



Appeal Decision

Site Visit made on 24 May 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/Z5630/W/21/3268551

Capelli Avanti, 314 Ewell Road, Surbiton KT6 7AL

- 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 S Lomanto (Capelli Avanti) against the decision of the Council of the Royal Borough of Kingston upon Thames.
- The application Ref 20/02778/FUL, dated 5 November 2020, was refused by notice dated 13 January 2021.
- The development proposed is the construction of a vehicle splay from concrete, measuring 2.7m at top end and 3.8m at roadside and 2.7m in length.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises an area of land which is part of a much larger continuous pedestrian area which runs past several commercial units, including Capelli Avanti. The pedestrian area has good quality paving, and its largely open and spacious nature contributes to the character and appearance of the area.
4. The proposal involves a vehicular crossover / splay and a car parking space. The pedestrian area could accommodate the size of the proposed parking space. The appellant has mentioned that the proposal would result in a maximum total of 3 cars next to each other, and that in relation to a planning permission which relates to Nos 318 to 320 Ewell Road (Nos 318 to 320), vehicles may continue to be present at the forecourt of Nos 318 to 320. Nevertheless, the proposal would allow for a car to parked quite close to the frontage of Capelli Avanti and in my view even one car parked in this prominent location would clutter the pedestrian area, reducing its open and spacious nature. This would diminish the attractiveness of the area. Furthermore, the crossover proposed would materially lessen the pleasantness of the footway in this location.
5. The appellant has referred to part of the existing pedestrian area as being a different colour, which does not, of itself, hinder the openness of the street. In this regard, it is noted that, in the absence of a parked car in front of Capelli Avanti, openness would not be reduced. Nevertheless, the appellant has mentioned the likely use of the parking area as being only during working

hours, which would be a sufficient length of time for harm to manifest via the proposal.

6. I observed the decking areas at Nos 284 and 294 Ewell Road. These are markedly different developments to the proposal. They also complement their respective commercial units in both appearance and usage terms, which the proposal would not do. The appellant has referred to the historic display of motorbikes on the forecourt of Nos 318 to 320. However, this historic activity would not mitigate the harm that the proposal would cause to the character and appearance of the area. Thus, neither of these matters changes my findings.
7. I therefore find that the proposal would have an unacceptable and harmful effect on the character and appearance of the surrounding area. It would conflict with Policy DM10 of the Core Strategy Development Plan Document (adopted 2012) which provides that, amongst other things, development proposals should respect the character and local distinctiveness of a street or area. It would also conflict with paragraph 127 of the National Planning Policy Framework which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character.

Other Matters

8. The appellant has alluded to highway safety issues with respect to cyclists on the road, but few details have been provided to demonstrate that actual risks to safety have occurred or would be likely to in the future. It is recognised that the proposal would not impact on the safety of pedestrians. Finally, the appellant has referred to the poor level of public transport in the vicinity, and I note that the proposal would provide a limited level of assistance with this, via the creation of one car parking space to be used in association with Capelli Avanti.
9. In combination, I give all these other matters only limited weight in favour of the appeal. Consequently, I consider that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan that I have found.

Conclusion

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

Alexander O'Doherty

INSPECTOR