



Appeal Decision

Site visit made on 5 May 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2022

Appeal Ref: APP/Z5630/W/21/3285418

28-30 Church Road, Worcester Park KT4 7RA

- 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 Ahmed Issa against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref 21/02005/FUL, dated 18 June 2021, was refused by notice dated 28 September 2021.
 - The development proposed is described on the application form as the 'retention of three self-contained flats'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, it is clear from the plans and accompanying details that the development comprises the creation of 3 self-contained flats and proposed landscaping and associated works to the amenity area. The Council dealt with the proposal on this basis and so shall I.
3. The proposed development has been part implemented. However, I am assessing the scheme as indicated on the submitted plans as that is the scheme for which permission is sought.

Main Issues

4. The main issues are:
 - whether the proposed development would provide satisfactory living conditions for occupants, with particular regard to internal and external space and outlook;
 - the effect of the proposed development on parking provision and highway safety; and
 - the effect of the proposed development on the character and appearance of the host property and surrounding area, including whether the development would preserve or enhance the character or appearance of the Old Malden Conservation Area.

Reasons

Living Conditions

5. The submitted drawings indicate two 1 bedroom 2 person units and one studio unit. Table 3.1 of the London Plan (2021) requires that 1 bedroom, 2 person dwellings over a single storey should measure at least 50sqm and studio dwellings should measure at least 39sqm (where it is served by a bathroom). In addition, a minimum ceiling height of 2.5m for at least 75 per cent of the gross internal area is required for each new residential unit.
6. The submitted documents set out that unit 1 would measure 50.1sqm, unit 2 would measure 45.3sqm and unit 3 would measure 56.37sqm. As such, based on the submitted plans, each unit would meet the minimum floorspace requirements for 1 bedroom, 2 person and studio accommodation respectively.
7. Notwithstanding the above, I observed during my site visit that the eaves height in unit 3 was very low. Whilst I was able to walk upright throughout the narrow central part of each room, I was unable to stand comfortably below the eaves on either side. As a result of the steep pitch of the roof on both sides, some internal space feels cramped and uncomfortable. I have no evidence before me to illustrate the precise extent of the eaves area or the floor to ceiling heights, and whether 75 per cent of the gross internal floor area measures a minimum ceiling height of 2.5 metres.
8. In respect of outlook, unit 3 would be served by several rooflights. Whilst reliance on rooflights for outlook is atypical for residential properties, I was able to observe during my site visit that the steep pitch of the roofslopes is such that it allows reasonable outlook from these rooms. Outlook from all other units is acceptable, with windows of a more conventional design serving each habitable room. Outlook would, in my view, be commensurate with prevailing conditions.
9. Policy D6 of the London Plan requires a minimum of 5sqm of private outdoor space for each 1-2 person dwelling. Policy Guidance 13 of the Royal Borough of Kingston upon Thames Residential Design SPD (2013), albeit not part of the development plan, requires a higher level of 10sqm of private amenity space per new flat.
10. The proposed private amenity space would be formed of three individual plots, positioned in the existing landscaped space to the eastern part of the site. The garden areas would measure approximately 70sqm each and would be relatively private with the addition of appropriate boundary treatments. Users of those spaces would not, in my view, experience unacceptable levels of noise or disturbance when using the spaces relative to any other established gardens in the area. Whilst the location of the gardens, detached from the main property, is not overly convenient for occupants, the opportunity for outside space is inherently limited. I find the standard of accommodation in respect of private amenity space acceptable, subject to consideration against other matters, including the effect of the character and appearance of the area.
11. In conclusion, whilst I have found that the standard of accommodation provided in respect of outlook and private amenity space is acceptable, it has not been demonstrated that the size of the unit 3, due to its low ceiling heights, adequately meets the requirements for minimum internal space

standards for new dwellings. As such, the proposed development would fail to provide satisfactory living conditions for occupants, contrary to the relevant provisions of Policies D3 and D6 of the London Plan (2021) and Policies DM10 and DM13 of the Royal Borough of Kingston Upon Thames Local Development Framework Core Strategy (2012) (CS). These policies, amongst other things, seek that new development provides a good standard of accommodation for future occupiers. This is consistent with the objectives of the policies within the National Planning Policy Framework (the Framework), insofar as good design is concerned.

Parking provision and highway safety

12. The area surrounding the appeal site is not subject to a controlled parking zone although is regulated by the use of double yellow lines in places. Many of the residential properties surrounding the site have private off-street parking in the form of a driveway, with a number of formal on-street parking bays along Church Road and Malden Road. Informal parking takes place within Stroudes Close, parts of Church Road and neighbouring residential streets. During my late morning site visit I noted a reasonably high number of parked cars along both Church Road and Stroudes Close. This is likely to be at a higher volume in the evenings and at weekends.
13. Given the appeal site's only moderate Public Transport Accessibility Level rating, it is highly likely that there would be some reliance on private cars for making trips to and from the new dwellings, along with associated visitors and deliveries. That is consistent with my observations of the surroundings. There is no evidence before me to substantiate that the uplift in vehicular parking pressures that would likely arise from the scheme could be acceptably accommodated within the surroundings relative to prevailing parking pressure. I note the Council has sought a unilateral undertaking capping parking provision associated with the scheme, albeit no such deed is before me (notwithstanding the appellant's willingness in principle to such a mechanism).
14. With the above in mind, and taking into account the character of the area, any additional on-street parking as a result of the proposed development would likely result in inconsiderate parking as individuals seek to park near the property where provision is limited. Given the prevailing nature of the surroundings and parking restrictions described above, the intensification proposed is likely to add to existing on-street parking levels on Church Road, Stroudes Close and neighbouring streets. Given the local premium on parking spaces this is likely to lead to some frustration and drivers manoeuvring in ways they would otherwise not, which in turn is, in my view, likely to impede the free flow of traffic and potentially be detrimental to highway safety.
15. Consequently, I conclude that it has not been demonstrated that the proposed development would have an acceptable effect on highway safety, contrary to the relevant provisions of Policy T4 of the London Plan (2021) and CS Policy DM10. These policies, in summary, seek to provide adequate car parking and ensure that local traffic conditions and highway safety are not adversely affected, which is an objective shared with the Framework.

Character and appearance

16. The appeal site comprises a two-storey building with converted roofspace, located within the Old Malden Conservation Area (Area B) (the CA). The

significance of the CA lies, in part, in its village green with pond, a fifteenth Century public house (The Plough Inn) and picturesque group of mainly nineteenth Century cottages.

17. The appeal building has an unusual appearance, featuring a catslide roof, meaning the roofslope is highly prominent when approaching the site from the west. From the east approach, the property is set behind neighbouring properties and within a verdant context, partly formed by the green open space and landscaping within the appeal site itself.
18. Based on the evidence before me, the property dates from around the nineteenth century, consistent with those nearby. In materials, proportions and craftsmanship, it reflects traditional methods of construction, largely comprising brick and tile. I therefore agree that it has sufficient visual and historic significance to be treated as a non-designated heritage asset, which in turn contributes to the character and appearance of the CA as a whole and to its significance as referenced above.
19. Relative to that context, the window proposed at first floor level in the western elevation serves would be large, out of proportion and would form an incongruous addition to this elevation. The modern nature of the window, in terms of its proportions and detailing, would be out of keeping with the largely historic appearance of the appeal property. Due to its size, design and prominent first floor position, it would be highly visible from both Church Road and Strouds Close and consequently have an unacceptable impact on the character and appearance of the surrounding area.
20. An area of open landscaping exists to the east of the property, around which sit several locally listed cottages. Although currently overgrown and unkempt, the green space provides a pleasant and important break between properties on either side of it, allowing the historic appeal property and adjacent buildings to be appreciated from Church Road.
21. Boundary fences are proposed to enclose the private areas of amenity space here. Although limited detail has been provided in respect of their size and appearance, the introduction of fencing here would, in all likelihood, be incongruous and highly prominent, interrupting this important break between buildings. It would reduce the open and verdant nature of this part of the site and, in turn, would limit the ability to appreciate the CA. This would have an unacceptable impact upon the character and appearance of the site and wider streetscene.
22. In respect of the refuse and cycle stores, these are to be located to the rear of the site, largely out of sight from public vantage points. Nevertheless, they would extend along the full width of the site and would, in all likelihood, be visible, particularly from adjoining properties and by users of the right of way through the site. The use of timber in their construction does not reflect the prevailing materiality of the surrounding area, which largely comprises brick and tile, and consequently would not be of a suitably high quality for the context. The enclosures would have an unacceptable impact on the character and appearance of the site and wider streetscene.

23. As the appeal site falls within the CA, statute¹ places a duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
24. The appeal property is also included in the Council's Local List and, inherent in my reasoning above, is that I agree that it has some historic value in the present. The significance of the appeal property as a locally listed building derives from its character as a part of the picturesque group of mainly nineteenth Century cottages, described above, which contributes to the character and appearance of the CA.
25. Whilst harmful, I consider the development to give rise to 'less than substantial' harm as it would affect only part of the CA as a whole and there are various moderating factors in terms of visibility in particular. As such, and in line with the requirements of Paragraph 202 of the Framework, this harm must be weighed against any public benefits.
26. For the above reasons, I conclude that the development harms the character and appearance of the appeal property, a non-designated heritage asset, and surrounding area and fails to preserve or enhance the character or appearance of the CA. Consequently, the development is contrary to CS Policies CS8, DM10 and DM12 and Policy HC1 of the London Plan (2021). These policies, amongst other things, require high quality design in development and to protect existing buildings and areas of historic interest from inappropriate development. This is consistent with the Framework insofar as good design and heritage is concerned.

Other Matters

27. I note the appellant's comment that the issues that have led to the refusal of the planning application are potentially resolvable. However, I have found that the proposals before me are unacceptable, and the appeal process is not the appropriate procedure to resolve fundamental issues. The fact that the principle of development has been accepted does not mean that the proposal in all other respects is automatically acceptable.
28. I have also had regard to the comments made in respect of inaccuracies within the submitted drawings. Nevertheless, the plans before me to be sufficiently accurate to assess the proposal without being prejudicial to interested parties.
29. I acknowledge that the proposal, as a whole, would have certain benefits in terms of housing provision, as well as economically, including the bringing about of additional trade to nearby services and facilities. However, the public benefits considered as a whole would be limited and would not outweigh the harm I have identified.

Conclusion

30. For the reasons above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price INSPECTOR

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.