



Appeal Decision

Site visit made on 6 July 2021

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 03 DECEMBER 2021

Appeal Ref: APP/Z5630/W/21/3266585 27 Thetford Road, New Malden KT3 5DP

- 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 IDAC Developments against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 20/00829/FUL, dated 2 April 2020, was refused by notice dated 17 November 2020.
 - The development proposed is Alterations and extensions to side and rear of existing single dwellinghouse at ground, first and second floor levels, and excavation at basement level to provide 6 self-contained flats (2 x one-bedroom, 2 x two-bedroom and 2 x three-bedroom) with associated waste and cycle storage facilities.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - (i) Whether the proposal would provide adequate living conditions for future occupiers;
 - (ii) The effect of the proposal on the living conditions of neighbouring properties with particular regard to noise and parking;
 - (iii) The effect of the proposal on the character and appearance of the area;
 - (iv) Whether the proposal would lead to an increase in the risk of flooding to the site and elsewhere; and
 - (v) The effect of the proposal on land stability.

Reasons

Living conditions of future occupiers

3. Flats 3, 4, 5 and 6 which would be located on the first floor and loft floor would be dependent on an area of communal space that would be laid out at the rear of the site. This area would be beyond the two rear gardens of the ground floor flats, and accessed via a long and rather narrow path, enclosed by the boundary of the appeal site to one side and the boundary fence of unit 2 on the other side. Occupiers would need to exit via the main entrance of the

development, navigate around the side of the building and past one of the allocated parking spaces, and then walk almost the entire length of the appeal site to the communal area.

4. Flats 3 and 4 would both be 2 bedrooms units, and therefore may be occupied by small families. The provision of the communal space has been laid out in such a way that it would be difficult to access and utilise for those with young children or disabilities. Its location would be awkward and would fail to function as an integral part of the development. Whilst the communal area would be generous in its overall size, the layout of the site would not provide an inclusive or accessible environment for future users.
5. Policy DM10 of the Royal Borough of Kingston Upon Thames Core Strategy Local Development Framework (2012) (the Core Strategy) identifies that amenity space should be provided in accordance with the Council's Residential Design SPD. The SPD advises on the importance of providing some private amenity space for units and identifies that communal space should be provided in addition to private space where necessary. Whilst other developments have previously been permitted by the Council with communal space elements, each development must be considered on its own merits.
6. Having regard to the fact that this is a conversion it may not be possible to provide private amenity space, and a well-designed communal area may be preferable. However, having regard to the mix of units, the location of larger units on the upper floors, the absence of any private amenity space for occupiers of those units, and the inaccessible layout of the proposed communal space, I find that the proposal would not provide a satisfactory level of amenity for future occupiers. It would conflict with Policies DM10 and DM13 of the Royal Borough of Kingston Upon Thames Core Strategy Local Development Framework (2012) (the Core Strategy) which collectively require development to incorporate principles of good design and ensure adequate and appropriate amenity space.
7. The proposal would also fail to comply with the guidance set out in the National Planning Policy Framework (the Framework) which echoes the Core strategy in identifying that developments should create places that are safe, inclusive, and accessible with a high standard of amenity for future users.

Living conditions

Noise

8. No 29 Thetford Road is a dwellinghouse which shares a party wall with the appeal property, being part of the pair of semi-detached dwellings. Whilst insulation matters can often be addressed through building regulations, the effect of a proposal due to noise is a valid planning issue. The World Health Organisation identifies that health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. Exposure to noise can cause annoyance and sleep disturbance, which in turn can affect quality of life and health.
9. The proposal would result in units on the first floor and proposed loft floor providing kitchen and living areas immediately adjacent to the private accommodation, and possibly bedrooms, of No 29. Furthermore, the use of the building would be significantly intensified for occupation by six individual

households. Four of these units would be located on the upper floors of the property. I consider that it is very likely that the level of internal activity and associated noise that would result from occupation of the units, particularly those on the upper floors, would result in significant disturbance to the neighbouring occupiers.

10. The appellant has confirmed that they would be willing to incorporate additional sound proofing to combat the transmission of noise, and that this would not impact on the internal floor areas of the flats. However, I have very limited evidence before me to demonstrate how acoustic lining would be incorporated properly, having regard to the change in floor levels, such as to mitigate noise transmission whilst allowing for the development to be constructed in accordance with the submitted plans. I do not therefore consider it possible to secure a condition addressing this matter.
11. Accordingly, I find that the proposal would be severely detrimental to the living conditions of the neighbouring occupiers at No 29 Thetford Road. It would therefore conflict with Policy DM10 of the Core Strategy which requires development to have regard to the amenities of neighbours including in terms of noise and disturbance. The proposal would also conflict with the Framework which identifies that developments should not undermine quality of life or social cohesion.

Parking

12. The Site is not located within, or in proximity to, a Controlled Parking Zone (CPZ). On-street parking is generally unrestricted apart from single and double yellow lines at key junctions and vehicle crossovers, zig-zag markings outside The Study School and designated disabled and car club bays.
13. The proposal would provide some on-site parking, however it would be necessary for three cars to be parked on the public highway. One space would be created on-street through the removal of one of the existing vehicle cross overs. Therefore, there would a demand for two additional spaces on-street.
14. A parking survey was undertaken over two weekday nights (Tuesday 11th and Wednesday 12th February 2020), during which time demand for residential car parking is expected to be at its highest, covering a 200-metre walking distance from the Site to include Oxleigh Close, Presburg Road, Spinney Close, Thetford Road and Westbury Road. There are approximately 174 available parking bays within the study area (parking supply). The data by road shows that the small cul-de-sacs in the area have no spare capacity. The other roads in the area have relatively low levels of stress, including Thetford Road and Presburg Road which are in closest proximity to the Site (41/47% and 22/24% stress levels respectively). On these two roads there are a number of car parking spaces available within a short 200 metres walk of the Site. I am satisfied that whilst the proposal would result in a very modest demand for on-street parking this demand could be met within the existing parking supply.
15. In addition to overnight parking there are times of day when parking demand increases, often when children arrive and leave school. However, this uplift in demand is for a short duration. Similarly, people parking to walk within the area or to visit existing residents in the area would be for short periods of time. Having regard to the existing level of parking supply I do not consider that the additional two spaces would result in a level of inconvenient from the proposal

itself to cause harm to the living conditions of neighbouring occupiers. I acknowledge the concerns raised by interested parties relating to inconsiderate parking, however I have limited evidence to conclude that the proposal before me would exacerbate this situation.

16. Accordingly, I find that the proposal would comply with Policies CS7 and DM10 of the Development Plan which, amongst other things, require proposals to have regard to local traffic conditions.

Character and appearance

17. The appeal site is a large plot of land, currently occupied by a two storey semi-detached property. The surrounding area is residential with a mix of development including semidetached and detached dwellings, and flats. Properties tend to be set back within well-proportioned plots, a mixture of hard and soft landscaping including mature trees provides a tranquil and residential feel, this enhances the Thetford Road Local Area of Special Character, within which the plot is located.
18. The proposal would involve a number of extensions to individual elements of the property. The gable roof design would reflect the various hipped and gable roof forms found in the area, and the proposed dormers would be set back in line with the existing dormers. The result of which would be a development that would largely reflect the neighbouring property and reintroduce a pleasing level of symmetry between the two. Whilst the proposal is substantial in respect of the level of work, the final development would not be out of keeping with the large dwellings and properties surrounding the site.
19. The proposal would provide space to the front of the site for soft landscaping to be incorporated, which could be secured by way of condition. This would ensure that the site in its entirety would respect and complement the Thetford Road Local Area of Special Character.
20. The site is also adjacent to the Presburg Conservation Area (the Conservation Area). The significance of the Conservation Area is found in the group of Queen Anne Revival style houses which are a small but fine example of the Renaissance style which were built prior to the war by a local architect. The houses in the Conservation Area are well composed with good proportions. The appeal proposal would include a number of these characteristics of the Conservation Area in its detailing, and accordingly I am satisfied that the proposal would not be harmful to the setting of the Conservation Area, nor would it be harmful when looking towards the site from the Conservation Area.
21. I find that the proposal would preserve the character of the area, sitting comfortably within the Thetford Road Local Area of Special Character, and preserving the setting of the Conservation Area. It would comply with Policies CS8 and DM10 of the Development Plan, which collectively seek to ensure that development recognises local features and character and has regard to the historic and natural environment, whilst incorporating principles of good design.

Effect on flood risk

22. The appeal site is within Flood Zone 1. The Flood Risk Assessment and Drainage Strategy identified that the site is not within an area susceptible for groundwater flooding, and that there is a low risk of surface water flooding.

However, there is evidence from interested parties that some groundwater and surface water flooding occur within the area.

23. The proposal would include a Sustainable Urban Drainage System (SUDS) which would result in a reduction in discharge rates and incorporate drainage for the basement unit which due to its modest size would be unlikely to have a significant effect on localised drainage. The installation of the SUDS could be secured by way of condition and I am satisfied that the proposed SUDS system would reduce flood risk to the property and not increase the risk of flooding elsewhere.
24. The proposal would comply with Policy DM4 of the Core Strategy which requires development to take account of the impacts of climate change, and to include SUDS to manage and reduce surface water run-off.

Land Stability

25. Para 174 of The Framework advises that decisions should contribute to the local environment by preventing existing development form being put at unacceptable risk from land instability.
26. The proposal would include the excavation of the basement to provide Flat 1. The basement structure would occupy a relatively small footprint in relation to the surrounding ground. A Basement Construction and Methodology Statement identifies the procedure to create the basement unit, including a methodology to avoid any land instability during permanent loading conditions. The permanent works would consist of reinforced concrete walls and slab designed to resist pressure of the bearing strata and design loads.
27. I am satisfied that subject to securing a condition regarding works to be completed in accordance with the Construction and Methodology Statement the proposal would comply with the Framework and would not lead to an unacceptable risk of land instability to either the appeal property or neighbouring properties.

Other matters

28. The Framework identifies the Government's objective of significantly boosting the supply of homes. However, the Framework is clear that development should be well designed to include healthy, inclusive, and safe places.
29. I have considered the matters raised by interested parties, however having regard to my findings on the main issues it is not necessary to address them individually as part of this appeal. Furthermore, it is not for me to comment on alternative or future schemes on the site.

Planning Balance

30. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The adverse impacts arising from the proposal relate to the harmful effect on the living conditions of neighbouring occupiers and its failure to provide adequate living conditions for future occupiers. The proposal would conflict with the development plan when taken as a whole.

31. The Council acknowledges that it is unable to demonstrate a five-year supply of deliverable housing sites. In light of the shortfall in the five-year housing land supply, the Framework makes it clear that the most important policies for determining the application are out of date in the terms set out in paragraph 11d) and footnote 8 of the Framework. Accordingly planning permission should be granted, unless, amongst other matters, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
32. The contribution of six units of various sizes would make a modest but nevertheless relevant contribution to the overall delivery rates in the Borough, and boosting the supply of housing is a key objective of the Framework. In addition, there would be social and economic benefits associated with building the scheme and subsequent occupation and this attracts moderate weight.
33. However, the proposal would fail to provide adequate living conditions for future occupiers and would be severely detrimental to the living conditions of neighbouring occupiers. Whilst it may be necessary to provide schemes with higher densities to boost housing, I do not consider that this should justify a proposal incorporating a scheme that would result in harm to the level that I have identified. Given that the policies detailed above are broadly consistent with the Framework the harm to living conditions and failure to provide adequate amenity are matters of significant weight. I therefore find that the adverse impacts would significantly and demonstrably outweigh the benefits.

Conclusion

34. The proposed development would be contrary to the development plan and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal is dismissed.

J Ayres

INSPECTOR