



Appeal Decision

Site visit made on 24 July 2023

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2023

Appeal Ref: APP/Z5630/W/22/3303417

Land at rear of 18 Cadogan Road fronting St Leonard's Road, Surbiton, Surrey KT6 4DL

- 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 Ms Louise Walsh against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref 22/00652/FUL, dated 8 March 2022, was refused by notice dated 27 April 2022.
 - The development proposed is described as 'Demolition of existing pair of garages and erection of new dwelling with basement.'
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the area, including with regard to designated and non-designated heritage assets;
 - The living conditions of future occupiers, with particular regard to outdoor amenity space; and
 - Highway capacity and safety.

Reasons

Character and appearance

3. St. Leonard's Road is part of a residential area to the west of Surbiton town centre, extending to the river Thames. There are 3/5-storey blocks of flats towards the western end of the road, with traditional, garden-fronted, 2/3 storey semi-detached and detached dwellings along much of the southern side of the road.
4. Nos 8-13 St. Leonards Road are said to be locally listed buildings, which are non-designated heritage assets, and are located near to the appeal site on the opposite side of the road. A short 2-storey terrace, orientated at a right angle to St. Leonard's Road, is also to be found a short distance to the west of Nos 8-13.
5. The northern side of the road has a very different character and appearance and is without a footpath for much of its length, in contrast to the southern side. The northern side generally comprises single storey garages set back from the carriageway, together with gated driveways and off-street parking areas serving buildings on Cadogan Road, parallel and to the north of St. Leonard's Road.

6. There are also stretches of walls and fencing to the rear gardens of these buildings, interspersed between the driveways and crossovers, and over which the rear elevations of the buildings are visible. Grass verges containing some substantial semi-mature trees are also situated next to these walls and fencing.
7. The appeal site and the nearby properties on both sides of St. Leonards Road and Cadogan Road are located within the Cadogan Road Conservation Area (CRCA), a designated heritage asset¹. The Council considers that the special character of the CRCA can be summarised as *A mid 19th century housing development, forming the second stage of the Surbiton "New Town"*². From the evidence and my observations on site, the significance of the CRCA stems from its historical development, together with the design and materials of the buildings, the pattern of development and the thoroughfares within it.
8. The appeal site is located to the rear of 18 Cadogan Road, a traditional 3/4-storey semi-detached building with a pitched-roof and rendered finish, which has been converted into flats. To the west of the appeal site are two gable fronted single storey garages with the vehicle crossover overgrown with grass; to the east are four flat-roofed garages, also with grassed crossovers.
9. The appeal site comprises two adjacent single storey garages with corrugated roofs and metal doors to St. Leonard's Road and rear doors onto an L-shaped undeveloped and overgrown space. This space is separated from St. Leonard's Road by a brick wall, overgrown with vegetation, next to a grass verge containing a semi-mature tree to the west of the garages.
10. The vehicle crossover serving the garages is constructed of concrete and whilst architecturally unimpressive, and physically separate from the rear of 18 Cadogan Road, the garages, and the wider appeal site are not out of keeping with the character or appearance of this part of the CRCA.
11. The proposed development would entail the demolition of the garages on the appeal site and the front boundary wall, followed by the excavation of the site and the erection of a 2-storey dwelling at ground and basement levels. The proposed dwelling would span the width of the site and extend to its full depth at basement level, apart from a garden courtyard at the southwest quadrant of the site.
12. The rear of the proposed building would occupy the same footprint at basement and ground level and would match the footprint of the site. It would contain a 'green' roof, sloping gently downwards to the rear and would have no windows in the rear elevation or in the side elevations above ground level.
13. At ground floor level the building would be set-back a shorter distance at the southeastern corner, with a slightly lower, flat-roofed, cedar-clad projection to the front, leaving an area for the storage of bicycles and waste/recycling bins.
14. I note the evolution of the appeal scheme, including as a result of the Council's refusal of a previous outline proposal³, and the reference to what are considered to be similar approved proposals elsewhere in the CRCA⁴. However, I am not bound by the views of the Council, I am not familiar with these

¹ Designated in May 1989

² Conservation Area 14 Cadogan Road

³ LPA Ref. 19/00713/OUT

⁴ 10 Catherine Road, Surbiton KT6 4HA – LPA Ref. 16/12297/FUL and 17-19 Grove Road Surbiton KT6 4EU – LPA Ref. 17/12396/FUL

schemes and in any event, each proposal should be considered on its individual merits, which is what I have done in this case.

15. The proposed solid brick walls on either side of the site would be some 2.0 metres high and would project some 1.5 metres beyond the front elevations of the next door garages. The scale and position of these walls would make them visually prominent and obtrusive features in the streetscene.
16. Between these walls the black coloured, vertical steel railings atop a low brick wall, with a roughly central gateway, would form a visually open frontage to the proposed development, in contrast with the solid next door garages and the existing wall and garages on the appeal site. The open frontage would make the proposed dwelling readily visible in views from St. Leonard's Road, notwithstanding the limited screening from the tree in the grass verge at the front.
17. Whilst the scale and massing of the proposed dwelling are a little incongruous on what is a small site, it is the position that causes the most concern. The main front elevation of the proposed dwelling would be set back a considerable distance, towards the rear of the next door garages on either side, with the cedar-clad element, also recessed a significant distance. The position of the proposed dwelling would make it a visually uncomfortable insertion to the streetscene on this part of St. Leonard's Road.
18. I note that some of the properties on Cadogan Road have rear car parks accessed from St. Leonard's Road and which have an open appearance. However, the visual context for these is very different to the appeal site; they are functionally linked to the substantial properties on Cadogan Road and are seen as such.
19. The combination of the design of the proposed dwelling, the significantly set-back position at ground level, and the visually prominent and obtrusive side walls would be incongruous, on what is a small infill site, on the northern side of St. Leonard's Road within the CRCA. The position of the proposal, a short distance from Nos 8-13 St. Leonard's Road, would also detract from the setting of these properties. Consequently, the proposal would cause less than substantial harm to the significance of these heritage assets.
20. The appellant does not consider the proposal would be visually harmful and so has not suggested any public benefits of the scheme to weigh against it. Whilst there would be some benefits, including the environmental performance of the proposed dwelling and the limited economic benefits during construction, these would not outweigh the harm I have identified.
21. With reference to the Council's third reason for refusal it is not clear to me what some of its concerns are. The appeal site is set back from the carriageway by a crossover and a landscaped grass verge, as the existing garages are, whilst the proposal would have a level of activity commensurate with such a residential use, somewhat more active than the existing garages. I also note the discrepancies in the Council's description of the proposed roof in the officer report. However, none of these matters cause me to reach a different conclusion with regard to the harm that would be caused by the proposal.
22. For these reasons, the proposed development would detract from the character and appearance of the area, including with regard to designated and non-designated heritage assets. It would, therefore, conflict with Policy D3

(optimising site capacity through the design-led approach) and Policy HC1 (heritage conservation and growth) of the Spatial Development Strategy for Greater London 2021 (the LP), Policies CS8 (character, design and heritage), DM10 (design requirements for new developments) and DM12 (development in conservation areas and affecting heritage assets) of the Kingston upon Thames Core Strategy 2012 (the CS) and the National Planning Policy Framework 2021 (the Framework).

Living conditions of future occupiers - outdoor amenity space

23. The limited size of the appeal site and the design approach used by the appellant means that all the proposed outdoor amenity space for the dwelling would be situated to the front.
24. At ground level, a pathway leads to the main entrance to the proposed dwelling, with a glass barrier separating it from the lower courtyard. As a functional route I do not consider this to be 'amenity space' as such. There is a rectangular area between the cedar-clad building and the front railings which is some 14m² in size. Within this rectangular area is some planting, together with storage space for bicycles and refuse/recycling bins, which reduces the available amenity space further.
25. It would be possible for people to sit-out in the remaining ground level space, or to dry clothes here. However, the proximity of the bins means this is unlikely to be an attractive option due to odours, even if the bins were to be screened to protect the character and appearance of the area. Furthermore, whilst there is no footpath on the northern side of the road there is one on the southern side. The low front wall and railings provide a largely open front aspect, meaning there would be little privacy for people who did choose to use this amenity space.
26. In contrast, the dwellings opposite the site, and generally along much of St. Leonard's Road, have small front gardens with larger private gardens to the rear. Furthermore, many of these existing front gardens are screened by walls or shrubbery.
27. The larger part of the proposed amenity space would be the basement courtyard, which would be accessed via steps by the front boundary and would contain a central planter, with a 'living wall' on the western elevation. Given the absence of a path on the northern side of St. Leonard's Road and its location below ground level, I am satisfied this would be a generally private space.
28. However, the basement courtyard would be a small area of outdoor amenity space, the provision of which is constrained by the limited size of the appeal site and the design of the proposed dwelling. At ground level, there would be problems of privacy and bin storage in parts of the outdoor amenity space. Overall, this would make the proposed outdoor amenity space unsatisfactory.
29. The Council makes reference to the Residential Design Guide SPD 2013, which states that new dwellings should provide 50m² of private garden space. Whilst this is planning guidance, rather than a policy in the development plan, the amount of private garden space proposed would be well below this guideline level.

30. For these reasons, the proposal would adversely affect the living conditions of future occupiers, with particular regard to outdoor amenity space. It would, therefore, conflict with Policy DM10 of the CS. However, I can find no conflict with Policy D6 (housing quality and standards) part 9) of the LP and there are no higher local standards in the development plan documents of the Council.
31. Consequently, with reference to s38(5) of the Planning and Compulsory Purchase Act 2004, the proposal would accord with the development plan in this regard; Policy D6 of the LP is a more recent addition to the development plan than Policy DM10 of the CS.
32. Nevertheless, the adverse effects of the proposal would conflict with Policy Guidance 13 (private amenity space) of the Residential Design SPD 2013 and with the Framework, in particular paragraph 130 a) and f). In this case, these are material considerations which outweigh the accordance with the development plan.

Highway capacity and safety

33. The proposed development is intended to be car-free and the appellant has indicated they would be prepared to enter into a legal agreement with the Council to *preclude residents from obtaining on-street car parking permits*.
34. However, no such agreement is in the evidence before me and as a result there is no mechanism for preventing future occupiers obtaining such permits in what is said to be a controlled parking zone.
35. For these reasons, I am not satisfied the proposed development would not have an unacceptable adverse effect on highway capacity and safety in the area. It would, therefore, conflict with Policy T6 (car parking) of the LP and Policy DM10 of the CS, and with the Framework, in this regard.

Other Matters

36. The Council cannot demonstrate a deliverable five year housing land supply and so the presumption in favour of sustainable development must be considered. However, with reference to Paragraph 11d) i) of the Framework, the harm that would be caused to the CRCA provides a clear reason for refusing the development proposed.
37. Were the proposal otherwise acceptable, I would have sought the views of the parties on the living conditions of future occupiers with regard to the limited outlook from the basement rooms and amenity space. However, as the appeal is to be dismissed for other reasons, there is no need for me to consider this matter further.

Conclusion

38. For the reasons given above, I conclude the appeal is dismissed.

Andrew Parkin
INSPECTOR