



Appeal Decision

Site visit made on 25 January 2023

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2023

Appeal Ref: APP/Z5630/W/22/3302596

Garages rear of 9-17, Cromwell Court, Kingston Hill, Kingston Upon Thames, KT2 7PY

- 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 Cromwell Court (Kingston) Ltd against the decision of the Royal Borough of Kingston Upon Thames.
 - The application Ref: 21/03439/FUL, dated 20 October 2021, was refused by notice dated 10 March 2022.
 - The development proposed is to demolish existing bank of 12 garages. Install a piled raft foundation and erect a bank of 12 new sectional concrete garages within exactly the same footprint as the existing garages.
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Decision

1. The appeal is allowed, and planning permission is granted to demolish existing bank of 12 garages. Install a piled raft foundation and erect a bank of 12 new sectional concrete garages within exactly the same footprint as the existing garages to the rear of 9-17, Cromwell Court, Kingston Hill, Kingston Upon Thames, KT2 7PY in accordance with the terms of the application, 21/03439/FUL, dated 20 October 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Proposed Battery Garages - Plan B12 104x16 dated 16.05.22 and Garages to be demolished Plan -B12 104x16 Rev 2 dated 22.05.22.
 - 3) The development shall be carried out in accordance with the materials specified on the approved plans and on the application form unless otherwise agreed in writing by the local planning authority.

Preliminary and Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. The Council have used a different wording on the decision notice, however there is no written confirmation that a revised description of development has been agreed and therefore, I have used the one given on the original application.
3. The documents submitted with the appeal included revised plans – Proposed Battery Garages -Plan B12 104x16 and Garages to be demolished -B12 104x16 Rev2. These plans do not change the proposal but amend the scale bar and

some of the labelled dimensions. While the Council has not done so, they have had an opportunity to submit a statement of case and thus comment on the revised plans as part of the appeal.

4. The Council's decision included a reason for refusal in relation to the inconsistencies on the application plans and that accordingly they were unable to fully assess the impacts of the development. Nonetheless, the application was validated and the application form, supporting statement and the plans identify that the proposal is for a direct replacement of the existing garages. The lack of clarity relates to the exact dimensions of the garages due to the discrepancies with the measurements/plans. This has been addressed through the revised plans which show the size of the proposed and existing garages correlating. Therefore, in my view there would be no prejudice to the Council or other parties by accepting the revised plans.

Main Issue

5. The main issue is whether the proposed development would be appropriate with specific regards to the requirements of the Council's Sustainable Transport SPD¹ in relation to the dimensions for garages.

Reasons

6. The garages to be replaced are located to the rear of Cromwell Court. The flat roofed garages comprise 4 blocks of three garages with a slight change in the levels between each block. Currently the garages together with the hardstanding area in front is fenced off to prevent access as they have been deemed unsafe. From what I saw on site, and the information from the appellant advising that they cannot be insured, I agree that the garages are in need of repair and that the existing materials are time expired.
7. Notwithstanding the exact measurements, the existing, and the proposed garages, are less than the minimum garage dimensions set out in the Sustainable Transport SPD. However, it is also clear from observations on site that the extent of the garaging area is restricted, and the appellant advises that to provide garages 3m wide only 10 could be accommodated without impinging on the adjoining communal garden.
8. Policy DM9 of the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy (CS) sets out requirements for managing vehicle use for new development to ensure that that it does not contribute to congestion or compromise highway safety. These garages serve an existing development and are leased to 12 individual flat occupiers. The existing garages were built sometime before the SPD was adopted in May 2014, and whilst undersized in terms of the current standards, a small car and other vehicles such as bicycles and motorbikes could be parked within the garages. Undoubtedly the garages also provide incidental storage space and there is no information before me to indicate that there are any planning restrictions on their use, and in my view, given their age this would be unlikely.
9. The lessees have been prohibited from using their garage for a number of years and there are safety issues with the deteriorating garage structure. There is also no evidence to suggest that the existing garages have resulted in any highway safety issues in or around the site. It was, however, clear on site and

¹ Local Development Framework, Royal Borough Of Kingston Upon Thames, Adopted - May 2013

from representations that the current situation is restricting the availability of parking for the occupiers of the flats, including the use of the area in front of the garages.

10. I understand the Council's position in seeking compliance with the SPD to raise standards and for longevity. Nonetheless, the specific circumstances in this case are matters of weight and the continued presence of the garages would not result in significant impacts on highway safety in conflict with CS Policy DM9 or the National Planning Policy Framework (paragraphs 110 and 111).
11. The Council in their decision have also cited conflict with CS Policies CS8 and DM10 and London Plan Policy D3 which require proposals to be of a high-quality design that respects the character and appearance of the area and protects amenity. The location, scale and form of the garages would be unchanged from the existing, and within the immediate locality are several similar garage blocks. As such, the character of the area and existing amenity levels would be maintained, there would also be an improvement to the appearance of the garages through the new materials. Thereby, I find no direct conflict with these policies.
12. Overall, the proposal would accord with the development plan as a whole and whilst the garages do not accord with the SPD's minimum sizes there are material considerations which weigh in favour of the development. The Council have suggested a number of conditions, and for clarity and certainty, time limit, plans and materials conditions are required. However, for reasons already referred to, a condition which would now impose restrictions on the use of the garages for parking only would be unreasonable.

Other Matters

13. While the Council refer to other issues in their officer's report including TPO trees and heritage, the consultee comments of the tree officer advise that there would be no impact and I have not been directed to any designated heritage assets within or near the site.

Conclusion

14. For the reasons set out the appeal is allowed.

G Ellis

INSPECTOR