



Appeal Decision

Site visit made on 10 December 2021

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31ST December 2021

Appeal Ref: APP/Z5630/D/21/3276662

Rear of 60 Maple Road, Surbiton, Surrey KT6 4AE

- 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 C Hamilton against the decision of Royal Borough of Kingston Upon Thames Council.
 - The application Ref 21/00810/FUL, dated 16 March 2021, was refused by notice dated 12 May 2021.
 - The development proposed is 'Erection of four-storey detached building to create a four-bedroom single family dwellinghouse with associated amenity space, off-street car parking (with turntable), bin store, cycle store and associated landscaping'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was amended following submission of the application; I have utilised the amended description.
3. The latest iteration of the National Planning Policy Framework (the Framework) was published in July 2021, after the application which is subject to this appeal was determined. The main parties have had the opportunity to make representations on the appeal since the publication of the Framework.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the surrounding area, particularly whether the proposal conserves or enhances the significance of St Andrews Square Conservation Area;
 - The effect of the proposal on the living conditions of occupiers of neighbouring properties,
 - Whether the proposal would provide adequate living conditions for future occupiers of the development, specifically in respect of outdoor amenity space and daylight and sunlight; and,
 - Whether the proposal would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Reasons

Character and appearance

5. The appeal site is located to the rear of no.60 Maple Road and fronts St Jame's Road. The existing use of the site is as a private car park. It is relatively open to the street. The site is situated towards the centre of the St Andrews Square Conservation Area (CA).
6. The Conservation Area 3 St Andrews Square Planning Information Document states that the CA was designated in 1971 and is an area of Victorian Housing dating from the 1860s-1880s, in Gothic and Italianate styles. The houses in question are predominantly four storeys, often with accommodation within a lower ground floor and either a full fourth storey or within the roof. The houses are arranged in terraces on a block pattern, of relatively tall, shallow built forms separated by deep gardens. This pattern of development creates a sense of grandeur arising from the massive built form and architectural detailing, as well as a sense of spaciousness as a result of gaps at junctions and within the streetscene, despite the limited setback of the houses. This sense of spaciousness is particularly apparent between St James' Road and St Andrew's Road due to gaps in the streetscene allowing views across the long swathe of deep gardens serving the houses fronting Maple Road and North Road.
7. The Grade II listed Church of St Andrew has a commanding presence within the CA due to its scale, proximity to the street, large bell tower and detailed architectural design. It is possible to glimpse views of the Church throughout the CA due to the prevailing pattern of development. The appeal site offers a direct vista towards the Church, reinforcing the sense of place and historic significance of the CA. This vista and open outlook from the Church also contributes to the setting of the Church itself. Whilst my site visit took place during the winter, the lower-level vegetation on site appeared to be mostly evergreen and the canopy of nearby trees was high enough to ensure that views are maintained in the summer months.
8. The appeal scheme would introduce a four-storey building across a substantial portion of the width of the site. This building would intervene in the vista and, due to its proposed siting within the plot itself, would result in almost complete loss of the intervisibility between the Church and St James' Road. The relatively small portion of the plot which would remain open would not afford the same views of the Church. Moreover, its use as a private garden would likely result in the need for high boundaries to ensure privacy, thereby eroding further the sense of openness as well as any remaining vista. Although high boundaries and vegetation are characteristic of the area, the loss of the relief within the streetscene and vista towards the Church would cause less than substantial harm to the significance of the CA and the setting of the listed Church.
9. The Appellant has made commendable effort in respect of the detailed design of the scheme by observing the vernacular style and architectural detailing of the surrounding buildings, as well as the overall height and elevational proportions. However, the scheme would appear incongruously shallow in its depth, even in the context of the tall, shallow buildings which characterise the area. The depth of the scheme has been guided by the width and depth of the plot, however, the exceptionally shallow depth of the scheme and plot coverage does not offer an effective solution and fails to respect the local pattern,

hierarchy and scale of development which contributes to the significance of the CA.

10. The scheme would contribute a single family home towards an unmet local need; a public benefit arising from the scheme to which I attach substantial weight. However, the public benefit of a single home does not outweigh the less than substantial harm to heritage assets, which I have identified above.
11. For these reasons, the proposal is contrary to principles of the London Plan (LP), adopted in 2021, and policies CS8, DM10 and DM12 of the Local Development Framework Core Strategy (CS), adopted in 2012, as well as the Framework. These policies seek, amongst other things, development of a high-quality design which appreciates the character of its surroundings and conserves or enhances the significance of the historic environment.

Living Conditions

12. The scheme would alter the outlook of properties fronting St James' Road opposite the site, resulting in the regrettable loss of the vista towards the Church and sense of openness, which affects the surrounding area generally. However, the relative height of the proposal and its distance across the width of the road would avoid an oppressive or overbearing sense of enclosure. Nor would it result in the loss of the more immediate outlook of those houses. The Daylight Study submitted with the application concludes that the likely effect on daylight and sunlight reaching these properties would be barely perceptible.
13. The built form of the scheme would be sited closest to the flank wall of its St James' Road neighbour. This flank wall has three large facing windows, however, these windows appear to serve non-habitable rooms and the flank-to-flank relationship between the buildings would not result in any overbearing effect or loss of outlook. It may, however, have some limited impact on daylight and sunlight reaching those non-habitable rooms.
14. The built form of the scheme would be sited at the furthest point of the plot away from the rear elevations of the Maple Road properties. Nonetheless, the scheme would create a much closer built relationship with the rear elevation than is typical of the area. The rear elevations of those properties include several windows serving habitable rooms. The scheme would therefore result in both a loss of outlook and a sense of overbearing enclosure for the occupants of those properties.
15. Moreover, the direct outlook of those properties would be dominated by the private useable garden area of the proposed dwelling, creating an awkward relationship between the properties. This, combined with the side siting of the main outdoor amenity space for the scheme, would offer a poor level of privacy for future occupiers of the scheme.
16. Several of the rooms within the dwelling would be north facing and single aspect. However, the majority of windows serving those rooms would be large sash windows and the forward and rearward outlook of the scheme would be relatively open, allowing unhindered daylight and sunlight to reach those windows.
17. For these reasons, the scheme would have an unacceptable adverse impact on the living conditions of occupiers of neighbouring property and would fail to offer an acceptable standard of living conditions for future occupiers of the

development. The proposal is therefore contrary to policies DM10 and DM13 of the CS. These policies seek, amongst other things, to have regard to the amenities of occupants and neighbours.

Highway Safety

18. The Council considers that a legal agreement is required to secure vehicle on-street parking passes for future occupiers. It may be necessary that parking provision is controlled within this area to prevent severe residual cumulative impacts on the wider highway network, particularly given proximity with the school, however, the scheme would offer off-street parking within the site and is therefore unlikely to contribute to localised parking stress. As the appeal is dismissed, the provision of a legal agreement, or lack thereof, does not influence the outcome of the appeal.

Other Considerations

19. As outlined above, the scheme would contribute a single family home towards an unmet local need; a limited public benefit arising from the scheme to which I attach substantial weight. A further benefit would arise from the redevelopment of the site which would reduce opportunities for antisocial behaviour and fly tipping within the site. I am not satisfied that this benefit could not be achieved without the harm which would arise from the appeal scheme; I therefore attach little weight to this benefit.
20. Several third party comments were received in response to the appeal. Third parties have raised concerns regarding the relatively small size of the garden in contrast to the scale of the proposed house. The quantum of the garden proposed is of an acceptable standard; its quality in respect of siting and privacy, as well as its integration with the local pattern of development, have been addressed above.
21. Concerns were also raised in respect of potential disruption, noise, impacts on health and human rights arising from construction. I am satisfied that a Construction Management Plan could have overcome these issues if the appeal had been allowed.

Conclusions

22. For the reasons stated above, I find that the appeal proposal is contrary to the relevant policies of the Development Plan, would have an unacceptable adverse impact on the living conditions of occupiers of neighbouring property, fail to provide adequate living conditions for future occupiers of the development, fail to respect local character or to conserve or enhance the CA, resulting in less than substantial harm to the significance of the CA and setting of a listed building. The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the Framework as a whole. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR