.
14. The landscape scheme as shown on approved drawing number AD19-AP1-1003 Rev E received on 4th August 2020 shall be implemented within the first planting season following completion of the development and the tree planting and landscaping shall thereafter be maintained for five years to the satisfaction of the Local Planning Authority. Any trees or shrubs which die during this period shall be replaced in the first available planting season, and the areas shown to be so landscaped shall be permanently retained for that purpose. Alterations that affect these approved landscape details must be previously agreed to in writing by the Local Planning Authority.
15. The development shall strictly be carried out in accordance with the mitigation measures specified within Section 6 of the Ecological Appraisal Report by Wychwood Environmental Ltd (dated July 2020).
16. Prior to any works above ground level, an Ecology Enhancement Strategy to enhance the nature conservation interest of the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
17. Prior to the occupation of the development, the existing vehicular access from the site to Alexandra Drive as shown on the approved drawings shall be permanently closed and any kerbs, grass verge and footway, fully reinstated at the developer's expense, in a manner to be agreed in writing by the Local Planning Authority.
18. No external lightings shall be installed at the site until a proposed lighting scheme with predicated light levels has been submitted to and been approved in writing by the Local Planning Authority. The development and its external lighting shall thereafter be carried out in accordance with the approved details and retained as such thereafter.
19. The development hereby approved shall be designed and built to achieve a water consumption rate of no more than 105 litres/person/day. No occupation of any of the dwellings shall take place until an assessment which

relates to that dwelling, and which confirms that the development has been constructed in accordance with the above requirement for water usage, has been submitted to and agreed in writing by the Local Planning Authority. All completed water conservation measures identified shall be installed in accordance with the details as agreed and thereafter permanently retained.

20. The dwellings shall not be occupied until it can be demonstrated that it achieves a reduction in greenhouse gas/CO₂ emissions 10 per cent below the level required by Building Regulations through energy efficiency measures. The dwellings hereby approved shall not be occupied until details have been submitted which shows that this requirement has been met and the details of compliance provided to the Local Planning Authority.
21. Prior to any works above damp proof course level, written confirmation from an appointed building control body that the specifications of the dwellings have met the category standards of the Approved Document M of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority. This shall include that the ground floor flats labelled as 1 and 2 as shown on drawing number AD19-AP1-1003 Rev E shall be category M4(3) compliant; and the first and second floor flats labelled as 3, 4, 5 and 6 as shown on drawing number AD19-AP1-1004 shall be category M4(1) compliant.

END OF SCHEDULE

