



Appeal Decision

Site visit made on 4 November 2025

by **E Everitt BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/Z5630/W/25/3371205

106 Kings Road, Kingston Upon Thames KT2 5HT

- 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 Lady Gillian Beau-Wright against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 25/00568/FUL.
 - The development proposed is alterations to existing 5-bedroom HMO, including construction of ancillary outbuilding to create a 6-bedroom/occupant HMO.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed outbuilding would provide acceptable living conditions for future occupiers, with regard to the layout and relationship with the main house; and
 - the effect of the proposed outbuilding on the living conditions of the occupiers of 104 and 108 Kings Road and 93a, 95 and 97 Richmond Park Road, with particular reference to noise.

Reasons

Living conditions of future occupiers

3. The appeal property comprises a 5 bedroom House in Multiple Occupation (HMO). The proposal is for an additional bedroom within a new structure, described by the appellant as an outbuilding. The outbuilding would comprise a bedroom and en-suite shower facilities. Kitchen and lounge facilities for the occupier would be provided within the existing property.
4. The appellant contends that the communal facilities would only be a short walk from the proposed outbuilding, and that accessing them would be no more inconvenient than moving between rooms on separate floors in a large dwelling. Whilst I acknowledge that the route would be direct, level and fully within the curtilage of the property, accessing the communal facilities would necessitate travelling outdoors. As a result, accessing communal facilities is not likely to be convenient for future occupiers at all times, for example in adverse weather conditions, low temperatures or at night.

5. The appellant asserts that the proposed development could be supported by paving, outdoor lighting or a canopy to enable comfortable use in all weather conditions. However, none of the above are included within the proposal before me. In any case, such measures would not be sufficient to ensure acceptable living conditions at all times.
6. I acknowledge that the proposed outbuilding is relatively modest, the bedroom exceeds the minimum required floorspace and its design would allow for sufficient floor-to-ceiling height, natural light and ventilation. In addition, its separation from the existing property could provide future occupiers with a more private environment. Nonetheless, these factors would not outweigh the harm to the living conditions of future occupiers identified above.
7. For the reasons given above, I conclude that the proposed outbuilding would not provide acceptable living conditions for future occupiers, with regard to the layout and relationship with the main house. Therefore, the appeal proposal is contrary to the relevant provisions of Policies DM10 and DM13 of the Royal Borough of Kingston Upon Thames Local Development Framework Core Strategy 2012 (Core Strategy) and Policy D6 of the London Plan 2021. Amongst other things, these policies seek development which provides comfortable and functional layouts which are fit for purpose and has regard to the amenities of occupants.

Living conditions of neighbouring occupiers

8. The proposed outbuilding is intended to provide additional primary living accommodation. In this respect, it would be notably different from a domestic outbuilding or use incidental to the main house. Consequently, it would be likely to have more prolonged periods of occupation, with a commensurate amount of comings and goings between it and the main property. This would particularly be so because the occupier would need to access the main house frequently owing to the location of the kitchen and other communal facilities.
9. Therefore, the level of activity generated by the configuration of the proposed outbuilding and main house would be over and above that generally expected in a residential garden. Such frequent activity would give rise to some noise and disturbance. Given the proximity of neighbouring dwellings and gardens, this would be likely to adversely affect the living conditions of immediate neighbours through noise and disturbance.
10. However, the impact on the living conditions of the occupiers of neighbouring properties would differ taking into account physical proximity to the entrance to the proposed outbuilding and the screening which would be provided by the outbuilding itself. In this regard, I do not consider that the living conditions of occupiers of 93a, 95 and 97 Richmond Park Road would be likely to be harmed by the proposed development.
11. The appellant suggests within their submission that existing boundary treatments would provide a degree of screening. I observed on site that there are existing fences along the boundaries of the site. I acknowledge that these would provide some visual screening. Nevertheless, they are not likely to mitigate all noise. As such, they would not overcome the harm caused to living conditions for the occupiers of 104 and 108 Kings Road.

12. My attention is drawn to comparative improvements made as part of the appeal proposal relative to a previous planning application made at the property. However, that previous scheme was refused permission. As such, this factor does not address or surmount the harm that I have identified in relation to the scheme before me.
13. For these reasons, I conclude that the proposed outbuilding would have a harmful effect on the living conditions of the occupiers of 104 and 108 Kings Road, with particular reference to noise. As such, the proposal does not comply with the relevant provisions of Policy DM10 of the Core Strategy and Policy D3 of the London Plan 2021. These policies seek, amongst other matters, development to have regard to the amenities of neighbours, including in terms of noise and disturbance, and deliver appropriate outlook, privacy and amenity.
14. Refusal reason 2 on the Council's decision notice also refers to Policy CS8 of the Core Strategy. However, this policy relates to matters of character, design and heritage which are not matters in dispute between the parties. Accordingly, I find no conflict with Policy CS8 in relation to this main issue.

Other Matters

15. The appellant has provided two appeal decisions for cases which they suggest support the case for the appeal proposal¹. I do not have full details of the cases before me. However, as the appellant acknowledges, the cases were not located within the Royal Borough of Kingston upon Thames and were, therefore, assessed in a different development plan policy context. In addition, they relate to different proposals, on different sites in different locations. They are, therefore, not directly comparable to the appeal proposal. In any event, each case must be assessed on its own individual circumstances. In this regard, these cases do not lead me to an alternative conclusion on the main issues.

Planning Balance and Conclusion

16. The appeal proposal would not provide acceptable living conditions for future occupiers and would harm the living conditions of neighbouring occupiers. As such, the proposal would conflict with the development plan as a whole.
17. However, the delivery of housing over the past three years has been substantially below the housing requirement. In addition, the Council is currently unable to demonstrate a 5 year housing land supply, with supply currently standing at 1.48 years which represents a serious shortfall. The parties agree that in these circumstances, footnote 8 of the Framework means paragraph 11d) of the Framework is engaged.
18. Paragraph 11d) states that planning permission should be granted unless i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

¹ APP/K0425/W/22/3303327 and APP/F5540/D/25/3364860

19. There are no policies in the Framework relevant to the appeal site which protect areas or assets of particular importance, and which provide a strong reason for refusal. Therefore, the balance in paragraph 11d)ii of the Framework applies.
20. The proposal would make a positive contribution towards housing supply in an area where there is a serious shortfall. By providing an additional bedroom, it would make more efficient use of previously development land, support for which is found in the Framework. There would be associated economic benefits during the construction and arising from an additional occupant. In addition, internal alterations to the layout of the main house would enhance the quality of the existing accommodation for existing occupants. I give significant favourable weight to these cumulative benefits, albeit that the modest scale and nature of the development means that they would be limited in extent.
21. Balanced against this are key policies in the Framework. Paragraph 129 supports the efficient use of land but this is qualified, and account must be taken of the importance of securing well-designed, attractive and healthy places. Moreover, paragraph 135 stipulates that planning decisions should ensure that development create places with a high standard of amenity for existing and future users. For the reasons set out in relation to the main issues, I find that the proposal would fall short of these expectations of the Framework.
22. Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
23. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. There are no material considerations, including the provisions of the Framework, which would justify determining the proposal other than in accordance with the development plan. Therefore, the appeal should be dismissed.

E Everitt
INSPECTOR