



Appeal Decision

Site visit made on 13 June 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2023

Appeal Ref: APP/Z5630/W/22/3308092

1 Robin Hood Way, LONDON, SW15 3PW

- 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 S Denyer against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref 22/01626/FUL, dated 15 May 2022, was refused by notice dated 11 August 2022.
 - The development proposed is Erection of new detached 3 bedroom house with installation of solar panels.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development proposed on the character and appearance of the area including the future well-being of existing trees;
 - The effect on highway safety though increased pressure on on-street parking; and
 - Whether the proposed dwelling would afford reasonable living conditions for the future occupiers.

Reasons

Background

3. The appeal site comprises part of the side garden of a cottage style semi-detached two storey property which lies at the end of a frontage of similar properties. Most of these properties face a service road but No.1 and a few others face the main road A3 with access through a bus stop. The surrounding area is mainly residential in character although the land to the north comprises a residential development with a detached building set in landscaped grounds. The appeal site lies outside but adjacent to the Kingston Vale Conservation Area the boundary of which lies on the north-eastern and north-western sides of the appeal site.
4. It is proposed to erect a detached property with three levels of accommodation. It would have a modern design with brick and rendered elevations and a complex roof form with mono pitch, dual pitch and flat roof elements.

Policy context

5. It is evident from the parties representations that there is no policy objection to the principle of the election of a dwelling on the appeal site. The issues are concerned with site specific aspects and the local effects of the development proposed.

Effect on character and appearance

6. Dealing first with the issue of the effect on trees I noted at the site visit that two trees on the adjoining land to the north have canopies that appear to spread over the appeal site. These trees make a positive contribution to the character of the Conservation Area. I note that the updated site plan shows the distance away from the trunk of the trees, but it appeared to me, in the absence of a proper tree assessment, at least one of them would be affected by the position and height of the new house proposed and it is likely part of the canopy would need to be removed. This would harm the future well-being of these trees which are protected by the location in the Conservation Area. As this is a direct consequence of the development proposed it would not be resolved by the imposing of a condition on tree protection as the appellant proposes.
7. In terms of the general impact of the house proposed on the street scene I note from the street scene elevation that the proposal seeks to maintain the roof ridge height and gaps between properties as the rest of the frontage. Nevertheless, the northern edge of the new house would virtually abut the side and part of the rear boundaries of the site. Even though there is some landscaping on the neighbouring land at the moment, the screening effect of this cannot be relied on in perpetuity. Viewed from the public realm along Robin Hood Way and from within the Conservation Area, the intensive nature of the form of the house around the boundaries together with its three-storey height would have a 'squeezed in' and a bulky and visually cramped appearance at the end of the frontage. In essence the house would have an imposing form which would be harmful to the otherwise regular and spacious form of the street scape.
8. Overall on this issue I find that the proposed house would not respect or maintain the character and distinctiveness of the street and would not accord with the general provision of Core Strategy Policies CS8 and DM10. Neither would it respect existing trees of value and so it would conflict with Policy G7 of the London Plan 2021.

Effect on highway safety

9. The appellant explains that until recently the host property of No.1 had no off road parking and the occupants used the unrestricted parking available along Robin Hood Way. Permission was granted in 2020 for a parking space and access to the front of the property and so although the new dwelling would generate additional parking needs the appellant says this would be no different to the situation before the new parking space and access was created.
10. The Council's concern relates to the lack of additional parking facilities for the new dwelling and the lack of an assessment of on-street parking locally. At my site visit I noted the unrestricted parking along a part of Robin Hood Way alongside the A3 and it appeared to me that the available parking space was

under great pressure adjoining a principal traffic route. Nevertheless, I have also taken account of the site's PTAL rating of 2 and the direct access to public transport links as set out in the Design and Access Statement. On balance I find that if all of the other issues concerning the new dwelling were acceptable, the lack of separate off-road parking would not be a fundamental objection to the development.

Effect on living conditions

11. This issue concerns the internal room heights of the new dwelling where the London Plan Policy D6 sets a minimum standard of floor to ceiling height of 2.5m for at least 75% of the dwelling. The appellant says that the house proposed would have clear heights of 2.4m which exceed the other national standards of 2.3m. The appellant also refers to the reasoning in the Plan for the setting of the standard as being to avoid a 'heat island effect', and in design terms to achieve alignment with the roof ridge of the adjacent properties.
12. To my mind these factors do not constitute reasonable grounds to justify a reduction from the recently adopted policy. Although I understand the reason to align the roof height with the adjacent property on visual grounds, these existing semi-detached 'cottages' appear to have only two levels of accommodation with the upper floor partly set in the roof space. Whereas the proposal is to design three floors of accommodation into the same overall ridge height. Therefore the room heights have been truncated from those of the older properties. Moreover, I have concerns that in practical terms the natural cross-ventilation with open windows may not be easily achievable because of the close proximity of the new property to a major transport corridor causing noise and fumes.
13. I conclude on this issue that the occupiers of the new property proposed would be unlikely to have reasonable living conditions that meet the up-to-date requirements of part of the development plan.

Planning balance

14. On the main issues I have found that the new house proposed would not integrate well with the local street scene but would harm it as it would appear 'squeezed in' and cramped in its setting because of its bulk and position on site. It has also not been demonstrated that the height and location of the new dwelling would not harm the future well-being of mature trees that overhang the site and contribute to the character of the area. In addition the proposed dwelling would have three floors of accommodation and the internal ceiling heights would not accord with a recent standard and so reasonable living conditions for the occupiers would not be provided.
15. These adverse effects mean that the proposal does not accord with the relevant provisions of the development plan as described above.
16. However, these factors have to be balanced with the benefits of the development. The site lies in a sustainable location with good accessibility. In principle the need to make more efficient use of land in such an area is encouraged in the National Planning Policy Framework (the Framework).
17. I also note that the submitted scheme has been amended following 'pre-application negotiations with the Council and the appellant had expected a

favourable recommendation on the proposal. However, the appeal scheme has to be considered on its individual merits. I have also looked at and taken account of the other schemes submitted with the appeal but from the limited information put forward none of these appear to involve circumstances compatible with the appeal proposal. Consequently, I am not able to give them much weight.

18. Taking all of these aspects into account I find that general social and economic benefits put forward by the appellant do not override the adverse environmental effects that I have identified thus the proposal does not constitute sustainable development as referred to in the Framework. Neither can these adverse effects be addressed and overcome by conditions.
19. Overall, I find that the other considerations put forward do not outweigh the policy conflict and the adverse effects and therefore the appeal should not be allowed.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR