



Appeal Decision

Site visit made on 12 March 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2024

Appeal Ref: APP/Z5630/W/23/3325049

229 Tudor Drive, Kingston upon Thames KT2 5PF

- 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 Marta Pitera against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 23/00906/HOU, dated 4 April 2023, was refused by notice dated 30 May 2023.
 - The development proposed is a dropped kerb to include hard standing and installation of an electric vehicle charging point.
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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; and
 - the safety and convenience of highway users.

Reasons

Character and appearance

3. The properties on Tudor Drive are set well back from the carriageway, typically behind wide, largely uninterrupted grass verges, or other green spaces, pavements and front gardens. These features, together with highway trees, and the regular siting and cohesive style of the buildings, contribute to the area's well-ordered, spacious and landscaped, suburban character.
4. The proposal would involve the replacement of the host's lawn with herringbone block paving and a concrete path, which together would cover all of its front garden. That hard standing would be connected to the carriageway by a driveway which would cross over the wide grass verge.
5. Whilst I observed occasional examples of hard surfaced front gardens and driveways crossing the highway verge on this section of Tudor Drive, they are very much the exception. Considered together, this expansive area of hard standing and the proposed access drive in this prominent location would be stark features which would be markedly at odds with the area's prevailing, and locally distinctive, landscaped character.

6. There is a tall tree in the adjacent verge, which the Council calculates is around 6 metres from the proposed driveway. The scheme is not accompanied by a Tree Survey or an Arboricultural Impact Assessment. However, given the distance to that tree, and the fairly limited groundworks typically required to provide an access, I am satisfied that, subject to a suitable means of construction and an arboricultural method statement which could be secured by means of a condition, that tree would not be significantly harmed.
7. Given the likely very limited biodiversity value of the grass verge and lawn that would be removed, the proposal would not conflict with Policy DM 6 of the Kingston Core Strategy 2012 ('KCS').
8. However, notwithstanding my conclusion regarding the impact on the tree, as the proposal would significantly harm the character and appearance of the area, it would conflict with KCS Policy DM 10. Amongst other things, this requires development to respect, maintain or enhance elements which contribute to local character, such as landscape setting and grass verges.

Safety and convenience of highway users

9. Tudor Drive is subject to a 20 mph speed limit, and whilst it represents just a snapshot in time, my on-site observations supported the view expressed by interested parties, that it is fairly busy. The proposed access would emerge onto Tudor Drive close to the roundabout at its junction with Latchmere Lane.
10. Between these two points there is keep left signage with a central pedestrian refuge and a raised crossing table. Additionally, there is a row of on-street parking bays on this side of the road immediately to the east of the proposed access and, a little further away on the opposite side is a bus stop. Drivers therefore already need to consider a range of potential hazards, including pedestrians crossing the carriageway, and vehicle movements associated with the roundabout and manoeuvres around parked cars and stationary busses.
11. Vehicular movements associated with a residential property would typically be modest. However, given the dimensions of the proposed hard standing, I am not satisfied that vehicles accessing or egressing it could always do so in a forward gear. In that context, and given the local highway characteristics, I consider that the scheme would be detrimental to the safety and convenience of highway users. My conclusion on this issue is supported by representations from residents which, whilst anecdotal in nature, reference recent accidents involving vehicles along this stretch of road.
12. As pointed out by the appellant, there are some existing private access driveways in the vicinity, although those on Latchmere Lane emerge onto a road that appears to carry less traffic than Tudor Drive. There are not many on this stretch of Tudor Drive, and whilst the example at No 221/223 emerges next to a bus stop, compared to it this proposal is slightly closer to the roundabout. In any event, occasional private accesses elsewhere on Tudor Drive, and other examples in the wider area, do not address or justify the harm that this scheme would cause.
13. The scheme would therefore conflict with that part of KCS Policy DM 10 which states that proposals should have regard to local traffic conditions and highway safety, and ensure that they are not adversely affected.

Other matters

14. The appellant states that the scheme is necessary in order to provide space to park and charge electric vehicles, which is particularly required following the expansion of the ULEZ to cover outer London boroughs. In its favour, the scheme could therefore make a very modest contribution to the development plan objectives of reducing fuel emissions and improving air quality.

Conclusion

15. I have found that the proposal would significantly harm the character and appearance of the area, and that it would also harm the safety and convenience of highway users. In its favour, it would enable the occupiers' vehicles to be parked off road and conveniently charged, which could thereby support clean air objectives. However, the scheme's public benefits do not outweigh the totality of the harm that it would cause.
16. Consequently, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR