



Appeal Decision

Site visit made on 25 March 2025

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2025

Appeal Ref: APP/Z5630/W/24/3349570

176 Douglas Road, Tolworth, Kingston Upon Thames KT6 7SE

- 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 Ms Tatiana Preobrazhenskaya against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 24/00730/ful.
 - The development proposed was originally described as the demolition of single storey garage conversion. Creation of new side extension to the existing house and subdivision to provide two 3 bed family dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of single storey side extension and rear conservatory. Erection of part two storey/part single storey side extension, single storey rear extension and subdivision of the property to provide two x 3 bed flats, at 176 Douglas Road, Tolworth, Kingston Upon Thames KT6 7SE in accordance with the terms of the application, Ref 24/00730/FUL, subject to the following the conditions in the attached schedule.

Preliminary Matters

2. Amended plans have been submitted at appeal stage. These propose the addition of a small parapet feature on part of the roof of the building, the omission of the internal door between a hallway and the garage, and the reconfiguration of the rear garden areas. These changes do not substantially alter the scheme. Moreover, interested parties have had the opportunity to comment on these amended details at the appeal stage. No parties would therefore be prejudiced by my decision to accept the amended plans.
3. In the formal decision, the description of development is taken from that on the decision notice and the appeal form, as that better reflects the development proposed on the submitted plans.

Main Issues

4. The main issues are;
 - whether future occupiers would be able to secure adequate living conditions with particular regard to the quality of the outdoor spaces; and
 - the effect of the development on highway safety.

Reasons

Living conditions

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5. In terms of area, the outside space standards in the Council's Residential Design SPD - adopted July 2013 and amended November 2013 (the SPD) exceed the minimum private outside space standards set out in the Mayor of London - London Plan – March 2021 (the London Plan).
 6. Apart from a pathway, no shared amenity space would be provided to the rear of the flats. Instead, each dwelling would be provided with a separate rear garden area. The areas of both would exceed the combined minimum areas for private and communal amenity space set out within policy guidance 13 and 14 of the SPD. Moreover, these gardens would significantly exceed the combined minimum areas set out within this policy guidance. For these reasons and due to their well-balanced proportions, neither garden area would feel cramped.
 7. Access to the garden that would serve the first-floor flat would be via a pathway between the host building and the house at 174 Douglas Road. Users would then be required to pass along and beside the garden serving the ground-floor flat before reaching the entrance to the garden of the first-floor flat. Although narrow, this pathway is wide enough to be easily passed by those undertaking tasks such as taking bicycles and normal domestic bins to and from their storage. Furthermore, and due to the generous size and balanced proportions of the garden that would serve the first-floor flat, it is likely to be well used by future occupiers who may include families.
 8. Several windows in the first-floor flat would address the rear gardens of both proposed properties. However, the proposed single-storey rear extension would obstruct views from these windows over a large proportion of the ground-floor flat's garden. Consequently, occupiers of the ground-floor flat would be able to secure a reasonable level of privacy within their rear garden.
 9. For these reasons, future occupiers of the development would be able to secure adequate living conditions with particular regard to the quality of the outdoor spaces. In this respect the development would comply with policies DM10 and DM13 of the Royal Borough of Kingston Upon Thames Local Development Framework Core Strategy - adopted April 2012 (the Core Strategy), and policy D6 of the London Plan. Collectively and amongst other things, these policies require development to provide adequate private and/or communal amenity space, and to ensure that the usability of outside amenity spaces are maximised.

Highway safety

10. On-site parking provision for 2 cars is proposed. One space would be within the proposed garage, and the other, on an area of hardstanding to the front of the flats. On the basis that the site is in an outer London location with a public transport accessibility level of 2, and given that the flats each have 3 bedrooms, the amount of parking proposed would be sufficient to serve future occupiers of the development.
11. Moreover, if cars were to be parked within the identified spaces, then independent and safe access to and from each space could be secured. However, if future users of the proposed flats were to park their cars on the appeal site but in locations other than those shown on the submitted plans, then there is potential that one parked car could block in or prevent access to the other parking space. Nevertheless, such inconsiderate parking is unlikely to occur, and if it did, this would be a matter for the parties to resolve between themselves.

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12. While not spacious, the proposed garage is large enough to accommodate an ordinary family-sized car as well as the storage of 2 bicycles. Furthermore, at 6m long and over 4m wide, there would also be sufficient space for the doors of such a car to be fully opened, and to provide adequate pedestrian circulation space. As such, the garage would be suitable for both car parking and cycle storage. Nevertheless, future pressure for the use of the garage for residential storage purposes other than for cars and bicycles would be likely. In such instances, future occupiers would probably seek to park on the nearby street/s.
 13. Although a snapshot in time, during my late-morning and mid-week site visit, I observed a moderate amount of unrestricted on-street car parking availability close to the site. However, I appreciate that this is not always the case and that parking pressure in the area is a frequent occurrence. Consequently, to prevent any increased congestion and associated reduction in highway and pedestrian safety, it would be necessary to impose a condition to ensure that both the proposed outside parking space and the garage would be retained for car parking purposes.
 14. On that basis, and for the other reasons given, the development would not cause harm to highway safety. Consequently, it would comply with policies T6.1 of the London Plan and policy DM9 of the Core Strategy. Amongst other things, these policies seek to ensure that new development does not contribute to congestion or compromise highway safety, and to control the amount of parking provision.

Other Matters

15. The development would be very close to a flank wall of the house at number 180 Douglas Road. However, any implications that the development may have on the future maintenance of the side of this neighbouring property are private matters to be resolved between the relevant parties.

Conditions

16. The statutory condition which specifies the period for the implementation of the permission is imposed. For clarity, a plans condition is also added, which identifies the plans to which the permission relates.
17. To promote sustainable transport, a condition regarding bicycle storage is necessary. Landscaping and car parking conditions are also imposed. This is to protect both the character and appearance of the area and highway safety.
18. Waste and biodiversity conditions are also needed. This is to ensure that the development would; protect and where possible enhance the biodiversity value of the site; protect the character and appearance of the area; and prevent harm to the living conditions of the occupiers of nearby dwellings

Conclusion

19. For the reasons given above, and having regard to the development plan as a whole and any material considerations, this appeal should be allowed.

V Simpson

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos DR_P_050 Rev P04, DR_F_120 Rev P03, DR_F_400 Rev P01, DR_F_351 Rev P02, DR_F_350 Rev P02, DR_F_301 Rev P02, DR_F_300 Rev P03, DR_F_130 Rev P04, DR_F_100 Rev P05, DR_F_110 Rev P05, DR_P_200 Rev P04, DR_P_201 Rev P04 except in respect of the configuration of the rear garden areas; the internal door between a hallway and the garage; and the rear edge of the roof of the rear extension, all of which shall be carried out in accordance with the details shown on drawing nos DR_F_100 Rev P06 and DR_F_351 Rev P03.
- 3) Prior to the implementation of any above ground-level works, a proposed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of both hard and soft landscape works and an implementation and soft landscaping maintenance programme. The development shall subsequently be undertaken and thereafter maintained in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied until evidence that the development has achieved internal water usage rates of no greater than 105litres per person per day has been submitted to and approved in writing by the Local Planning Authority. Thereafter, any measures implemented to accord with this internal water usage rate shall be retained and maintained.
- 5) The development hereby permitted shall not be occupied until details of a scheme to protect and, where possible, enhance the biodiversity value of the site, and an associated implementation and maintenance schedule, have been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken and thereafter maintained in accordance with the approved details.
- 6) The development hereby permitted shall not be occupied until both the garage and the external vehicle parking space have been provided in accordance with drawing no DR_F_100 Rev P06. Thereafter these spaces shall be retained for the parking of vehicles only.
- 7) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. DR_F_100 Rev P06 for bicycles to be stored. Thereafter, these spaces shall be kept available for the storage of bicycles.
- 8) The development hereby permitted shall not be occupied until the refuse and recycling facilities shown on the approved plans have been provided. Thereafter these facilities shall be retained.

End of conditions.