



Appeal Decision

Site visit made on 21 February 2022

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

an Inspector appointed by the Secretary of State

Decision date: 8TH March 2022

Appeal Ref: APP/Z5630/W/21/3285327

Westbury Garage, 21 Westbury Road, New Malden KT3 5BE

- 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 Kyle Burke against the decision of Royal Borough of Kingston Upon Thames Council.
 - The application Ref 21/00547/FUL, dated 12 February 2021, was refused by notice dated 21 April 2021.
 - The development proposed is 'Erection of a timber outbuilding on the front forecourt (retrospective)'.
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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.

Main Issues

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal site is a vehicle repairs garage located on the corner of Westbury Road, a predominantly residential street, with Park Road, a mixed residential and commercial street.
5. The area surrounding the appeal site has a relatively tight grain of development, with a fairly consistent building line. Despite the tight spatial pattern, a sense of openness is created by the, albeit small, setback of dwellings from the pavement and use of low boundary treatments. The street also has a verdant and high-quality character by virtue of front garden landscaping and minimal use of timber fencing on boundaries.
6. The appeal seeks permission for a timber reception building sited outside the front of the garage building, forward of the established building line. This building is already in situ. Whilst existing boundary treatments are also forward of the main building line of the street, these predominantly consist of low walls and vegetation. As such, the materials, siting and scale of the appeal scheme fails to integrate with the established character of the area and appears intrusive and incongruous.

7. For these reasons, the appeal proposal does not accord with policies CS8 and DM10 of the Local Development Framework Core Strategy (CS), adopted 2012, and the Framework. These policies seek, amongst other things, high-quality development which has regard to, and integrates with, established local character.

Other considerations

8. The appeal scheme sought planning permission for the building on a temporary basis, as was reflected in the original description of development given on the application form.
9. The purpose of the building was to allow customers to drop-off and collect their vehicles from the garage without entering the premises in order to ensure social distancing during the Covid-19 pandemic. The appeal proposal was, therefore, an attempt by the garage business to adapt to the changing social and economic circumstances of the pandemic.
10. The temporary nature of the proposal could have been secured by way of a condition in order to ensure that the harm I have identified above would have only been temporary in order to address the extenuating circumstances of the pandemic. This is a consideration to which I have attributed significant weight.
11. However, the circumstances in which the application was first made and those which currently exist are materially different. At the present time, no social distancing recommendations are in place for the purposes of the health and safety of members of the public and no other related restrictions on businesses exist. As such, this material consideration does not indicate that the appeal should be determined other than in accordance with the development plan.

Conclusions

12. For the reasons stated above, I find that the appeal proposal is contrary to the relevant policies of the Development Plan, insofar as they are consistent with the Framework, and material considerations do not indicate that the appeal should be determined other than in accordance with the Development Plan. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR