



Appeal Decision

Site visit made on 02 June 2023

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2023

Appeal Ref: APP/Z5630/D/23/3319191

51 Coombe Lane West, Kingston Upon Thames KT2 7EU

- 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 Mohamed Ismail against the decision of Royal Borough of Kingston Upon Thames Council.
 - The application Ref 22/03685/HOU, dated 04 November 2022, was refused by notice dated 19 January 2023.
 - The development proposed is 'Formation of a dropped kerb for vehicular access'.
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Decision

1. The appeal is allowed and planning permission is granted for a 'Formation of a dropped kerb for vehicular access' at 05 June 2023 in accordance with the terms of the application, Ref 22/03685/HOU, dated 04 November 2022, subject to the following conditions;
 - (i) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - (ii) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan, Site Location Plan, W-01 P3 Proposed Vehicle Crossing, and W-02 P1 Proposed Tree Protection and Site Set Up.
 - (i) Notwithstanding condition (ii) above, the development hereby permitted shall be carried out in accordance with the Tree Protection Method Statement dated 04 November 2022, including its appendices. For the avoidance of doubt, the tree protection and methodology described shall accord with BS 3998: Tree work: Recommendations (or an equivalent British Standard if replaced).
 - (ii) Pedestrian/ vehicular inter-visibility splays of 2.8m x 3.3 m should be provided in each direction where the access meets the back edge of the footway and shall be permanently retained free from any obstruction to visibility higher than 1 metre above ground level.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is a detached house fronting A238 Coombe Lane West. In the immediate vicinity of the appeal site, the area is predominantly suburban residential, however, Coombe Lane West does lead into Coombe Road towards a hospital, train station and supermarkets. As such, Coombe Lane West is a busy suburban road.
4. The street is intermittently sylvan and verdant due to the mature front garden planting and hedged boundary treatments of the dwellings which line the road, as well as varied lengths and depths of verge with street trees. These verges and hedges are frequently broken up by road accesses and private vehicular accesses. Opposite the appeal site, the dwellings have a much shallower set-back from the road and the main contribution to the more enclosed and verdant character comes from the particularly deep verge and trees which line the road outside of the appeal site. Whilst the area is attractive, it comprises of varied built form.
5. At present, the appeal site has two openings in its boundary wall; one with a formally laid out hardstanding access and another which, due to the presence of tyre tracks on the verge, has been used as an informal access onto the road by 'bumping down' the kerb. The proposal seeks to formalise the informal road access with hardstanding and a dropped kerb.
6. The existing parking arrangement on site accommodates a number of vehicles along the wide frontage of the site, however, there appears to be little manoeuvring room for vehicles to turn inside the site and egress in forward gear. Given the busy nature of the road and the pedestrian pavement, highway safety concerns arise from the existing arrangement.
7. The loss of the trees within the street scene would erode the attractive and verdant nature of the area. However, the area is not a designated Conservation Area, and the character of the area must be balanced highway safety. In any case, the trees are outside of the Appellant's control and the appeal proposal seeks to retain them.
8. There would be the loss of a narrow slip of verge, however, this would not have a noticeable impact on the character of the vicinity, given the prevalence of vehicle accesses and broken verges.
9. The issue therefore turns on whether the trees can be adequately protected during construction and that the construction method used does not cause undue root damage or compaction. As such, tree protection and mitigation methods have been provided by way of a Tree Protection Method Statement. This issue could therefore be overcome by way of a condition requiring the proposal to be carried out in accordance with that statement and, for the avoidance of doubt, in accordance with the British Standard.
10. For these reasons, the appeal scheme complies with policies CS8 and DM10 of the Royal Borough of Kingston Upon Thames Local Development Framework Core Strategy (CS), adopted 2012, the National Planning Policy Framework and relevant guidance. These policies seek, amongst other things, high-quality development which protects the primarily suburban character of the Borough, recognises local character and which incorporates principles of safe design.

Conditions

11. The Council has proposed a total of four conditions; that the development begin within three years of the date of permission, that the development be constructed in accordance with the approved plans, that prior to commencement an arboricultural method statement is provided and that visibility splays are ensured. As a Tree Protection and Method Statement has already been provided, the wording of the relevant condition will reflect that. I consider these conditions necessary and reasonable for the reasons given above, and compliant with the relevant legal and policy tests.

Conclusions

12. For the reasons given above, I find that the proposal accords with the relevant policies of the development plan and no material considerations indicate that the proposal should be determined other than in accordance with the development plan.

Kim Langford Tejrar

INSPECTOR