



Appeal Decision

Site visit made on 3 April 2023

by C Harding BA(Hons) PGDipTRP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2023

Appeal Ref: APP/Z5630/W/22/3301736

1A Corkran Road, Surbiton KT6 6PL

- 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 Richard Gee against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref 21/03193/FUL, dated 4 October 2021, was refused by notice dated 31 January 2022.
 - The development proposed is new 1.5 storey detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has provided plans (S257/002A, S257/003A and S257/006A) that comprise amendments to the scheme that was originally submitted to the Council. These revised plans contain design changes to the layout of external areas and a reduction in car parking provision within the site. The Council has had opportunity to comment upon these revised drawings, and they would not significantly change the nature of the proposals and therefore, whilst neighbours may not have had the opportunity to comment, they would not be prejudiced were I to accept them. Accordingly, and having regard to the Wheatcroft principles, I have considered the appeal on the basis of these plans.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character or appearance of Southborough Conservation Area ('the CA'), and 1 Corkran Road;
 - whether the proposal would provide adequate living conditions for future occupiers with regard to the standard of accommodation, and;
 - the effect of the proposed development upon highway safety and the operation of the local highway network.

Reasons

Character and appearance

4. The appeal site is located within the CA and as such, I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing its character or appearance. The significance of the CA insofar as it

relates to this appeal derives partly from the layout of plots with large frontages hosting generally large, detached properties of architectural and historic interest deriving from the quality and mix of architectural styles. This prevailing relationship between properties and plots results in an open and spacious character to the CA.

5. The appeal site is situated close to the junction of Corkran Road and Lovelace Road which forms an entrance to the CA, and currently comprises a verdant garden area. I understand that the appeal site formerly formed part of the rear garden of Beech Court, a building containing residential flats that fronts Lovelace Road.
6. 1 Corkran Road ('No 1') lies adjacent to the appeal site and is notable for its architectural styling and quality, and the Council has identified it as a Building of Townscape Merit ('BTM'). No 1 is prominent within the streetscene at this entrance point to the CA due to its unusual position towards the front of its plot and its spacious setting, at a slight bend in the road. The spacious nature of the setting is largely formed by the appeal site.
7. Other properties within the street and wider CA, although occupying much of the width of their plots, do not appear cramped as they have substantially set-back frontages. No 1, by being set towards the front of its plot does not reflect this pattern. Whilst the presence of open space to the side of a dwelling is not characteristic of the CA, the arrangement of No 1 means that the appeal site is valuable in maintaining an open setting to this building. The result is that No 1 appears as a gateway building in spacious surroundings, these factors comprise positive elements of the character and appearance of this part of the CA.
8. The proposed dwelling would be set back within the site, would achieve separation from, and remain subservient to No 1. However, it would nevertheless introduce built form onto the appeal site and would be visible from the road. Accordingly, the appeal proposal would erode the existing spacious setting of No 1, with the result that when viewed together, the appeal proposal and No 1 would appear as an uncharacteristically dense form of development. It would therefore dilute the positive contribution that No 1, as a gateway building, makes to the character and appearance of the CA. The loss of the open character of the appeal site and consequent erosion of the setting of No 1 would lead to less than substantial harm to the character and appearance of the CA.
9. I acknowledge that a development of 9 dwellings has been approved elsewhere within the street¹, however this development is located more centrally within the CA and as identified above, No 1 and its setting is not wholly reflective of the prevailing character of the street. Accordingly, the two schemes and locations are not wholly comparable, and this previous approval would not justify the harm that I have identified in relation to the appeal proposal.
10. The specific design approach, detailing and materials of the proposed development is not a matter of dispute between the main parties, and I see no reason for me to disagree. However, this does not overcome the harm to the CA that I have otherwise identified.

¹ 19/01980/FUL

11. For the reasons above, the proposed development would fail to preserve the character or appearance of the CA, and would also harm the setting of a non-designated heritage asset. The proposal therefore conflicts with Policies CS8, DM10 and DM12 of the Royal Borough of Kingston upon Thames Local Development Framework ('LDF'), Policies D3 and HC1 of the London Plan ('LP') and the National Planning Policy Framework ('the Framework'), which amongst other matters, seek to preserve or enhance local character and distinctiveness and protect heritage assets.
12. The harm the proposed development would cause to the significance of the CA would be less than substantial. Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
13. The proposed development would lead to the provision of a single dwelling. This would represent a positive, albeit modest, contribution towards boosting housing supply, and is a benefit to which I afford moderate weight. The proposed development would, in turn, provide employment during construction, although this would be time limited. There would be other social and economic benefits to the area in terms of supporting services and facilities. However, these would be limited by the scale of the development. I ascribe these benefits only modest weight in reaching my decision.
14. The proposal would have a negative effect on the significance of a designated heritage asset and the Framework states that great weight should be given to the conservation of the asset. The public benefits identified would not outweigh this harm.

Living conditions

15. LP Policy D6 sets out that a new dwelling should have a ceiling height of at least 2.5m across 75% of its floor area. The plans submitted with the planning application indicate that although rooms at the ground floor of the proposed dwelling would achieve ceiling heights of 2.5m, the ceiling heights of rooms in the first storey of the proposed dwelling would be 2.4m. Accordingly, the proposed dwelling would fail to achieve the required ceiling height of 2.5m across 75% of its floor area.
16. Whilst I acknowledge that the appellant has indicated that ceiling heights within the first storey would achieve 2.5m, there is no evidence before me, in any of the amended plans, that demonstrates that this would be achieved. Accordingly, I cannot be certain that the proposed development would of a suitable standard, and on the basis of the evidence before me rooms within the first storey would be likely to feel oppressive due to their low ceiling height.
17. I have found that the proposed development would fail to provide suitable living conditions for future occupiers with regard to the standard of accommodation. It would therefore be contrary to LP Policy D6 and LDF Policy DM10 which together, and amongst other criteria, require new development to have regard the amenities of future occupants and to provide functional and comfortable layouts which are fit for purpose, and meet the specified minimum standards.

Highway safety and operation of the local highway network

18. The appeal is located within a Controlled Parking Zone (CPZ). Although I have not been provided with precise details of the terms of the CPZ, the evidence indicates that this would require any use of on-street parking by future occupiers or visitors to the property to be on a permit only basis. It is agreed between the main parties that the site has a Public Transport Accessibility Rating ('PTAL') rating of 2.
19. LDP Policy DM9 states that eligibility for on-street parking permits for residents of new developments within CPZs will be restricted. No mechanism has been presented that would prevent future occupiers from applying for residents or visitor parking permits within the CPZ. Given the low PTAL rating of the appeal site, the proposed development would likely lead to additional demand for on-street parking spaces within the CPZ despite the provision of a single parking space within the appeal site. I am therefore satisfied that the restriction of further CPZ parking permits would be reasonable and necessary in this instance.
20. Although the appellant has indicated a restriction on CPZ permit applications would be acceptable, no mechanism in the form of a planning obligation has been provided that would secure this. Nevertheless, I consider that it is possible that this could also be adequately controlled by means of a suitably planning condition had I been minded to allow the appeal.
21. The provided revised plans indicate that the proposed development would provide a single car parking space within the appeal. This would be in accordance with the maximum parking standards set out in LP Policy T6 and would not represent the overprovision of parking.
22. Accordingly, I conclude that the proposed development would not lead to harm to highway safety or the operation of the local highway network. It would therefore be in accordance with LDF Policies DM9 and DM10, and LP Policy T6 which together, and amongst other criteria, require new development to accord with maximum parking standards and be restricted with regard to eligibility for on-street parking permits within CPZs.

Other Matters

23. Even if the proposed development were to have an acceptable effect upon the living conditions of occupiers of nearby properties, this would be a neutral factor, and would not weigh in favour of the proposal.
24. I acknowledge that the appellant has sought to overcome previous reasons for refusal and concerns raised by previous Inspectors. However, I must consider the proposed developments on its own merits and on the basis of the evidence before me.

Planning Balance and Conclusion

25. Although I have found the proposed development to be acceptable with regard to its effect upon highway safety and the operation of the local highway network, I have also found that it would result in less than substantial harm to the CA, harm to the setting of a BTM, as well as fail to provide adequate living conditions for future occupiers.

26. As the Council cannot demonstrate a five-year supply of housing sites, I am taken to Paragraph 11 (d) of the Framework, and Paragraph 11 (d) i) is relevant as conservation areas are designated heritage assets and therefore assets of particular importance.
27. As the application of policies in the Framework which seek to preserve the character or appearance of designation heritage assets provide a clear reason for refusing the proposed development, the proposal is not sustainable development for the purposes of the Framework, and therefore, the presumption in favour of sustainable development does not apply.
28. The proposed development would conflict with the development plan as a whole, and there are no material considerations that would justify a decision other than in accordance with it. Accordingly, the appeal is dismissed.

C Harding

INSPECTOR