



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: 28 June 2021

Appeal Ref: APP/Z5630/W/21/3269065

Grange Cottage, Southborough Road, Surbiton KT6 6JN

- 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 G Pye against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 20/01099/FUL, dated 15 May 2020, was refused by notice dated 15 January 2021.
 - The development proposed is the demolition of existing two storey house and erection of 2 two and three storey detached houses.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal The London Plan was published¹, which replaced all previous versions. The parties were provided with an opportunity to comment on its relevance to this appeal. Although no comments were received, as The London Plan is part of the development plan, I have had regard to it in the determination of this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area, including the Southborough Conservation Area.

Reasons

4. The appeal site comprises a detached dwelling located near the end of a private lane in an attractive residential area. The lane lies between Dunton Close / Malcolm Drive and Southborough Road. The site is within the Southborough Conservation Area (conservation area). The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s72(1) that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
5. The significance of the conservation area, as a whole, as a designated heritage asset is derived in part from the mainly uniform character of its late Victorian residential properties, specifically with respect to their overall design and materials. Although Grange Cottage is not statutorily or locally listed, it contributes to the significance of the conservation area by virtue of the historic period of its construction, its associated aesthetic features, and its historic

¹ The London Plan (published 2021)

functional connection with The Grange (No 92 Ditton Road). However, its contribution to the significance of the conservation area has been diluted somewhat by a number of later additions to the property, and it being currently separated from The Grange by their respective garden areas and dense vegetation.

6. There is a mix of ages and architectural stylings to properties along the lane. However, although it is rather secluded, the lane acts as a gateway between the more modern housing estate at Dunton Close / Malcolm Drive and the fine examples of late Victorian architecture along Southborough Road and beyond. Accordingly, in my view the site is in a particularly sensitive location with respect to change within the conservation area. Opposite the site is Monaro Cottage, constructed around the same time as Grange Cottage, although its high boundary fence and the additions to Grange Cottage has reduced the connection between the 2 properties. The properties either side of Grange Cottage are of modern construction although the style of their brickwork provides a link with the historic properties further afield.
7. I have carefully considered the design rationale and ethos that underpins the proposal, its architectural merits, and the analysis provided in the Council's Committee Report. I am mindful of the advice given in the National Design Guide that well-designed places do not need to copy their surroundings in every way, and that it is appropriate to introduce elements that reflect how we live today, to include innovation or change. In this respect, the proposed new dwellings would incorporate a bold design which would markedly contrast with surrounding properties. The new dwellings would respect the dominant building line and would have adequately-sized rear gardens. The front of both plots would provide a moderate air of spaciousness, albeit that up to 2 cars could potentially be parked within each of those areas.
8. However, the proposed ridge heights of the new dwellings would be similar to their respective adjoining properties, which have pitched roofs, in contrast to the flat roofs proposed. As a consequence, the combination of the significant height and the overall scale of the 3-storey cuboid-shaped central portion of each dwelling proposed would create very dominant and bulky features which would visually overpower their neighbours. The materials proposed, including translucent cladding, and the large-sized windows proposed for the front of each dwelling at first floor level, would serve to emphasise the overly-bulky nature of the proposed dwellings in their context.
9. There would be a fairly minimal separation distance between each dwelling, and they would protrude close to their respective side boundaries. Moreover, each of the dwellings would be relatively narrow overall, in contrast to the predominantly wider scale of nearby properties. These factors would result in the dwellings appearing cramped within the site.
10. It is noted that several plots within Dunton Close / Malcolm Drive are narrower than many in the wider conservation area, and that the lane itself has a fairly enclosed character. Nevertheless, there are distinct stylistic differences between the typically more conventionally-designed properties on Dunton Close / Malcolm Drive and the predominantly grander style of properties on the lane. Due to this, in my view the appeal site has a greater connection with and is read more in the context of the properties on the lane, including the 2 newly-

constructed large detached dwellings, meaning that the cramped nature of the proposed dwellings within the site would be particularly noticeable.

11. As the harm would be localised, the proposal would (using the terminology found in the National Planning Policy Framework (the Framework)) cause less than substantial harm to the significance of the conservation area as a designated heritage asset, but nevertheless this degree of harm is of considerable importance and weight. The Framework advises that such harm should be weighed against the public benefits of the proposal.
12. In this regard, the proposal would provide 2 residential units of accommodation in an accessible location, with a net gain of one unit over-and-above that which exists on site. The proposed family-sized units would contribute to the mix of housing in the local area. As such, the proposal would result in a more efficient use of the site in strict land-use terms, with a likely corresponding increase in viability.
13. Considerable importance is placed on conservation areas as they are a designated heritage asset, and in accordance with the Framework, great weight should be given to their conservation. Taken as a whole, the public benefits of the proposal are accorded moderate weight and I find that they do not, either individually or cumulatively, amount to public benefits which outweigh the harm that would be caused to the significance of the conservation area. Given the above, I conclude that the proposal would fail to preserve the character and appearance of the conservation area.
14. I therefore find that the proposal would have an unacceptable and harmful effect on the character and appearance of the surrounding area, including the conservation area. It would conflict with Policies CS8, DM10 and DM12 of the Core Strategy Development Plan Document (adopted 2012) which collectively provide that, amongst other things, development should preserve or enhance the existing heritage assets of the Borough through the promotion of high quality design, and with Policy D3 of The London Plan which provides that, amongst other things, development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness. It would also conflict with section 16 of the Framework, which seeks to conserve and enhance the historic environment.

Other Matters

15. I note that the appellant has engaged in extensive dialogue with the Council, which has resulted in the proposal before me. Additionally, the Council did not refuse the application on access grounds. However, these are neutral matters, which do not weigh in favour of the proposal.
16. It is common ground that the Council cannot demonstrate a 5-year housing land supply. The proposal would result in an additional dwelling on site, meaning that 2 units of accommodation in an accessible location would be provided. This would make a minimal contribution to addressing the Council's shortfall and to the Government's broader objective of significantly boosting the supply of homes. The 2 new units of accommodation would contribute to the mix of housing in the local area, specifically with respect to the provision of family-sized units, but due to the quantum involved, this contribution would be limited. Overall, the proposal would result in a more efficient and viable use of an existing residential site in strict land-use terms.

17. The proposal would incorporate measures to reduce carbon dioxide emissions, including green roofs, appropriate heating and hot water solutions, and solar panels. The provision of cycle storage would assist in promoting sustainable transport.
18. Taken together, all the benefits mentioned above offer modest support for the proposal, and collectively I have given them moderate weight. Taking all these other considerations into account, I find that the identified benefits of the proposal, do not, either individually or collectively, outweigh the substantial planning harm identified on the main issue, nor the conflict with the development plan when considered as a whole.
19. As referred to above, the Council cannot demonstrate a 5-year supply of deliverable housing sites (with the appropriate buffer). As such, the most important policies relating to this appeal are out-of-date and paragraph 11 d) ii of the Framework is engaged. I have taken full account of all the matters advanced in support of the proposal. Nevertheless, the harm arising via the proposal, as identified on the main issue, would be substantial, and therefore I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Hence, the presumption in favour of sustainable development, detailed in the Framework, does not apply.

Conclusion

20. For the reasons given above I find that the proposal would conflict with the development plan when considered as a whole. None of the other considerations, which include the Framework, indicate that this appeal decision should be taken otherwise than in accordance with the development plan. The appeal is therefore dismissed.

Alexander O'Doherty

INSPECTOR