



Appeal Decision

Site visit made on 3 November 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

Appeal Ref: APP/Z5630/W/25/3371236

Windsong, Coombe Hill Road, Kingston Upon Thames KT2 7DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr Feroz Kassam against the decision of the Council of the Royal Borough of Kingston Upon Thames.
- The application ref 24/01774/CLC sought approval of details pursuant to condition nos 5, 7 and 8 of planning permission ref 22/00958/FUL, granted on 9 February 2023.
- The application was refused by notice dated 4 July 2025.
- The development is "application under Section 73 of the Town and Country Planning Act 1990 to carry out development without compliance with condition 1 (approved plans) of previous planning application 19/02663/FUL (Demolition of existing dwelling and erection of two and half storey five bedroom detached house with accommodation in the roofspace and integral double garage) to allow new rear pergola, new/relocated rooflights, hip to gable to the rear and alterations to fenestration, porch, overall height of building and materials and internal layout."
- The details for which approval is sought relates to condition nos 5, 7 and 8 which are set out as follows:

Condition 5: Prior to the beneficial occupation of the development hereby approved, a detailed landscaping scheme (to include details of Cherry Laurel hedge planting along the shared boundary with Anna House) shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be implemented within the next planting season. The tree planting and landscaping shall thereafter be maintained for a period of five years to the satisfaction of the Local Planning Authority.

Any trees or shrubs which die, are removed or become diseased during this period shall be replaced during the following planting season, and the areas shown to be landscaped shall be permanently retained for that purpose. Alterations to the landscaping scheme must be agreed in writing by the local planning authority.

Condition 7: Cycle parking facilities shall be provided prior to the occupation of the development hereby permitted in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to that date, such facilities to be permanently retained at the site.

Condition 8: Refuse storage facilities and recycling facilities shall be provided prior to the occupation of the development hereby permitted in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to that date, such facilities to be permanently retained at the site. The developer and/or their successors in title shall take all reasonable steps to ensure that all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area as shown on the approved plans, or internally within the building(s) that form part of the application site, and that no refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.

- The reason given for the conditions are:

Condition 5: To ensure a satisfactory appearance on completion of the development and to soften the appearance of the proposed development and minimise perceived overlooking from the application site to neighbouring Anna House, in accordance with policies CS8 and DM10 of the LDF Core Strategy 2012.

Condition 7: To ensure the provision of cycle parking facilities to the satisfaction of the Council and to ensure that appropriate opportunities to promote sustainable transport are taken up.

Condition 8: To ensure the provision of refuse facilities to the satisfaction of the Council, to ensure that the development would have an acceptable appearance, and to ensure acceptable living conditions for current and future occupiers of the development.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Feroz Kassam against the Council of the Royal Borough of Kingston Upon Thames. This application is the subject of a separate decision.

Background and Main Issue

3. The application was made to discharge three conditions attached to planning permission ref 22/00958/FUL relating to landscaping (condition 5), cycle parking (condition 7) and refuse and recycling (condition 8). The Council has confirmed in its evidence that the details submitted for condition nos 7 and 8 are considered acceptable, and it is clear its refusal of the condition discharge application was on the basis of the information submitted in relation to condition no 5 only. On this basis, my decision will focus on condition no 5, the details of which are set out in the banner heading above.
4. The appeal is made against the refusal to discharge the condition, rather than against the condition itself. Therefore, it is outside the scope of the appeal to reconsider the merits of the planning permission and its conditions.
5. Therefore, the main issue is whether the submitted details are sufficient to discharge condition no 5 of planning permission of 22/00958/FUL.

Reasons

6. Condition no 5 requires that a landscaping scheme is approved prior to occupation of the approved dwelling. The condition specifies the landscaping scheme is to include details of Cherry Laurel hedge planting along the shared boundary with the adjacent neighbour, Anna House. However, the appeal landscaping scheme instead proposes Thuja trees along this boundary. Given the proposed landscaping scheme does not include Cherry Laurel hedging along this boundary, the submitted details do not meet the express requirements of the condition.
7. If I was to allow such flexibility in accepting Thuja trees instead of Cherry Laurel hedge against the terms of the condition, this would essentially vary the condition and require me to reconsider the merits of the planning permission and its conditions of which there is separate legislation and application processes to do so. Due to this fundamental failure of the landscaping scheme to meet the requirements of the condition, I have no other option than to conclude that the

information is insufficient to discharge condition no 5 of planning permission ref 22/00958/FUL.

Other Matters

8. The appeal site is located within the Coombe Hill Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. However, as described above, owing to the fundamental failure of the proposed landscaping scheme to meet the requirements of condition no 5, the appeal fails on this ground, and I cannot undertake an assessment of the proposed landscaping on the CA as this would be revisiting the merits of the planning permission and condition.
9. I understand that positive pre-application discussions were had between the appellant and Tree and Landscape Officer of the Council relating to the landscaping scheme. However, pre-application discussions are informal and not binding on any future decision the Council may make once an application has been subject to formal processes.

Conclusion

10. For the reasons given above the appeal should be dismissed.

C Housden

INSPECTOR