



Appeal Decision

Site visit made on 1 August 2025

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/Z5630/W/25/3365256

296 Ewell Road, Surbiton, Kingston Upon Thames KT6 7AQ

- 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 Mrs Hinda Pesach against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref is 25/00442/FUL.
 - The development proposed is alterations to the shop front and addition of a separate door.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to the shop front and addition of a separate door at 296 Ewell Road, Surbiton, Kingston Upon Thames KT6 7AQ in accordance with the terms of the application, Ref 25/00442/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: (i) Location Plan, (ii) Existing and Proposed Plans / Elevations Dwg No. ER.296.EX.PR.01 Rev B, (iii) Existing and Proposed Street Scene Dwg No. ER.296.EX.PR.SS Rev B, and (iv) Door Details Dwg No. ER.296.PR.DD Rev A.
 - 3) The external facing materials used in the development hereby permitted shall match those of the existing building (s) unless otherwise agreed by the local planning authority.

Preliminary Matter

2. In the header above I have used the description of development set out on the Council's decision notice as it more accurately reflects the proposal before me.
3. The appellant in their submissions has provided two alternative options for the location of the proposed door within the frontage to the one the council made their decision on. I have had regard to the 'Wheatcroft' principles including whether the proposed amendments would materially alter the nature of the application and whether anyone who should have been consulted on the changed development would be deprived of that opportunity.

4. I have decided they would not, as the key concern in this appeal is more the principle of whether adding a new door into the shopfront would have an adverse impact on the vitality and viability of the shopping frontage rather than its positioning. The Council has also reviewed both options and confirmed that if the appeal were to be allowed, either of the alternative options would be more favourable to them than the one originally submitted. I, therefore, accept the additional plans for consideration in this appeal.

Main Issue

5. The main issue is the effect of the proposed development on the vitality and viability of the Ewell Road South Local Centre.

Reasons

6. The appeal property is a ground floor commercial unit located in the Ewell Road South Local Centre as designated in the Kingston Core Strategy 2012 (CS). It forms part of a terrace of properties with commercial uses at ground floor. A feature of the terrace where the appeal site is located are solid doors of similar designs that mostly provide direct access from the street into ground floor commercial units.
7. Based on the information provided, I am aware that a separate prior approval for converting the upper floors to residential use has caused the commercial unit to be reduced in size to accommodate a hallway with shared access to the upper floors and a bin store. Whilst these changes retained access to the remaining commercial ground floor unit, it is not from a recessed position in the hallway as opposed to being directly from the street. I observed on my site inspection that these works have been completed.
8. This is an arrangement at odds with the prevailing access arrangements to most other commercial properties along the immediate commercial frontage in the local centre. Virtually all other ground floor units are served by their own dedicated and separate front doors leading from the street into the commercial space. The appeal proposal would reinstate this for the ground floor commercial unit, which I find would likely be more effective for encouraging footfall into the premises than for customers having to go down and through the hallway that is currently shared with the residential use above.
9. Moreover, as I observed on my site inspection the appeal site has already been somewhat compromised by the installation of a bin store in the hallway to serve the upstairs residential use that encroaches into the commercial floorspace. By not allowing the unit to have street frontage access the same as virtually all other commercial units would in my view further compromise the commercial attractiveness of the unit to the detriment of the vitality and viability of the local centre.
10. I acknowledge that there would be a reduction in active commercial window frontage by installing a solid wood door. However, there is no evidence before me that confirms this would have a harmful impact on the commercial attractiveness of the unit. I also observed on my site inspection that there are various different sizes of shopfronts along Ewell Road. This includes occupied units with window frontages of a similar size to that proposed. As I have set out, I am of the view that the appeal proposal would be a preferable commercial arrangement for a prospective occupier than what exists today where access to the unit is through a

shared hallway with the upstairs residential use. The proposed solid door would also match those properties in the terrace where the appeal site is located and is an appropriate approach in terms of the character of the area.

11. After reviewing the options for where the door could be located, I find that Revision B, which places the door at the opposite end of the unit from the existing entrance, is best. This location allows direct access to the main commercial area, keeps it away from the bin store, and provides an uninterrupted window display.
12. In conclusion and for the reasons stated, the appeal proposal would help enhance the vitality and viability of the commercial unit and correspondingly the Ewell Road South Local Centre. The design of the door is also appropriate for its location. The proposal, therefore, accords with Policy D3 of the London Plan 2021 and Policies DM10 and T1 of the CS, which require development to incorporate the principles of good design and seek to strengthen the vitality and viability of district centres.

Conditions

13. The Council has suggested several conditions, which I have considered having regard to paragraph 57 of the Framework and Planning Practice Guidance.
14. For reasons of clarity, conditions are necessary to impose the standard time limit for implementation and to ensure the appeal scheme is erected in accordance with the approved drawings. This includes listing the plan with the door location that I have found to be the best option from the three before me as discussed earlier in this decision.
15. I also agree with the Council that a condition is necessary to ensure the external materials should match those of the host property to maintain the character of the area.

Other matters

16. I note an objection was submitted questioning whether the proposal was a precursor to residential use. I can only assess what is in front of me and proposals for any future uses at the site will be considered afresh at that point as opposed to being a matter for me to consider in this appeal. Issues with construction were also raised but these are matters for building regulations as opposed to being determinative for this appeal.

Conclusion

17. For the reasons given above and considering all matters raised, I conclude that the development accords with the development plan and the appeal is allowed.

N Perrins

INSPECTOR