



Appeal Decisions

Site visit made on 14 February 2022

by J E Jolly BA (Hons) MA MSc MCiH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2022

Appeal A Ref: APP/Z5630/W/21/3277999

Coombe Hill House, Beverley Way, London SW20 0AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20 Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) as amended.
- The appeal is made by Beverley Way Developments Ltd against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
- The application Ref 21/01032/PACND, dated 31 March 2021, was refused by notice dated 17 June 2021.
- The development proposed is Class AA prior approval for the erection of an additional 2-storeys to existing B1 Office to create 45 self-contained flats (19 No two-bedroom, 21 No one-bedroom and 5 No studios) with associated works and installation of Juliet balconies.

Appeal A Ref: APP/Z5630/W/21/3278016

Coombe Hill House, Beverley Way, London SW20 0AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20 Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) as amended.
- The appeal is made by Beverley Way Developments Ltd against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
- The application Ref 21/01035/PACND, dated 31 March 2021, was refused by notice dated 17 June 2021.
- The development proposed is Class AA prior approval for the erection of an additional 2-storeys to existing B1 office to create 45 self-contained flats (19 No two-bedroom, 21 No one-bedroom and 5 No studios) with associated works.

Decision

1. **Appeal A** is allowed and prior approval is granted under Schedule 2, Part 20 Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) as amended for the erection of an additional 2-storeys to existing B1 office to create 45 self-contained flats (19 No two-bedroom, 21 No one-bedroom and 5 No studios) with associated works and installation of Juliet balconies, in accordance with the application 21/01032/PACND, dated 31 March 2021, and the plans submitted with it.
2. **Appeal B** is allowed and prior approval is granted under Schedule 2, Part 20 Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) as amended for the erection of an additional 2-storeys to existing B1 office to create 45 self-contained flats (19 No two-bedroom, 21 No one-bedroom and 5 No studios) with associated works, in accordance with the application 21/01035/PACND, dated 31 March 2021, and the plans submitted with it.

Procedural Matters

3. As set out above there are two appeals on this site. They differ in that Appeal A (21/01032/PACND) includes the installation of Juliet Balconies whereas Appeal B (21/01035/PACND) would have fenestration that would be flush to the building. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. The Government published a revised National Planning Policy Framework (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document. I have proceeded accordingly.

Background and Main Issue

5. Schedule 2, Part 20, Class AA of the GDPO requires prior approval to be sought for the matters listed in that paragraph. Having assessed the application, the Council is content that the development meets all of the matters other than that relating to the external appearance of the building. I have no evidence to disagree with that assessment and have focused on the matter in dispute.
6. The main issue is therefore, whether the proposal would harm the character and appearance of the area.

Reasons

7. Coombe Hill House is located next to the Coombe Lane flyover on an 'island site' facing the A3 Kingston by-pass. The surrounding area is characterised by a mixed built environment that includes; a three-storey residential block known as Beverley Court to the south of the appeal site, two-storey, pitched roofed dwellings on the other side of the main highway, a petrol filling station, a three-storey care home known as Coombe Hill Manor, as well as a small parade of two and three-storey shops to the rear of the site on Coombe Lane.
8. The proposal for both appeals is to add two-storeys to the existing 4-storey building under Part 2, Class AA of the GDPO. Appeal A would include Juliet balconies that would be constructed in materials similar to the host dwelling.
9. The Council has brought to my attention a number of appeals in support of its' case¹. However, I have limited details of those schemes before me, some of which are for a different type of development and in a separate location to the appeal building. Therefore, I have considered the proposals before me on their own planning merits.
10. As such, notwithstanding that the main parties are unable to agree on the interpretation of condition A.A.2(1)(e) of Schedule 2, Part 20 Class AA of the GDPO, which relates to the external appearance of the proposed development, and whether the height of the building is a key element in this respect or not, I noticed at my site visit that the surrounding area has an eclectic built form.

¹ APP/Y5420/W/20/3262412, APP/N4720/D/20/3265607, APP/E2734/D/21/3266993 APP/Z5630/W/21/3266553

11. Beverley Court adjacent to the appeal building is a three-storey building of some bulk with a tiled, mansard-type roof, while the shops to the rear of the host dwelling are a mix of two and three-storey buildings with Tudor-style gables. In addition, while the majority of the dwellings on the other side of the A3 are two-storey in height, there is also a ready view to Coombe Hill Manor on Beverley Way, which is a three-storey care home that has mansard dormer windows and chimney stacks atop. There are also a number of lower-level structures such as, but not limited to, a petrol-filling station.
12. Therefore, notwithstanding that the internal floor-to ceiling heights of the proposal are to be confirmed, in this specific location I cannot concur with the Council that the proposals would be incongruous with the surrounding built environment. Indeed, although the proposals would add an additional two-storeys to the host building, it would nonetheless integrate with the undulating heights and diversity of the wider built form. Moreover, the proposed developments would be within the prescribed external height limits for additional storeys set out in Schedule 2, Part 20 Class AA of the GDPO.
13. Furthermore, in spite of the 'wrapped' appearance of the host building at the time of my site visit, the red-brick elevations of the upper storeys and the inclusion of some pitched roof features, would blend with the residential façades of the surrounding area and also the existing features and materials of the host dwelling.
14. Likewise, in the planning judgement, the submitted drawings and other evidence such as reference to the Governments' planning policy paper 'Planning for the Future' (March 2020), persuade me that the proposals would not only make good use of this corner plot, but also serve to reduce pressure for development on nearby greenfield sites and contribute to the Council's housing land supply.
15. Consequently, I conclude that the proposals meet the requirements of Schedule 2, Part 20, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and Policies CS8 and DM10 of the Kingston Core Strategy (2012), and Chapter 11 of the Framework when read as a whole.

Other Matters

16. The appellant has completed a Unilateral Undertaking ('UU') under Section 106 of the Act², which requires that future residents of the development will not be entitled to a residents' parking permit in the vicinity of the site. I consider that the signed agreement would meet the tests set out in Regulation 122 of the Community Infrastructure Levy (Amendment) Regulations 2015 as it would be necessary, relevant and fairly related to the proposed development. I therefore find, that this resolves the matter of residents parking.
17. I note that interested parties have raised concerns, amongst other things, related to access, traffic, car-parking, pollution, landscaping, design, daylight and sunlight, noise, privacy and nearby trees. However, given my findings above, and the submission of a signed 'UU', I have found no justification to dismiss either Appeal A or Appeal B.

² The Town and Country Planning Act 1990

Conditions

18. Paragraph W(13) of the GPDO enables the grant of a prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. The Council has not suggested any conditions. Moreover, from the evidence before me, no conditions are required in relation to any of the matters which are subject to prior approval, and therefore, I have not imposed any. Nonetheless, the development has to be carried out in accordance with approved plans to accord with the requirements of Paragraph W(12)(b) of the GPDO. For certainty:

Appeal A:

- Drawing 2-010 Rev B - Site Layout – Culvert Location, dated March 2021
- Drawing PDAA-000 - Class AA PD Conversion Plans – Existing, dated March 2021
- Drawing PDAA-001 Rev A - Class AA PD Conversion Plans – Proposed, dated March 2021
- Drawing PDAA-002 - Class AA PD Conversion Elevations, dated March 2021
- Drawing PDAA-003 -Class AA PD Upward Extension - Proposed Section/Elevations, dated June 2021

Appeal B:

- Drawing 2-010 Rev B - Site Layout – Culvert Location, dated March 2021
- Drawing PDAA-000 - Class AA PD Conversion Plans – Existing, dated March 2021
- Drawing PDAA-001 Rev A - Class AA PD Conversion Plans – Proposed, dated March 2021
- Drawing PDAA-002 - Class AA PD Conversion Elevations, dated March 2021
- Drawing PDAA-003 -Class AA PD Upward Extension - Proposed Section/Elevations, dated June 2021

19. The Appellant is also reminded that in granting approval under Class AA of the GPDO requires the development to be completed within a period of 3 years from the date of this permission, and that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

Conclusions

20. For the reasons given above I conclude that:

- Appeal A should be allowed and prior approval granted, and;
- Appeal B should be allowed and prior approval granted.

J E JOLLY

INSPECTOR