



Appeal Decision

Site visit made on 16 August 2024

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2024

Appeal Ref: APP/Z5630/W/24/3338460

104 Tolworth Park Road, Tolworth, Kingston Upon Thames KT6 7RH

- 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 P Sodha against the decision of The Royal Borough of Kingston Upon Thames.
 - The application Ref: 23/02407/FUL.
 - The development proposed is the erection of first floor with roof over part of existing building to accommodate additional bedrooms.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the area, and (ii) highway safety with particular regard to on-street parking provision in the area.

Reasons

Character and appearance

3. The appeal site comprises a detached bungalow that has a lawful care home use (Use Class C2). The property needs renovation and repair and appears to be currently vacant. The street scene character of Tolworth Park Road is mainly two-storey semi-detached and detached dwellings interspersed with occasional bungalows. There is a variety of design styles and architectural detailing on properties along the road. Roofs along Tolworth Park Road are predominantly hipped although there are other styles present.
4. The proposal includes various extensions to the property to provide more internal amenity space as well as two extra bedrooms to increase the existing capacity of the building from 6 to 8 residents. The extensions comprise a first-floor extension above the existing bungalow with a part hipped / part flat roof with a rear gable and dormer window. The existing single storey rear extension would be remodelled with internal and external changes including replacing the existing flat roof with a crown roof.
5. The proposed change from a bungalow to a two-storey dwelling would be acceptable in principle as it is consistent with the scale of development that predominates along Tolworth Park Road, which comprises mainly two-storey

dwelling. The design of the frontage up to roof level is also appropriate to the prevailing character of the street in terms of its fenestration, use of materials and appearance.

6. However, the prevalence of hipped roofs along Tolworth Park Road enables the roof scape to be a subservient and subtle feature within the street scene. This is a positive characteristic that helps to create a sense of spaciousness in what is otherwise a relatively tight urban grain. The flat roof element of the roof would, therefore, contrast with this and create an uncharacteristically large and dominant roof form that would be out of keeping with the character of the area and street scene. The excessively scaled roof structure above first floor level would also be visible and out of character with the prevailing roof scape when viewed from properties to the rear.
7. I acknowledge the appellant's contention that the area of flat roof would not be readily apparent from the street and is in their view consistent with other flat roofed buildings in the area. However, the flat roof section has the effect of making the overall roof structure, which would be visible from the street, unacceptably wide and larger than the prevailing roof form in the area. In addition, the flat roofed examples provided are not directly comparable to the proposal in this case as they are of significantly smaller scale and, therefore, do not provide any justification for the harm identified.
8. The alterations to the existing rear extension, including replacement crown roof, would retain the existing set back from boundaries and only result in a very minor increase in height from the existing arrangement. The proposed roof and other alterations to the rear single storey projection is coherently designed and would be an enhancement to the existing structure, which is in relative disrepair and in need of renovation. For these reasons, the proposed changes to the single storey rear projection are acceptable and would not harm the character or the appearance of the area.
9. In conclusion, the proposal's uncharacteristically dominant roof form above first floor would harm the character and appearance of the area when viewed within the street scene and from nearby properties to the rear contrary to Policies CS8 and DM10 of the CS. These policies amongst other matters require development to recognise distinctive local features and character, respect prevailing development typology, scale, layout, height and form. The proposal is also inconsistent with Paragraph 135 of the Framework that requires development to be sympathetic to local character.

Highway safety

10. Whilst a relatively minor increase in the numbers of residents, the proposal would be likely to increase demand for parking from both the care home staff and visitors when compared to the existing situation. There is no off-street parking at the site, meaning any staff or visitors arriving by car would need to park on Tolworth Park Road or nearby streets. As the site is not within a Controlled Parking Zone, there is potential for visitors to park on-street subject to spaces being available.
11. The site is in an area that has a PTAL rating of 2, which is at the lower end of accessibility by public transport. Notwithstanding this, the appellant has highlighted that there are several bus routes and services near to the appeal

- site. However, it is not disputed that some staff and visitors could still arrive by car and need to find on-street spaces to park.
12. At the time of my site visit, which was during a weekday morning, I observed that there were very few on-street parking spaces available on Tolworth Park Road. Whilst only a snapshot, there was nothing to indicate this was an atypical reflection of highway conditions on the road.
 13. I have reviewed the appellant's parking survey, which assesses local parking conditions being able to accommodate an average of 3 visitors per week to the proposed development during a 12pm to 2pm period. The Lambeth Methodology's 500m radius for commercial developments was used to assess capacity due to prospective residents being unlikely to be able to drive and own vehicles. The Council has challenged the survey as they do not consider the timings used give a true picture of highway conditions and stress in the area, as well as advised that it should be carried out to a 200m radius more usually used for residential development.
 14. Whilst I note that the parameters used in the survey are said to be based on the appellant's experience of other facilities elsewhere, the only evidence that seeks to corroborate this is limited information from a facility in Cambridge. It is not clear to what extent the Cambridge example is directly comparable to the proposal in this case, which raises doubts over the relevance of the information used from it to inform the survey.
 15. Moreover, the specific requirements of the proposed care home use before me are not explained in any detail in terms of the type of care residents would need, and what impact this would have on the numbers of visitors that would reasonably be expected to attend on an average week. I also note that from the information presented, the Cambridge example would appear to have a higher average number of visitors when assessed across the days recorded than the 3 per week that has been referred as being the maximum in the survey. The logbook also highlights that most visitors to that facility arrived outside of the 12pm-2pm hours used in the survey.
 16. It is also not clear from the information before me how many staff would be required to support the residents during the week. I note the example from Cambridge has 4 staff at the property at any given time. Whilst the particular care provided by the appeal proposal may not require this many staff, no objective evidence is presented that confirms how many staff would be needed to support the residents in this case, and why they would only arrive in the 12pm-2pm window used. Given the severity of the conditions and injuries potential residents of the care home would have, I find it unlikely that staff would only ever arrive between 12pm and 2pm on any given working day.
 17. Overall, the survey is unacceptably limited in its scope and does not adequately assess the impacts from the numbers of likely visitors and staff and when they might arrive during the week including times outside of the 12pm-2pm window used.
 18. I note as mitigation the appellant has offered to remove a pair of existing vehicular crossovers to increase on-street parking capacity. However, without a robust analysis of the likely impact on parking stress before me from both staff and visitors, a proposed removal of the crossovers is not sufficient to outweigh my concerns about impacts on parking stress in the area.

19. To conclude, I am not satisfied that the parking survey adequately demonstrates when and how many staff and visitors are likely to go to the care home across the week, and then whether there is sufficient on-street capacity within a reasonable radius to accommodate this demand. Without conclusive evidence to the contrary, I find that the Council has legitimate and unresolved concerns in terms of parking stress. Whilst I note that the appellant sought to agree the survey parameters with the Council but did not get a response, this does not justify the harm to highway safety that could arise should the proposal lead to an exacerbation in parking stress in the area.
20. For the reasons stated, the proposal is contrary to Policy DM9 and DM10 of the Royal Borough of Kingston Upon Thames Core Strategy 2012 (CS), which require development to not contribute to congestion or compromise highway safety and ensure that local traffic conditions and highway safety are not adversely affected. The proposal is also not consistent with Paragraph 115 of the Framework, which seeks to safeguard against unacceptable impacts on highway safety.

Other Matters

21. Objections also raised concerns regarding the proposal's impacts on loss of light, family housing in the area, privacy, trees, emissions and noise albeit these were not part of the Council's decision to refuse planning permission. As I have found the appeal to be unacceptable in other respects, I am not required to consider these further in this decision.

Planning Balance and Conclusion

22. The importance of providing a supply of housing that meets a range of needs, including care provision, is an important issue recognised at national level as well as in the London Plan and the Council's development plan. I also recognise that the proposal would provide significantly improved living conditions for future residents of the C2 use.
23. Set against this, it has not been adequately demonstrated that the proposal is acceptable in terms of parking stress and highway safety. I find also that the proposal would harm the character and appearance of the area by the proposed roof form above first floor.
24. Taking all matters into consideration, and notwithstanding the weight I have attributed to the provision of additional and enhanced care facilities, it has not been demonstrated the proposal is acceptable in highway safety terms or in terms of its impact on the character and appearance of the area. Accordingly, there are no material considerations that indicate that the proposal should be determined other than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

N Perrins

INSPECTOR