



Appeal Decision

Site visit made on 26 November 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/Z5630/W/24/3346056

8A Church Rise, Chessington, KT9 2EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Robin Gonshaw against Royal Borough of Kingston Upon Thames.
 - The application Ref is 23/03030/FUL.
 - The development proposed is the demolition of the two single-storey garages and erection of a new one bedroom two storey dwelling with associated private amenity garden, one associated parking space, and revisions to existing parking and windows.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Government issued a revised National Planning Policy Framework (the Framework) on the 12th December 2024. I have had regard to this document, however, as the changes made are not material to this appeal case, I have not sought comments from the main parties on the changes.

Main issues

3. Although the appeal is against non-determination the Council has now issued a statement on which the appeal is contested. From this the main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect on the living conditions; on both the occupiers of adjacent properties and on the occupiers of the proposed house.

Reasons

Background

4. The original dwelling of No. 8, a semi-detached property, lay on the corner of Church Rise and Compton Crescent. I note from the planning history that an additional dwelling has been added to the side of the property and is now referred to as No. 8A and a further dwelling was added in the rear garden and is now No. 169 Compton Crescent.
5. It is proposed to demolish the existing double garage and erect a new detached dwelling on the Compton Crescent frontage and make consequential changes to the garden layout.

6. The Council agrees that at the moment it cannot demonstrate a five-year supply of new housing land although the actual deficiency of supply is not described. Therefore paragraph 11(d) of the Framework is engaged in this case.

Effect on character and appearance

7. Although two new houses have been formed on this site from the original layout of the development, the space between Nos 8A and No.169 is such that there is a reasonable gap between the properties as the bulk of the single storey garages still maintains the visual separation. In contrast the proposed dwelling would occupy much of this space and have a cramped and 'squeezed in' appearance in the street scene even though the design of the dwelling may use architectural features already in the area. The cramped nature of the residual plot is also shown by the need to have an asymmetrical roof design which slopes away from the front gable in order to meet a 25° vision splay applying to the rear facing windows in No. 8A. This would give rise to a visually awkward and contrived design of house. The over-intensive nature of the proposal is also shown in the open and almost continuous hard surfacing at the front of the site to form three parking spaces. The street scene elevation (drawing 23.03 PL-13) shows a low hedge along the frontage but this would be impractical in reality because of the extent of hard surfaced parking area needed.
8. Overall on this issue I find that the proposal would result in a form of development that would be harmful to the character and appearance of the area as it would be of a contrived design that would appear cramped and out of place in the street scene. It would therefore conflict with the provisions of Policy DM10 of the Council's Core Strategy as it would not maintain or enhance the character and distinctiveness of the area and local street scene.
9. The proposal would also conflict with the guidance in section 12 of the Framework to ensure that new development results in well-designed places as the development proposed would not be visually attractive because of the contrived architecture and lack of effective landscaping as set out in paragraphs 136(b).

Effect on living conditions

10. In terms of the effect on existing occupiers, while the bulk and siting of the house put forward would not intrude in a visual splay taken from the ground floor rear facing windows of No. 8a, (as shown on drawing 23.03 PL-10) I am concerned about the residual garden space remaining for these properties. The Council says that the remaining garden for no.8A would be 50sq.m which would accord with its applicable standard on size, however I agree that the quality and usability of the space would be poor even with the proposed changes to the existing garden layout and the location of windows. Likewise the formation of a separate plot would leave inadequate useable garden space for the occupiers of No.8.
11. On the western side of the plot, although the proposed house would be sited along-side the blank side elevation of No.169, the extent and height of flank wall virtually on the party boundary would have a dominating impact on the garden environment of this property and would materially harm the living conditions of the occupiers.

12. In relation to the effect on the proposed occupiers the Council considers that the main living accommodation of the new property would be overlooked from the rear facing windows of No.8A. However, it appears to me from the evidence submitted that the first floor windows would be far enough away so as to meet the Councils' standards to avoid overlooking and a loss of privacy.
13. Overall on this issue, I find that the proposal for an additional dwelling would have a harmful effect on the occupiers of neighbouring properties by resulting in a poor amenity area for No's 8 and 8A and the siting of the dwelling would be overbearing on the residential environment of No. 169. The proposal would therefore not accord with the provisions of Policy DM10 particularly (h) and (k). The proposal would also conflict with the guidance in paragraph 135(f) of the Framework as the proposal would not create a development with a high standard of amenity for existing occupiers.

Planning balance

14. On the main issues I have found that the proposed new dwelling would look out of place in the street scene as it would have a cramped and contrived design and would not maintain the character and distinctiveness of the area. The new house proposed and the consequential changes to the gardens of No's 8 and 8A would also have a harmful effect on the living conditions of the occupiers of these properties as well as be overbearing on No.169. This harm results in the proposal being in conflict with the relevant parts of the development plan.
15. This has to be balanced with other considerations. I note the appellant's frustration in that the Council was not able to decide the application within the target period and the many attempts said to have been made for contact and negotiation over the proposal. These delays go against the guidance set out in national and local policy. I have also given weight to the present state that the Council cannot demonstrate a five-year supply of housing land.
16. However, considered on its planning merits the proposal would cause significant and permanent adverse effects which provide strong reason for refusing the development. I find that the proposal does not accord with the Framework when read as a whole. The conflict with the development plan is not outweighed by other factors and this indicates that the appeal should not be allowed.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR