



Appeal Decision

Site visit made on 19 June 2023

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

an Inspector appointed by the Secretary of State

Decision date: 22 June 2023

Appeal Ref: APP/Z5630/W/22/3309124

72 Douglas Road, Kingston Upon Thames KT1 3PT

- 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 Adam Lekstan against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 22/01303/FUL, dated 14 April 2022, was refused by notice dated 8 July 2022.
 - The development proposed is for the retention of existing 1 No self-contained dwelling, proposed single-storey rear extension (following demolition of side conservatory and removal of existing tree) and formation of 1 No self-contained dwelling with associated parking, amenity space, cycle parking, refuse/recycling facilities and the formation of a vehicular crossover.
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Decision

1. The appeal is allowed and planning permission granted for the retention of existing 1 No self-contained dwelling, proposed single-storey rear extension (following demolition of side conservatory and removal of existing tree) and formation of 1 No self-contained dwelling with associated parking, amenity space, cycle parking, refuse/recycling facilities and the formation of a vehicular crossover in accordance with the terms of the application, Ref 22/01303/FUL, dated 14 April 2022, and the plans submitted with it, subject to the conditions set out in appendix A.

Preliminary Matters

2. For clarity, I have used the description of development given on the Council's Decision Notice.

Main Issues

3. The main issues in this appeal are the effect of the proposal on:
 - the character and appearance of the area; and,
 - the living conditions of future occupiers.

Reasons

Character and appearance

4. The appeal site is located in an established residential area which is typified by semi-detached and terraced dwellings set back from the highway with gardens to the rear. The proposal would be constructed on part of the irregular and angle-shaped garden space to the side of the host dwelling.

5. The Council has brought my attention to Policy Guidance 33, which is contained within the Royal Borough of Kingston-upon-Thames Residential Design Supplementary Planning Document, 2013 (SPD). Whether this guidance relates specifically to extensions or not, I noted at my site visit and from the submitted drawings that the proposal would be possible on the severed garden space available. Furthermore, even though the remaining plot size would be reduced, I noticed that there is a range of plot sizes in the surrounding area, such as, but not limited to, those found at No 21 and 51 Douglas Road.
6. I acknowledge that the proposal would extend across at least 50% of the plot width available. However, the appeal site is a corner plot that lies near to a junction and is adjacent to the rear spaces and gardens associated with the dwellings facing onto Kingston Road. As such, there is a gap in the built form. Therefore, a sense of spaciousness would be retained in this specific location. My opinion is reinforced by the fact that the proposal would be subordinate to the host dwelling.
7. In addition, while the proposal would increase the overall volume of the semi-detached pairing, it would be visually similar in form to the nearby continuous string of development on this side of Douglas Road, particularly as the development would be built in materials to match the host dwelling.
8. I conclude therefore, that the proposal would accord with the character and appearance of the area and meet the aims of Policy D3 of the London Plan 2021 (LP), and Policies CS8 and DM10 of the Royal Borough of Kingston-upon-Thames Local Development Framework Core Strategy 2012 (KCS), as supported by the SPD, which say amongst other things, that all development must make the best use of land, and the National Planning Policy Framework (the Framework) when read as a whole.

Living conditions

9. The main parties agree that the new dwelling would be a one-bedroom, one person dwelling that would exceed space standard requirements for a one-storey dwelling set out in Policy D6 in the adopted London Plan 2021. I see no reason to disagree.
10. I acknowledge that the outdoor space associated with the proposal would not be as generous as that associated with other dwellings in the nearby area, and that the council contend that the garden space would be 'narrow and awkward'. However, given that the existing conservatory is to be demolished, it would nonetheless provide a landscaped space for drying laundry and sitting out.
11. As the development has been designed with smaller households in mind, and particularly as the Council cannot currently demonstrate a 5-year housing land supply, overall I am persuaded that the proposal would not harm the living conditions of future occupiers.
12. As such, in respect of the living conditions of future occupiers, I conclude that the proposal corresponds with Policy D6 of the LP and Policy DM14 of the KCS and the SPD.

Conditions

13. I have considered the Council's suggested conditions against Paragraph 55 of the Framework and the national 'Planning Practice Guidance' (PPG) and imposed the following conditions: for certainty a standard time limit condition and a condition requiring that the development is carried out in accordance with the approved plans.
14. To ensure the living conditions of neighbouring and future occupiers there is a condition related to the flat roof elements of the development, waste and recycling and the hours of construction during development. To promote opportunities for sustainable transport there is a condition for cycle storage.
15. A conditioned Fire Safety Strategy has been imposed in the interests of fire safety. There is also a condition related to parking to maintain highway safety and to reduce parking stress in the area. A landscape condition has been imposed to maintain the character and appearance of the area. This is a pre-commencement condition to which the appellant has agreed to in writing.
16. I have not imposed a construction management plan condition as I do not consider it necessary for a development of this size.
17. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national Permitted Development (PD) rights unless there is clear justification to do so. The PPG Guidance also advises that conditions restricting the future exercise of PD rights and conditions restricting future changes of use may not pass the test of reasonableness or necessity. Therefore, other than a condition related to windows at first-floor level in order to safeguard the living conditions of the neighbouring occupiers, it has not been necessary or reasonable to impose the other suggested conditions related to PD rights.

Conclusions

18. For the reasons given above, I conclude that the appeal should be allowed subject to the conditions set out in Annex A.

J E JOLLY

INSPECTOR

Appendix A - Conditions

- 1) The development hereby permitted shall be commenced within 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - E000 – Location and Block Plan, dated 30 October 2020
 - E001 – Existing Floor Plans, dated 14 January 2022
 - E002 – Existing Elevation/Section, dated 14 January 2022
 - E005 – Existing Block/Site Plan, dated 14 April 2022
 - P001 – Rev 2 - Proposed Floor Plans, dated 14 January 2022
 - P002 – Rev 2 - Proposed Elevations and Section, dated 14 January 2022
 - P005 – Proposed Block/Site Plan, dated 14 April 2022
- 3) The flat roof area of the development to which this permission relates shall not be used as a roof garden, balcony, seating area or other similar amenity area, and shall not be accessed except for the purpose of maintenance or in the case of emergency.
- 4) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No P001 Rev 2 – Proposed Floor Plans for 2 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 5) The site and building works required to implement the development shall be only carried out between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and not at all on Bank Holidays and Sundays.
- 6) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No P001 Rev 2 – Proposed Floor Plans for waste and recycling and that space shall be permanently retained thereafter.
- 7) Prior to beneficial occupation of the development to which this permission relates, a Fire Safety Strategy shall be submitted to and approved in writing by the local planning authority. The required Fire Safety Strategy shall reference the London Plan Guidance Fire Safety (February 2022), where applicable and a Reasonable Exception Statement (RES) shall be submitted in relation to those fire safety requirements which the applicant does not consider to be relevant. The development shall be carried out in accordance with the approved Strategy and thereafter maintained.
- 8) Prior to beneficial occupation of the development to which this permission relates, evidence showing that the development has achieved internal water usage rates of no greater than 105L per person per day have been submitted to and approved in writing by the local planning authority. Once approved, any measures necessary to meet the targets shall be maintained throughout the lifetime of the development.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no windows shall be inserted nor any other openings formed (other than those expressly authorised by this permission) at first floor level or above in the flank elevation of the building unless otherwise agreed in writing by the local planning authority.
- 10) The car-parking shown on the approved plans shall be provided with a hard-bound, adequately drained, dust-free surface prior to beneficial occupation of the development to which this permission relates and shall be permanently retained and kept free from obstruction thereafter. It shall not be used for any purposes other than the parking of vehicles for the occupiers of and visitors to the development.
- 11) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 12) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*****End of Conditions*****