



Appeal Decision

Site visit made on 10 July 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2024

Appeal Ref: APP/Z5630/W/23/3329951

25 Motspur Park, New Malden KT3 6PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by IPS Rent Ltd against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 23/01688/FUL.
 - The development proposed is the erection of two-storey dwelling to side of 25 Motspur Road and erection of two-storey dwelling to the rear with parking and access from Wendover Drive.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published in December 2023 a revised version of the National Planning Policy Framework (the Framework). I am satisfied that no party would be prejudiced by making reference to the Framework in this decision.

Main Issues

3. The main issues in this case are:
 - the effect of the development on the character and appearance of the surrounding area; and
 - the effect of the development upon protected species

Reasons

Character and appearance

4. The appeal site consists of part of the rear garden of No 25 Motspur Park (no 25), located on the corner of Motspur Park and Wendover Drive. Whilst not located within a Conservation Area, both streets at this point and this junction are characterised by large detached dwellings set in generous gardens, which contribute positively to the surrounding area's spacious character.
5. Whilst the rear detached dwelling would respect the established Wendover Drive building line and provide an adequate separation gap to the neighbouring properties, the proposed subdivision would result in reduced plot sizes, notably smaller than the surrounding large gardens. This is especially the case given

the already approved¹ and implemented subdivision of the rear garden area of No 25 to provide for the side dwelling, also proposed under this appeal.

6. The proposed side dwelling is identical to that previously approved. However, the proposed detached rear property would, compared to the neighbouring dwellings, appear cramped within its plot, close to its rear boundary and squeezed into the available space. This would erode the area's sense of spaciousness. Consequently, even if its scale and design, including proposed materials, would be appropriate, it would not reflect the form nor grain of existing development and would therefore harm the established spacious character of the surroundings.
7. The appellant points to development at nearby junctions², which have closer relationships between corner properties, however, whilst limited information is provided of these developments, it appears that the dwellings at these junctions sit within similar plot sizes to their immediate neighbours, contrary to my findings above in relation to the proposal. As such, in this respect they are not directly comparable to the proposal before me.
8. I therefore conclude that the proposal would harm the character and appearance of the surrounding area. The proposal would therefore conflict with Policies CS8 and DM10 of the Local Development Framework Core Strategy (2012) (CS) and Policy D3 of the London Plan (2021) (LP), which collectively set out that development should be appropriate to the immediate context, be of a high quality, and specifically that development of garden land should not result in harm to the character and appearance of an area.

Protected species

9. Circular 06/2005 states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It goes on to say that it "*... is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision*".
10. A Bat Survey³ was submitted with the appeal. Whilst it sets out that the area has mature gardens which provide habitat and foraging habitat for bats, and I further note the third party representations in this respect, it concluded that no evidence of bats was found within the garage structure to be demolished. It found that the structure has negligible potential to support roosting bats. The report also found limited potential for the presence of other protected species, including reptiles and amphibians.
11. Based on this information and what I saw on site and with no clear evidence to the contrary, I am satisfied that there is no reasonable likelihood of this species (or any other protected species) being present. I have no reason to believe that the survey methodology is inappropriate, given the limited alterations to the methodology for bat surveys set out in updated 2023 guidance.

¹ Application reference 22/03137/FUL

² Junctions of Motspur Park and Broadlands Way and Motspur Park and Chilmark Gardens

³ Phase 1 Bat Survey by Dr Jonty Denton. Dated 1st September 2023

12. Notwithstanding this, the demolition of the garage has already been approved as part of the previous application, which I observed has been implemented, as works were underway. As such, it can be removed without any further planning permission.
13. Accordingly, I find no conflict with the biodiversity protection and enhancement goals of CS Policy DM6, LP Policy G6 and the Framework.

Planning Balance and Conclusion

14. Set against the harm identified there would be limited social and economic benefits associated with the construction process and occupation of the proposed dwelling. A single additional unit would make little difference to the overall supply of housing and the support one extra household would provide to the local economy would also be insignificant.
15. The Framework seeks to ensure that development adds to the overall quality of the area and be sympathetic to local character. As such the conflict with CS Policies CS8 and DM10 and LP Policy D3 should be given significant weight in this appeal.
16. The Framework gives substantial weight to the value of using suitable brownfield land within settlements and supports the efficient use of land. Nevertheless, given the conflict identified above, the development would conflict with the development plan as a whole.
17. The Council accepts that it cannot demonstrate a five-year supply of deliverable housing sites, set out by the appellant at 2.21 years. Therefore, having regard to Framework footnote 8, Framework paragraph 11d) applies.
18. As described above the benefits associated with 1 additional dwelling would be limited even taking account of the objective of boosting significantly the supply of housing in the Framework and the significant deficit in relation to the Council's housing land supply position (including the 2023 Housing Delivery Test results pointed to by the appellant). The Framework also gives substantial weight to the protection of character and appearance.
19. Even if the proposal would meet standards in matters such as the standard of accommodation, including size of gardens, and neighbouring amenity, this to be expected in any development and does not weigh in favour of the proposal.
20. Consequently, the adverse impacts set out above would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
21. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed and planning permission is refused.

B Phillips

INSPECTOR