



Appeal Decision

Site visit made on 6 December 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

Appeal Ref: APP/Z5630/W/21/3273080

12 Rosemary Gardens, Chessington, KT9 1AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant subject to conditions of consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr David Khoo against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref 20/02496/CLC, dated 5 October 2020, sought approval of details pursuant to conditions Nos 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of planning permission appeal decision Ref APP/Z5630/W/18/3218054 granted on 27 March 2019.
 - The application was refused by notice dated 26 January 2021.
 - The development proposed is the demolition of the existing outbuildings and erection of a single storey house.
 - The details for which approval is sought are: commencement of development, approved plans, external materials, boundaries, landscaping, vehicle parking layout and forecourt landscaping, drainage system, sustainability, refuse storage facilities, cycle parking provision, operation hours of development, limitation to use of roof and porous hard surface materials.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr David Khoo against the Council of the Royal Borough of Kingston upon Thames. That application is the subject of a separate decision.

Preliminary Matters

3. The application submitted to the Council sought approval of those conditions listed within the banner heading above, although not all require formal discharge. However, the Council's refusal of details reserved by condition decision notice sets out that its refusal relates to those details submitted pursuant to conditions 3 (external materials), 4 (boundaries), 5 (landscaping), 6 (parking layout and forecourt landscaping), 7 (drainage scheme) and 8 (sustainability). I, therefore, have considered this appeal on the basis of those conditions refused approval as cited in the Council's decision notice and limited my considerations to those details submitted pursuant to conditions 3, 4, 5, 6, 7 and 8.
4. I have been provided with a copy of Council decision noted 21/00850/CLC, dated 21 June 2021, that approves details reserved by conditions 3, 4, 5, 6, and 7 of planning permission appeal decision APP/Z5630/W/18/3218054. However, in the event that some of those details submitted pursuant to that

application may have been different to that of those before me, for clarity I have considered this appeal on the basis of the details that are before me.

5. Building works were under construction at the appeal site at the time of my visit.

Main Issues

6. The main issues are whether a development of satisfactory appearance, parking, drainage and sustainability would be achieved.

Reasons

Condition 3 (external materials)

7. The external walls are to be finished in Yakasugi (Sugi Ban) natural timber (Siberian Larch). Yakasugi (Sugi Ban) is a traditional Japanese wood-burning technique of preserving wood making it fire resistant and durable. It would be installed horizontally in a lapped style. The roof would be a sedum blanket laid on a single ply membrane waterproofing system that would incorporate plants. A NorDan NTech system is proposed for the windows and doors. This would involve an aluminium clad wooden frame system. Website details of all of these products have been provided as well as Bauder and Nordan brochure details.
8. The website details provide a good indication of the finish of the walls, however I was unable to access details of the Siberian Larch finish specified within the appellant's discharge of conditions statement. The websites also illustrate the form of the roof, windows and doors. I note from the appellant's statement that samples of each of these were intended to be delivered to the local planning authority. On the information available to me I cannot be certain that this took place.
9. I consider the details provided illustrate that the external materials would likely create a dwelling of satisfactory appearance on completion, however seeing samples of the details, as is required by condition 3, would confirm whether this would be the case. This would also ensure the development would be completed in a way that would not conflict with Policy DM10 of the Local Development Framework Core Strategy 2012 (the Core Strategy) that requires, amongst other matters, development to incorporate principles of good design.
10. As the submission does not fully comply with condition 3 this condition should not be discharged.

Condition 4 (boundaries)

11. It is proposed to replace all existing fence panels with concrete post and overlapping fence panels. Photographs of the existing boundary fencing has been provided within the appellant's discharge of conditions statement. Details of the size of the panels has also been provided within the statement. Website details provide links to the proposed concrete fence posts and their size, as well as that of the overlapping fence panel to be used to replace the existing boundary fences. I consider these details to provide sufficient information to indicate that a suitable replacement boundary treatment in appearance could be achieved on completion of the development. As such, there would be no

conflict with Policy DM10 of the Core Strategy as the boundary would be of good design. On this basis condition 4 could be discharged.

Condition 5 (landscaping)

12. A plan has been provided within the appellant's discharge of conditions statement that shows those areas to be laid as pathways and lawn, along with the location of six new evergreen trees to be planted in the rear garden. Details of their species is provided; these details include website links.
13. The appellant's discharge of conditions statement includes a lighting plan that shows the locations where low-level LED PIR lights would be installed. Website links also provide details of the lights to be installed.
14. I consider these details to provide sufficient information to indicate that suitable landscaping and lighting in appearance could be achieved on completion of the development. As such, there would be no conflict with Policy DM10 of the Core Strategy as the landscape and lighting would be of good design. On this basis condition 5 could be discharged.

Condition 6 (parking layout and forecourt landscaping)

15. Four parking spaces are to be provided within the front garden area of No12, two spaces for the existing property and two for the new dwelling. I have been provided with drawing no RGC/P17/04 Rev.B and note that the previous Planning Inspector had regard to that plan in reaching his conclusions in regard of safety of road users. He observed that tandem parking side by side with the relationship of vehicles being close to each other is a common one in this part of the road and found the parking arrangement shown on drawing no RGC/P17/04 Rev.B to be acceptable. Consequently, I consider the local planning authority's concerns regarding highway safety unfounded as there would be adequate off-street parking to serve both the existing and new developments. In reaching this view I am mindful that the previous Inspector found the parking provision would satisfy the requirements of the Highway Authority.
16. Brochure details of Aquaflo permeable block paving and gravel grid have been provided that illustrate details of size and colour of the block paving, as well as how they would be laid. Weblinks have also been provide but I found that not all of the links are active.
17. Drawing no RGC/P17/04 Rev.B shows the areas within the frontage that would be landscaped. The appellant's discharge of conditions statement advises that as much of the existing landscaping at the front of No12 as possible will be retained.
18. I consider there to be sufficient information to indicate that a suitable parking layout and forecourt landscaping could be achieved on completion of the development. I see no substantive reason why the amenities of the surrounding residential occupiers would be substantially harmed as a result of the parking layout and landscaping. There would be no conflict with Policy DM10 of the Core Strategy as the parking layout and forecourt landscaping would be of good design having regard to the amenities of neighbours and highway safety. On this basis condition 6 could be discharged.

Condition 7 (drainage scheme)

19. Ardent Consulting Engineers have prepared a Flood Risk Statement and Sustainable Drainage Strategy dated January 2018. This sets out the drainage strategy for the site, which can be seen on drawing No 175640/001. It is advised that this remains the drainage strategy for the site with the exception that the system will no longer connect and discharge by gravity because of an inverted pipe but will now be provided with a pumped drainage solution. However, the Flood Risk Statement and Sustainable Drainage Strategy and the appellant's discharge of conditions statement do not set out final management or maintenance plans with associated photographs for the full drainage scheme. As such, this does not satisfy the requirements of condition 7.
20. In addition to the above, condition 7 requires evidence to demonstrate that the drainage scheme has been completed in accordance with the approved details. As the final detailed drainage scheme has yet to be approved it would be premature to discharge the second part of this condition. As the submission does not fully comply with condition 7 this condition should not be discharged.

Condition 8 (sustainability)

21. Condition 8 requires evidence that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4, and 19% reduction compared to 2013 part L regulations and internal water usage rates of 105l/p/day.
22. The appellant's discharge of conditions statement notes that post construction data is required to be submitted to address ENE1 and WAT1. Whilst it is contended that compliance with condition could be met, the evidence required by condition 8 would need to be gathered post construction to satisfy the condition imposed. At this point in time this condition cannot be satisfied, and this would bring the proposal into conflict with Policy DM1 of the Core Strategy that requires sustainable design and construction standards to be met. On this basis it would be premature to discharge condition 8.

Other Matters

23. Concerns have been raised about the Council's processing of the planning application and a time-line of events has been provided that include copies of formal complaints to the Council. However, this is not a matter that is primarily before me in respect of this appeal but is an issue for the local planning authority in the first instance. In any event, these concerns would not lead me to alter my findings above.

Conclusion

24. Whilst I have found in favour of the appellant in terms of conditions 4, 5 and 6 this does not overcome the issues that I have identified with regard to conditions 3, 7 and 8. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies INSPECTOR