

Appeal Decision

Site visit made on 30 October 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15.11.2023

Appeal Ref: APP/Z5630/W/23/3321673

176 Douglas Road, Tolworth, Kingston upon Thames KT6 7SE

- 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 IPS Developments Ltd against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 23/00116/FUL, dated 16 January 2023, was refused by notice dated 16 March 2023.
 - The development proposed is the erection of a single storey rear extension to enlarge the existing house and a 2 storey side extension to provide an additional dwelling following demolition of existing extensions.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effects of the proposal on:
 - i) The character and appearance of the local area;
 - ii) The safety of highway users;
 - iii) Sustainability, in terms of cycle parking or storage; and
 - iv) The living conditions of the future occupiers of the new house, in terms of internal living space.

Reasons

Character and appearance

3. 176 Douglas Road is a detached 2 storey house sitting within a residential area of mainly terraced and semi-detached houses. The main element of the proposal would replace a flat roofed side extension with an attached 2 storey, hipped roofed house. This would leave only a narrow gap at first floor level between No 176 and the next house, No 180, which is already built up to its side boundary.
4. The Council's concern is that this would cause a terracing effect – making these houses appear as a terrace in some views rather than as individual structures. Douglas Road and nearby streets are, however, characterised by closely set terraces and other houses, with only small spaces between. The remaining

narrow gap here would therefore be in character with its surroundings. There are no important views through the existing gap and the use of a hipped roof form would ensure that views of the sky remain. Furthermore, No 176 occupies a wider than normal plot so that sub-division would not interrupt the rhythm or appearance of the street scene.

5. I conclude that the proposal would not harm the character or the appearance of the local area. It accords in this respect with the aims of Policy D3 of The London Plan (TLP) and Policy CS8 of the Council's Core Strategy (CS), which require high standards of design that respond to local distinctiveness, protecting the primarily suburban character of the Borough.

Highway safety

6. I note that a night-time parking survey carried out for the appellant showed some availability of parking spaces in the area. On the other hand, I saw at my site visit that, as stated by neighbours, on-street parking in Douglas Road appears to be in strong demand, at least in the day-time. There are no parking restrictions here and both sides of the street were heavily used for parking at the time of my visit. No 176 currently has one on-site parking space at the front, situated parallel to the street, so that cars entering and leaving the space must make a fairly difficult manoeuvre.
7. The proposal is for a second (perpendicular) parking space to serve the new dwelling, enabled by setting the new house further back into the site. This is in line with the maximum parking standard of 1.5 spaces per house set out in Policy T6 of TLP. The provision of 1 space for each house appears to be a reasonable minimum here given the apparent level of parking pressure in the area and its agreed Public Transport Accessibility Level of 2 (below average). Provision of fewer spaces than this would add to local parking stress, increasing the need for drivers to trawl through the area looking for somewhere to park and potentially causing safety problems.
8. Storage for the new house's rubbish and recycling is also proposed to sit within the shared drive. The bin store would have to tuck into a tight space between the front boundary wall and the retained parking space for the existing house, which itself would be tight up to a bay window.
9. The combination of the refuse/recycling storage, the 2 parking spaces and the need for manoeuvring space would set up substantial conflicts in the small shared drive - overlapping areas would be needed by the occupiers of the 2 houses. Parked cars require space to open doors, which is not adequately provided for in the submitted details. There would not be enough room to reasonably access the storage enclosure when the neighbour's car is parked on site and there would not be enough space to readily manoeuvre in and out of the retained space when the other neighbour's car is parked, unless that car is parked hard up against the side boundary wall.
10. The appellant has submitted a technical report showing that cars could manoeuvre in and out of the retained parallel space. Even in a best case scenario, however, this would require precision driving and a tight focus of drivers' attention on the on-site obstacles. The cramped arrangement within the shared drive would lead to overly awkward reversing movements both in

and out of the driveway, across a pavement and close to a junction, setting up a potentially dangerous situation for pedestrians, cyclists and other road users.

11. I conclude that this aspect of the proposal would unduly prejudice the safety of highway users. It conflicts with TLP policy T4 and CS policies DM9 and DM10, which aim to ensure that new development does not compromise highway safety. This aspect of the proposal also conflicts with paragraphs 110 and 111 of the National Planning Policy Framework (the Framework), which aim to ensure that safe and suitable access is provided to sites and allow for the refusal of applications on highways grounds if there would be an unacceptable impact on highway safety.
12. For the same safety reasons the refuse and recycling storage for the new house would be inadequate. In this respect the proposal would conflict with the aims of TLP policy D3 and policies CS9 and DM10 and the Council's *Residential Design* Supplementary Planning Document, to ensure that developments make adequate provision for waste and recycling facilities.

Cycles

13. CS policy DM8 supports sustainable modes of transport, prioritising the needs of cyclists and pedestrians. TLP policy T5 requires the provision of 2 bicycle storage spaces per dwelling, to help create a healthy environment in which people choose to cycle. Transport for London's *London Cycling Design Standards* advise that these should be well located - close to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways and tight corners.
14. Cycle parking for the existing house would be provided in the back garden, which would remain accessible. The Council's concern is about cycle storage for the new house, which would be in the under stairs cupboard. Although this arrangement looks far from ideal, this cupboard is directly accessible from the street through a wide doorway and straight hallway. The cupboard appears to be just large enough to accommodate 2 cycles. On balance, I conclude that adequate provision would be made for the storage of bicycles, in accordance with the above-mentioned policies and guidance, so that the proposal would be sustainable in this respect.

Living conditions of future occupiers

15. The Council's concern in relation to this issue is about floor to ceiling heights in the new house. As part of the appeal documentation, the appellant has provided a section drawing showing that main room heights would be 2.5m, as required by the internal space standards in TLP policy D6. The Council has not disputed that additional information. I conclude that the proposal would make satisfactory provision for the living conditions of the future occupiers of the new house, in terms of internal living space. It accords in this respect with TLP policy D6 and CS policy DM10, which aim to ensure that developments provide adequately sized rooms in comfortable and functional layouts, having regard to the amenities of occupants.

Other matters

16. I have taken into account all other matters raised including neighbours' comments, which are largely addressed above. Overlooking of neighbouring

gardens from the new rear windows would be similar to that existing in most rows of houses, so that there would be no undue loss of privacy. Construction noise, disturbance and traffic would be a short term issue which could be addressed by planning condition(s) if permission was granted.

Planning balance and conclusion

17. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites as required by the Framework. The evidence before me shows a supply of only about 2.3 years worth of sites, which is a substantial shortfall. This brings into effect the presumption in favour of sustainable development set out in paragraph 11 of the Framework. The local development plan policies most relevant to determining the application are therefore considered to be out-of-date. Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. This proposal for a single new dwelling would bring some small but noteworthy benefits, in line with Framework and development plan policies. It would boost local housing supply and make efficient use of a reasonably sustainably located site within the urban area. These matters weigh significantly in favour of the proposal.
19. Even taking these positive points into account and noting my favourable conclusions on 3 of the 4 key issues, however, my concerns in relation to the issue of highway safety are sufficiently compelling for me to conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. The proposal would not, therefore, be for sustainable development in the wider sense set out in Section 2 of the Framework and the appeal does not succeed.

Les Greenwood

INSPECTOR