



Appeal Decision

Site visit made on 3 December 2024

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2025

Appeal Ref: APP/Z5630/W/24/3345438

**The Ranch, 8 Southborough Close, Surbiton, Kingston Upon Thames
KT6 6PU**

- 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 Mr Peter Vaughan against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 23/02937/FUL.
 - The development proposed is the demolition of existing property and erection of two new family homes.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr Peter Vaughan against the Council of the Royal Borough of Kingston Upon Thames, this is the subject of a separate decision.

Preliminary Matters

3. Since the Council's notice of decision, the National Planning Policy Framework (the Framework) has been revised (December 2024) and the Deputy Prime Minister and Secretary of State for Housing, Communities, and Local Government has issued a Written Ministerial Statement "Building the homes we need" dated 30 July 2024 regarding changes to the planning system. The main parties have had the opportunity to comment on these changes in regard to the appeal proposal, which have been taken into account in my decision.
4. The Council has said the appeal property is within the Southborough Conservation Area (the CA), the boundaries of which were said to have been amended in 2009 to include the appeal site, however, it has not provided a map of the CA to show this. A plan of the updated CA, showing the appeal site within it, has been identified on the Council's website and shared with the main parties, this has not been disputed. The appeal was determined on this basis.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the CA.

Reasons

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. At paragraph 210, the Framework sets out matters which should be considered, including sustaining, and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 212 of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The Council's Conservation Area Appraisal: Southborough, dated 2009 (CAAS), explains that the CA was amended in 2009 to include the appeal site and South borough Close following its original designation in 1979. It says the CA mainly contains detached dwellings, setback from the road, many being within generous plots and having consistent plot widths, and that they often have established planting around them providing a spacious character. The CAAS also says there is a mix of architectural designs, which includes some arts and crafts style properties. Common building features of the CA are said to include asymmetry; accentuated gables; steeply pitched, hipped and/or gabled properties, that have a vertical emphasis and prominent chimney stacks. The dominant building materials are identified as red and yellow brick, half timbering, painted render, stucco and hanging clay tiles, under natural red clay tiles. Collectively these aspects are said to positively contribute to the significance of the CA.
8. The CAAS says the properties on Southborough Close are later additions in comparison to most other parts of the CA, although the housing is said to have a group value. I saw on my site inspection that Southborough Close is a wide road, with tree-lined grassed verges between it and the pavements in front of the mainly detached properties along both of its sides, and which have a generous setback from the pavement edge. Apart from the existing property at the appeal site, they are mainly two-storeys high, with some having three storeys. There is a variety of external materials and pitched roof forms, including both hips and gables, and some projecting gables and hipped roofs on the front of the properties, which are mostly below the property's main ridge height. However, the pitched roofs of these properties are visible from their front elevations, and their footprints are usually wider than they are deep. The group value of these aspects positively contributes to the significance of this part of the CA.
9. No. 8 Southborough Close is much different in its appearance to other properties nearby, it is a wide single storey bungalow situated in a wider plot. It has limited architectural merit, with large projections to both sides of its main front elevation, and notwithstanding its landscaped setting, the property does not positively contribute to the character and appearance of the CA. The Council has not objected to the principle of the re-development of the appeal site for 2 no. dwellings and I see no reason why a suitable re-development could not enhance this part of the CA.
10. Notwithstanding that the existing trees at the appeal site are to be retained, the proposed new dwellings would still be seen from Southborough Close. The

siting of the proposed 2no. dwellings, setback from the road and in a similar building line to No.10 (that adjoins one side of the appeal site) and the other properties along this side of the road, would ensure the proposed siting reflected the established pattern of properties in this area. In addition, the plot sizes, said to be some 55 metres in depth and 17 metres and 13 metres in width, whilst smaller than many others nearby, would provide plots of an acceptable width that in principle would not be harmful to the CA.

11. Both proposed dwellings feature tall front facing three storey gables said to measure 9.4 metres high. One proposed dwelling (no.6) has a two-storey flat roof part to one of its sides that projects slightly further forward than its main gable, the other proposed dwelling (no.8) would have a mono pitch roof at a lower height than the main gable that also faced onto the road. Although the front projecting part on no.6 would not be significantly forward of its gable, its large two storey flat roof part would be very prominent. It is acknowledged that its green roof could contribute towards a biodiversity net gain, nevertheless its design and appearance would be a wholly alien feature in Southborough Close and the CA, harmfully contrasting with the strongly defined pitched roofs elsewhere. It is also unclear whether biodiversity improvements could be secured in an alternative way.
12. Furthermore, both proposed dwellings would have a mixture of competing roof forms, and whilst they would have a vertical emphasis, including the proposed chimneys, this would be overly pronounced, particularly with the different disjointed vertical aspects not helped by there being no visible pitched roof on either of their front elevations. This is not to say that a contemporary design approach could not be appropriate for the appeal site, but the incohesive design of the proposed development has little reference to the defining characteristics of the CA.
13. The height of the proposed gables, would still, according to the drawings be slightly higher than the ridge height of no.10. Nevertheless, their overall height, providing a suitable design was proposed, would not on its own be unacceptable and would relate to other taller properties elsewhere on Southborough Close. However, in the form proposed, its height, together with the mixture of angled lines on the front elevations, including diagonal, vertical and horizontal, not offset by a profiled roof form, would be harmful to the CA.
14. The proposed fenestration includes large areas of glazing on the front elevations of the proposed dwellings, but the vertical glazing bars help to break this up, ensuring that it would not be overly prominent, and that there would be a reasonable solid to void ratio. To the rear the more expansive glazing, would not necessarily be objectionable or harmful as part of an appropriate modern design.
15. Whilst the inclusion of timber boarding on the exterior of the proposed development would be reflective of other properties elsewhere in the CA, the proposed use of pale grey brickwork under a slate roof would harmfully contrast with the mainly red brick or painted rendered properties under red clay tiled roofs nearby. I note the appellant's reference to slate roofs on the nearby buildings facing onto Ashcombe Avenue (some of which are listed), but these are mostly grander properties, and the roof material allows them to be seen differently. Nor did I find the pale brickwork, which is said also to be on the internal parts of the proposals, to be reflective of the stucco finishes

elsewhere, particularly given it is a different material and would only be on part of some elevations. Moreover, the mixture of the proposed materials would exacerbate the identified harm above, by making the proposed dwellings even more conspicuous in this part of the CA.

16. It is noted that a planning appeal¹ was allowed for a modern two-storey dwelling at the appeal site in 2004. I have considered the decision carefully, along with the submitted CGI of that scheme. At that time, most of the appeal site and Southborough Close were not within the CA, the development plan policies have also changed. The earlier appeal scheme is also much different, being for one dwelling across the width of the appeal site, in a very different modern design. Whilst I acknowledge the comments of the previous inspector that a different design is not always harmful, to which I do not disagree, that appeal scheme and the issues associated with it were much different to the scheme before me, and it has not led me to conclude differently regarding the appeal proposal before me.
17. I therefore conclude that the proposed development would be harmful to the character and appearance of the CA, and that it would neither preserve or enhance the character or appearance of the CA, contrary to the duty in the Act. For the same reasons, the proposal would conflict with Policies D3 and HC1 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021, and Policies CS8, DM10, and DM12 of the Royal Borough of Kingston Upon Thames' Core Strategy adopted April 2012, which amongst other things, collectively require development to preserve the distinctive suburban character of the area, including the appearance of new buildings, prevent inappropriate development, and ensure the significance of heritage assets and their surroundings are preserved and not harmed. In addition, in view of the identified harm to the designated heritage asset there would also be conflict with paragraph 212 of the Framework that requires great weight to be given to the conservation of a heritage asset when considering the impact of development.

Other Matters

18. The Council's Housing Delivery Test & Five-Year Housing Land Supply, Interim Position Statement, dated November 2024 has stated that its latest Housing Delivery Test score was 60%, and that it has a 1.55-year supply of deliverable housing. In such circumstances, paragraph 11 d) i, states planning permission should be approved unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed. Footnote 7 of the Framework lists such policies, which include those relating to heritage assets. Consequently, as I have found the harm to the heritage asset to conflict with paragraph 212 of the Framework, which I regard to be a strong reason, the presumption in favour of sustainable development is not engaged and the Council's lack of housing supply does not lead me to conclude that permission should be granted.
19. There are 4 no. grade II listed buildings near to the appeal site; Penton, 30 Woodlands Avenue; Southborough Lodge (16 Ashcombe Avenue); Southborough House (14 Ashcombe Avenue); and a garden building behind Southborough House. The Planning (Listed Building and Conservation Areas)

¹ Ref. APP/Z5630/A/03/1136311

Act 1990, S66(1) requires that when considering whether to grant planning permission for development which affects the setting of a listed building, I am required to have special regard to the desirability of preserving that setting.

20. All these listed buildings have a considerable separation from the appeal property, including substantial planting, which significantly limits views of the appeal proposal and any of the listed buildings together. In view of this, together with the listed buildings mostly having their principal elevations facing away from the appeal site, and that the proposed development would broadly continue the existing street frontage arrangement of residential development on Southborough Close, the proposal would not adversely affect the setting of these nearby listed buildings.
21. I note the planning history of the appeal site, referred to in the appeal documentation, and I have had regard to it insofar as it relates to the matters before me on this appeal. The appellants detailed comments about the history to their planning application and pre-application enquiry, together with the Council's handling of it are noted, some of which are matters between the main parties. In my decision I have focussed on the planning merits of the appeal proposal before me.
22. I have also had regard to a letter of support, and the objections received from residents and others, raising issues in addition to the main issue above, including, but not limited to; parking and highway safety, particularly concerning the existing business; subsidence risks; the effects of the proposal on trees along with whether there is sufficient information provided; the effects on ecology and biodiversity; the effect on the living conditions of neighbouring occupiers, including from noise, privacy, and loss of light and sunlight. However, I note that these matters were considered where relevant by the Council when it determined the planning application, and it did not find any harm that could not be addressed through planning conditions. Whilst I can understand the concerns of the interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. I was also satisfied that there was adequate information provided to fully assess the effects of the proposal, including the rear elevation details and regarding existing trees. In addition, I have not been made aware of any planning policy requiring an affordable housing contribution from the proposed development.
23. The appellant has said that the proposal would provide integral garages; retain the existing trees at the appeal site; not have unacceptable effects upon biodiversity; provide refuse and recycling storage and secure cycle parking; not be harmful to the living conditions of neighbouring occupiers; that there are no objections regarding highway safety; no unacceptable flood risk or drainage impacts and that areas of impermeable surfaces would be reduced; it would provide accommodation that meets the minimum space standards; and that there has been consideration of how to reduce fire risks. However, these are most likely to be requirements for any well-designed development that are neutral factors that do not weigh in favour or against the proposal.
24. It is noted that sustainable design features, and biodiversity enhancements are proposed within the proposed development, including measures to reduce carbon emissions. These are likely to exceed the requirements of building regulations and they do weigh in favour of the proposal.

Planning Balance and Conclusion

25. For the reasons outlined above, I find that the proposed development fails to preserve or enhance the character or appearance of the CA. The proposal would also conflict with policies of the development plan, I give this harm significant weight in the planning balance of this appeal.
26. I find the harm to constitute less than substantial harm owing to its effect being localised. Although, I consider the harm to the CA would be less than substantial, it is nonetheless a level of harm to which significant weight should be attached. Paragraph 215 of the Framework requires public benefits to outweigh such harm.
27. The proposal would provide 2 no. dwellings, that would have some sustainable design features and biodiversity enhancements, in an established residential area that is accessible to a range of services and facilities and make an efficient re-use of previously developed land. The proposal would also contribute towards the governments objective of significantly boosting housing supply. Notwithstanding the harm identified above, there would also be benefits associated with the loss of the existing building that does not positively contribute to the CA. However, the proposal would represent a net gain of one additional dwelling and given the scale of the proposed development, at most I can only attach limited weight to these collective benefits.
28. Against this background, these collective public benefits are very limited, and they do not outweigh the harm identified above to the significance of the designated heritage asset. Accordingly, there is conflict with the heritage protection policies of the Framework.
29. The proposal conflicts with the development plan taken as a whole. There are no other material considerations, including the Framework that indicate a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

A Hunter

INSPECTOR