



Appeal Decision

Site visit made on 11 March 2025

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2025

Appeal Ref: APP/Z5630/W/24/3351554

53 Kingston Hill & 1 Eden Mews, Kingston Upon Thames KT2 7FH

- 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 Suthagaran Panchlingam against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 24/01080/FUL.
 - The development proposed is the demolition of existing office building (1 Eden Mews) & storage space of (53 Kings Hill) and erection of new two bed dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing office building (1 Eden Mews) & storage space of (53 Kings Hill) and erection of new two bed dwelling at 1 Eden Mews & 53 Kingston Hill, Kingston Upon Thames, KT2 7FH, in accordance with the terms of the application ref 24/01080/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council has confirmed that an appropriately worded condition could be applied in respect of fire safety. I have no reason to take another view and proceed accordingly.
3. The main parties have had the opportunity to submit comments in respect of the Framework published in December 2024.

Main Issues

4. The main issues are the effect of the development on;
 - the character and appearance of the area, and the significance of the Liverpool Road Conservation Area;
 - highway safety; and
 - the condition of the users of nearby land and buildings, with particular regard to nuisance caused by refuse.

Reasons

Character and appearance

5. The appeal site is within a part of the Liverpool Road Conservation Area (the CA) that is largely built-up. In part, the significance of this CA stems from the presence of many mid-19th century, richly detailed detached and semi-detached houses of various designs within it. In this context, the low flat-roofed, and blandly detailed, single-storey office building which is proposed to be demolished, does not make a

positive contribution to either the historic or architectural significance of the CA. Moreover, and although not readily visible from nearby streets, from other nearby land and properties where it can be seen, this building reads as an unbalanced and unattractive addition to the rear of older parts of the building at number 53 Kingston Hill (number 53).

6. Due to its low height and tucked-away location, any views of the proposed development from nearby streets would be limited to glimpses. Moreover, and although the recessed first-floor and the proposed flat roofs would give the building a boxy appearance, its fairly low height and its simple and clean design detailing mean that it would not be incongruous or harmfully prominent when viewed from other nearby land and buildings. In addition, and despite neither its form nor the designs and sizes of its windows reflecting those more typically found nearby, the proposed dwelling would have a pleasing sense of balance, and it would be more attractive than the building it would replace.
7. A simple and unobtrusive timber refuse storage structure would be constructed on the appeal site. Half of which is proposed to serve the dwelling subject of this appeal. The structure would fully enclose the bins stored within it. Moreover, due to its reasonable size and proximity to the proposed dwelling, it would be sufficient to meet the ordinary refuse and recycling needs of future occupiers of this property, without harmfully cluttering the site.
8. Furthermore, and even if this structure would not be large enough to also accommodate the refuse from the entire building at number 53, a small benefit would result from the provision of enclosed storage for some of this refuse.
9. The development permitted under planning application ref 16/013202/ful included the provision of a refuse storage area on part of the site subject of this appeal. However, there was no requirement for this area to be provided before the first occupation of any of the houses then permitted, or that it be retained. Moreover, and although a snap-shot in time, I observed that bins and caddies serving these houses were neatly and tidily stored on the site, and I have no reason to doubt that this is ordinarily the case. The implementation of the appeal scheme would not prevent these bins from being similarly stored.
10. For the reasons given, the development would not cause harm to the character and appearance of the area, and it would preserve the significance of the Liverpool Road Conservation Area. Consequently, it would comply with policies HC1 and DC3 of the London Plan¹, and policies CS8, DM10 and DM12 of the Council's Core Strategy² (the Core Strategy). Collectively and amongst other things these policies seek to ensure that development incorporates principles of good design, and that it protects and where possible enhances of areas of historic interest.

Highway safety

11. To reduce congestion and to prevent associated harm to highway safety, policy DM9 of the Core Strategy indicates that the Council will restrict eligibility for on-street parking permits for residents of new developments located in controlled parking zones. Nevertheless, and even if the site is within a controlled parking zone, I observed that on-street parking on the sections of roads closest to the

¹ Mayor of London – The London Plan – The Spatial Development Strategy for Greater London – March 2021

² Royal Borough of Kingston Upon Thames – Local Development Framework – Core Strategy – adopted April 2012

appeal site is either prevented or heavily time-restricted, and that the nearest on-street resident permit parking was some distance from the site. As such, and due to the modest size of the proposed dwelling; the provision of one dedicated car parking space; and the good accessibility of local service and facilities by means other than private car, I am satisfied that the development would not materially increase pressure for on-street parking. Nor would it lead to an associated increase in congestion. As such there is no need for a mechanism that would prevent future occupiers of the dwelling from being eligible for an on-street parking permit.

12. Although London Plan policies T6 and T6.1 seek to limit the amount of new car parking provided, they do not seek to prevent it in all cases. Moreover, on the basis that the dwelling would have 2 bedrooms and it is in an Outer London location with a public transport accessibility level of 3, policy T6.1 and the associated table 10.3 indicate that the maximum parking provision that should be provided is up to 0.75 spaces per dwelling. Given that only one dwelling is proposed and car parking spaces can only be delivered in whole numbers, the single space that would be provided would accord with the standards set out in table 10.3 when rounded to the closest whole number.
13. Vehicle and pedestrian access to the proposed dwelling and its associated car parking space would be via a narrow shared private drive off Kingston Hill (the drive). This drive also provides access to the houses at 2-5 Eden Mews and to the existing office building on the site. Although the modestly sized office is currently vacant, I do not doubt that it could be brought back into use, and I proceed on the basis that the number of vehicle, cyclist, and pedestrian movements that could reasonably be expected from such use would be broadly comparable to that of the single 2-bedroom dwelling subject of this appeal.
14. In recent years there have been several highway incidents on the section of Kingston Hill close to the drive, which have involved vehicles and casualties. However, on the understanding that the recorded incidents were unrelated to the use of the drive, I am satisfied that the drive has, and would continue, to function without harm to highway safety.
15. Much of that section of the drive passing alongside number 53 is of insufficient width to enable cars or emergency vehicles to pass each other. Although this would continue to be the case following the implementation of the development, there would be enough space for most vehicles to pass each other from the point that the driveway widens to the front of the houses at numbers 2-5 Eden Mews.
16. Moreover, this drive is a no-through road serving a low number of properties. As such, the level of activity and movements on the drive are likely to be substantially less than on the nearby sections of Kingston Road which is an A-road with pavements and a dedicated cycle lane. Consequently, if drivers were to meet at a section of the drive where they could not pass, then it is reasonable to expect that the exiting driver would reverse the short distance to the passing area, to enable the entering driver to safely pass. It is therefore highly unlikely that vehicles would reverse out onto Kingston Road and cause associated harm to highway and pedestrian safety.
17. The section of drive adjacent to the proposed dwelling would be wide enough to enable pedestrians and cyclists to easily and conveniently pass oncoming

vehicles. As such, the development would not harmfully reduce the safety of existing or future pedestrians and cyclists using the drive.

18. For these reasons, the development would not cause harm to highway safety. Consequently, it would comply with policies T6 and T6.1 of the London Plan as well as CS7, DM8, and DM10 of the Core Strategy. Moreover, and although it would not fully accord with policy DM9 of the Core Strategy it would comply with its aims. Collectively and amongst other things these policies seek to ensure that new development does not contribute to congestion or compromise highway safety and that it promotes sustainable travel.

Conditions of users of nearby land and buildings

19. Suitable provision would be made for the enclosed storage of the refuse that would ordinarily be generated from the occupation of the proposed dwelling. As such, nuisance levels of pest infestation, odour, and waste dispersal are highly unlikely to occur.
20. Although the external storage of refuse bins and caddies associated with the 4 dwellings at 2-5 Eden Mews does not accord with all elements of Policy Guidance 22 of the Council's residential design SPD³, I saw no sign of waste spilling from or around these bins. Nor is there any compelling evidence that such occurrences are common. Consequently, the ongoing external storage of waste from 2-5 Eden Mews on the appeal site would not cause harm to the users of nearby land and buildings.
21. For these reasons the development would not cause harm to the conditions of users of nearby land or buildings with particular regard to nuisance caused by refuse. Consequently, it would comply with policy DM10 of the Core Strategy. Amongst other things, this requires development to have regard to the amenities of neighbours with particular regard to disturbance, and to make adequate provision for waste facilities.

Other Matters

22. The application was submitted after the expiry of the small sites exemption for the mandatory biodiversity net gain (BNG) condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 - as amended). However, given that the whole of the appeal site comprises developed land with a sealed surface, the Government's planning practice guidance on BNG indicates that it would have a biodiversity value of zero under the statutory metric. That being the case, and given the size of the site, the development would be exempt from the mandatory requirement for BNG.
23. Any disputes in respect of property and access rights are private matters to be resolved between the relevant parties.

Conditions

24. The statutory condition which specifies the period for the implementation of the permission is imposed. For clarity, a plans condition is also added, identifying the plans to which the permission relates.

³ Royal Borough of Kingston Upon Thames – Local Development Framework – Residential Design SPD – Adopted July 2013 – amended November 2013

25. To promote sustainable transport, a condition regarding bicycle storage is necessary. Landscaping, construction management, water, waste, equipment, and car parking conditions are also imposed. These are variously needed to protect the character and appearance of the area and highway safety; to prevent harm to the conditions of users of nearby land and buildings; to encourage sustainable travel and, to ensure water resource efficiency.
26. The construction management condition is required to be a pre-commencement condition, to ensure that early-stage demolition and site clearance works do not cause harm to the conditions of users of nearby land of buildings or highway safety.
27. To ensure the safety of both future occupiers of the dwelling and users of nearby land and buildings, with particular regard to fire, a condition is needed requiring the production and implementation of a suitable fire safety strategy.
28. There is no need for a condition related to external lighting to protect the living conditions of the occupiers of nearby dwellings. This is because an abatement notice could be served by the Council if such lighting was to amount to a statutory nuisance.
29. It has not been demonstrated that there is a need for conditions that remove permitted development rights for all enlargements to the dwelling. However, to protect the living conditions of the users of nearby land, with particular regard to privacy, a condition is needed restricting the type of windows that may be formed at first-floor level.

Conclusion

30. 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. 2248/237 PC-01, 2248/237 PC-02, 2248/237 PC-03, 2248/237 PC-04, 2248/237 PC-05, 2248/237 PC-06, and 2248/237 PC-07.

- 3) No development shall take place, including any works of demolition, until a construction method statement has been submitted to, and approved in writing by the local planning authority. The statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. wheel washing facilities;
 - v. measures to control the emission of dust and dirt during construction;
 - vi. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii. delivery, demolition and construction working hours.
 - b. The demolition and construction works shall subsequently be undertaken in accordance with the approved details.
- 4) No construction works above foundation level shall take place until samples and/or details of all proposed external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be carried out in accordance with the approved samples and/or details.
- 5) No construction works above foundation level shall take place until a proposed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include implementation and maintenance programmes. The development shall subsequently be carried out and thereafter maintained in accordance with the approved details.
- 6) No construction works above foundation level shall take place until a fire safety strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with the approved strategy. Thereafter, any fire safety measures implemented in accordance with this strategy shall be retained and maintained.
- 7) 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.
- 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 for refuse storage purposes only.
- 9) The development hereby permitted shall not be occupied until the cycle storage facility shown on drawing nos. 2248/237 PC-07 and 2248/237 PC-03 has been provided. Thereafter, this facility shall be retained for bicycle storage purposes only.
- 10) The development hereby permitted shall not be occupied until the vehicle parking space identified as *“car park for 1 Eden Mews with EV charger”* on

drawing no 2248/237 – PC07 has been provided. Thereafter this space shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling or their visitors.

- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows at first-floor level other than those expressly authorised by this permission shall be constructed, unless they are (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
- 12) No fixed plant and equipment associated with air moving equipment; compressors; generators, or similar equipment, shall be installed prior to details of which - including acoustic specifications and a maintenance programme, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the installation and maintenance of this equipment shall be undertaken in accordance with the approved details.
- 13) The flat roofs of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

End of conditions.