



Appeal Decision

Site Visit made on 18 October 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/Z5630/W/21/3271981

2 Burford Rd, Worcester Park, Surrey KT4 7SU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Clarke against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 20/02397/OUT, dated 24 September 2020, was refused by notice dated 16 April 2021.
 - The development proposed is described as 'three bedroom detached chalet bungalow under a pitched roof'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline with details of access, appearance, layout and scale subject to consideration as part of this proposal. Only landscaping is a reserved matter.
3. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). However, the revised Framework does not materially alter the national policy approach in respect of the issues raised in this appeal.

Main Issues

4. The main issues are:
 - The effect of the development proposed on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the existing occupiers of 2 Burford Road, with particular regard to outlook;
 - Whether the proposal would provide adequate living conditions for future occupiers, with particular regard to internal space and external amenity space;
 - The effect of the proposal on highway safety, with particular regard to access; and
 - Whether the proposal makes appropriate provision for car parking.

Reasons

Character and Appearance

5. 2 Burford Road is a detached bungalow with a hipped roof design, which is a common feature of other properties on this road. The property includes gardens to the front, side and rear and is served by a driveway to the northern side. The appeal site is the triangular shaped northern part of No 2's garden, bounded by the road next to the railway line and by properties on Idmiston Square to the west.
6. The surrounding area is of established residential character with some variation in the size and design of dwellings. Properties are predominantly detached and semi-detached bungalows and two storey houses. There is a high degree of consistency of materials which comprise mainly render, smaller areas of brickwork and clay roof tiles. The dwellings generally front onto the road with a garden and driveways and more private gardens to the rear. Many properties have planting in the front gardens which adds some greenery. There are two storey terraced properties to the west of the site on Idmiston Square, which are located on smaller plots. Nevertheless, the prevailing pattern of development is that of properties situated on generously sized plots, which contributes positively to a spacious and verdant character.
7. The appeal proposal would be a detached, two storey dwelling situated within part of the garden to the side and rear of No 2. It would include a gable feature to the front elevation and a Dutch hip roof. Due to its positioning on the corner and proximity to the highway, the proposal would be a highly visible addition to the street scene. Although the proposal would be seen partly against the backcloth of the two storey properties on Idmiston Square, it would be situated much closer to No 2 and would be viewed largely within the context of that property.
8. The roof form of the proposed dwelling would be of greater bulk and size than the existing property with its eaves height being noticeably higher than the existing. The proposal would appear as a two storey dwelling which would contrast markedly with the existing bungalow. Consequently, the proposal would not relate well to the scale of the existing dwelling, which would result in an incongruous relationship between the two buildings.
9. The harm arising from the scale of the proposed dwelling would be exacerbated by the positioning of the proposal so close to No 2 and near to the site boundaries with limited external space surrounding it. The proposal would have a very small garden which would not reflect the more spacious gardens of neighbouring properties. This would result in a development which would appear cramped in relation to the size of the site.
10. Unlike most other properties on Burford Road, the proposal would be set at an angle relative to the road rather than directly fronting on to it. Moreover, the proposed Dutch hip detail and the use of roof tiles to the upper walls of the building would not respect the character of neighbouring properties. The proposal would therefore undermine the pattern of development on Burford Road and would erode its established character.
11. The appellant refers to an example of a two storey property adjacent to a single storey dwelling elsewhere on Burford Road. However, I do not have the

substantive details of the planning history of these properties, though, indeed, this appears to be an historic feature of the built environment rather than a recent one. Furthermore, these properties are positioned in a linear row and therefore have a different relationship to Burford Road compared with that of the appeal site. In any case, I must determine the appeal on its own merits in accordance with the requirements of the current development plan. Therefore, the example referred to does not provide a compelling precedent for the proposal.

12. I therefore find that the development proposed would significantly harm the character and appearance of the area. The proposal would therefore conflict with Policy D3 of the London Plan 2021 (the LP) and Policy DM10 of the Royal Borough of Kingston upon Thames Core Strategy 2012 (the CS). Amongst other things, these seek to ensure that development proposals respect, maintain or enhance local distinctiveness, including in terms of scale, layout, height, form and massing.

Living conditions of occupiers of the existing property

13. No 2 contains a number of windows to its northern elevation, including those situated in a single storey projection, which face towards the side garden area.
14. The appeal proposal would be sited within this area of the garden within close proximity of the new boundary proposed to be formed between the two properties. The proposed dwelling would extend beyond the rear elevation of No 2 for a considerable distance along the new boundary. Furthermore, the proposal would be of substantial scale and massing and with its proximity to the boundary, would be an overbearing presence which would unduly dominate the outlook from the windows of the existing property and its rear garden.
15. For these reasons, I consider that the appeal scheme would harm the living conditions of the occupiers of 2 Burford Road, with particular regard to outlook. In this respect, there would be conflict with Policy D3 of the LP and Policy DM10 of the CS, which, amongst other things, require development to have regard to the amenities of neighbouring occupants, including in terms of outlook.

Living conditions of future occupiers

16. The application form is clear that permission is sought for a three bedroom dwelling and this is confirmed by the submitted plans, which show two bedrooms on the first floor and a third bedroom/study on the ground floor. The appeal proposal should therefore be assessed as a three bedroom dwelling for the purposes of the internal space standards set out in Policy D6 of the LP.
17. With a gross internal floor space of approximately 92.5m², the proposal would be around 0.5m² below the minimum space standards for a two storey, three bedroom, five person dwelling. That does not suggest a significant shortfall in recommended floor space. However, on the basis of the evidence, considerably less than 75% of the gross internal floor area would achieve a minimum floor to ceiling height of 2.5m. The pitched roof reduces the floor to ceiling height within the first floor accommodation. Moreover, according to the Council the built-in storage space would amount to 0.7m² which falls short of the requirement for 2.5m² of built-in storage for this type of property. This is not disputed by the appellant.

18. Furthermore, bedroom two would be only served by a high level window and four roof lights, such that the outlook from this bedroom would be inadequate. Therefore, due to the restricted floor area and floor to ceiling height, together with the poor outlook from bedroom two, I am not persuaded that the proposed dwelling would provide an acceptable standard of accommodation for future occupiers.
19. Policy Guidance 13 of the Residential Design Supplementary Planning Document (2013) (SPD) states that although levels of private amenity space may vary considerably in different character areas, each new dwelling should have a minimum of 50m² of private garden (plus an extra 5m² for each bedroom after the third), where the prevailing character allows.
20. The proposed dwelling would occupy a large proportion of the appeal site. It would be particularly close to the western and southern site boundaries leaving very little outdoor space to the rear of the building. According to the Council, the proposed external amenity space would amount to approximately 30m², which is not disputed by the appellant. This would represent a shortfall of around 20m² on the requirements of the SPD and would be noticeably smaller than the more spacious gardens of nearby properties on Burford Road. Although I accept that Policy D6 of the LP has lower requirements than those contained in the SPD, the external space proposed would nevertheless be very restricted in size and awkward in shape, such that it would not provide a sufficiently useable space to cater for the intended number of occupiers.
21. The appellant refers to the availability of nearby open spaces, including Manor Park, and local services and amenities which they consider would compensate for any perceived lack of external amenity space at the appeal site. However, these are not private spaces and therefore these would not provide sufficient mitigation for the inadequacy of the proposed external amenity space at the appeal site.
22. Consequently, I conclude that the proposal would not provide adequate living conditions for future occupiers as a result of the standard of both the internal space and external amenity space. Thus, it would be contrary to Policy D6 of the LP and Policy DM10 of the CS, which together seek to ensure that development proposals provide adequate internal space and private outside space.

Highway safety

23. The proposed dwelling would be accessed via an existing access point onto Burford Road which serves the existing garage. At the time of my site visit a number of vehicles parked along the northern side of Burford Road opposite the site access, which reduces the width of the carriageway at this point. The access point is relatively close to the bend where Burford Road meets Idmiston Square. Consequently, the extent of visibility from the access in that direction would be reduced. Notwithstanding this constraint, there is no substantive evidence before me to indicate that the existing access has not safely accommodated vehicle movements during the period of its use.
24. Taking into account the nature of Burford Road at this point, including its geometry, and that it is not a through route linking to other areas for vehicles, both the volume of traffic and vehicle speeds are likely to be low. Drivers emerging from the proposed access would be likely to do so cautiously and at low speed. Moreover, the addition of one dwelling would be unlikely to generate a significant increase in vehicle movements or lead to a conflict between vehicles

and pedestrians, to the extent that highway or pedestrian safety would be significantly compromised.

25. For these reasons, I consider that the proposal would not adversely affect highway safety, having regard to the proposed access arrangements. It would not therefore conflict with Policy T4 of the LP and Policy DM10 of the CS, where these seek to ensure that development proposals would not adversely affect highway safety.

Car parking provision

26. Policy T6 of the LP states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. According to the maximum car parking standards set out in Table 10.3 to Policy T6.1 of the LP, a three bedroom dwelling in an Outer London PTAL 2-3 location should be served by a maximum of one space.
27. The Council contends that the submitted plans show two car parking spaces and that this would result in an oversupply of car parking and thereby fail to promote sustainable transport. However, the application form states that the proposed development would be served by one car parking space together with two cycle spaces. The submitted plans show an area of parking within the north western corner of the site, which would appear capable of accommodating a single vehicle only. Therefore, on the basis of the evidence before me, I am satisfied that the development proposed would not lead to an oversupply of car parking; nor would it fail to promote sustainable transport.
28. The proposal would make appropriate provision for car parking and therefore would not conflict with Policies T6 and T6.1 of the LP and Policy DM9 of the CS. Together, these policies require new development to make provision for appropriate levels of car parking.

Other Matters

29. The development would offer potential benefits in terms of providing a new dwelling in a relatively sustainable location. It would also have economic benefits through employment opportunities created during the construction phase of the development, Council tax revenue and spending in the local area by future occupants. However, given the modest scale of the development proposed, the weight attributable to these matters is limited and would not outweigh the clear harms identified above.
30. I have found that the development proposed would not result in significant harm in relation to either highway safety or car parking provision. However, this lack of harm is a neutral factor which would not outweigh the harm that I have identified above and the conflict with the policies I have referred to.

Conclusion

31. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

Mark Ollerenshaw

INSPECTOR