



Appeal Decision

Hearing held on 14 and 15 October 2025

Site visit made on 16 October 2025

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/Z5630/W/25/3365829

Site of 24-28 Cowleaze Road, Kingston Upon Thames KT2 6DZ

- 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 Impey of CoCity Development Ltd against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref is 24/00597/FUL.
 - The development proposed is described as 'erection of a six storey building comprising 20 residential units'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Unilateral Undertaking was submitted during the course of the appeal, dated 10 October 2025. This has been taken into account in the determination of the appeal.

Main Issues

3. During the course of the appeal the main parties have reached agreement on several matters contained within the reasons for refusal. These include net-zero carbon offsetting, biodiversity net gain, playspace, effects on parking demand and units for wheelchair users. The main parties also agree a position in respect of Urban Greening. As these matters are not in dispute I have not dealt with them as main issues of the appeal.
4. Accordingly, the main issues are:
 - Effects of the proposal on the Canbury Locally Significant Industrial Site;
 - Whether the proposal would deliver an appropriate contribution to affordable housing;
 - Effects on the character and appearance of the area;
 - Effects on the Key View from Thatched House Lodge to Guildhall;
 - Whether the proposal would provide acceptable living conditions for future occupants;

- Effects of the proposal on the living conditions of the occupants of neighbouring properties, with particular regard to the privacy and outlook of occupants at 17- 23 Cowleaze Road and the flats within 40 Cowleaze Road;
- Whether the proposal would provide an appropriate mix of unit sizes, and;
- Whether the development would prejudice the development of neighbouring sites.

Reasons

Effects on the Industrial Site

5. The appeal site lies within the Canbury Park Locally Significant Industrial Site (LSIS) as designated by the Council's Core Strategy 2012 (the CS). Policy DM17 of the CS states the Council will protect all employment land and premises in broad locations including industrial areas, which include the Canbury Park LSIS. The Policy states that LSISs, along with the Borough's Strategic Industrial Locations, form the main supply of industrial/business land and will be protected for B1, B2 and B8 uses and other uses of an industrial and employment nature. The London Plan 2021 (the LP) takes a narrower view of the function of LSISs, referring to them as being important for industrial and related functions.
6. The appellant's Employment and Economic Impact Statement (the EEIS) sets out that the appeal site formerly comprised a light industrial use with ancillary office floorspace. While the site is currently empty and providing no employment or industrial purpose, it is the appellant's case that the site was cleared in connection with the implementation of the 2016 planning permission¹ which included approximately 940sqm² of office space alongside residential units. The site therefore previously made a contribution to the function of the LSIS and would have maintained some contribution through the employment use of the 2016 permission. For these reasons I do not find the 2016 permission or the site's current condition dilutes its contribution to the LSIS, since the CS policy protects both land and uses and are not limited to industrial uses. The EEIS also considers the number of people working from the proposed development as home workers could match or exceed the number employed within the former industrial unit, but there is no certainty that this would be the case.
7. Policy DM17 gives provision for alternative uses to be accepted within these designated areas, where it is demonstrated by sound evidence and rigorous marketing over a number of years that there is no quantitative or qualitative need for a range of employment uses.
8. Evidence of marketing has been submitted, being undertaken from 2020 to March 2023, where the site was advertised as being an empty plot, but with the benefit of the 2016 planning permission and highlighting the opportunity to revisit planning and increase the residential units. The marketing literature lacks important details, for example surrounding the timing for the delivery of the office floorspace and when it might be available, the quality it might be finished to and details of the rates or cost at which it was being advertised. I heard that these details, as well as details of lease terms, did accompany the marketing efforts. However, supporting

¹ 15/10313/FUL- approved 29.11.2016

² Based on figures in the appellant's marketing literature

evidence of this has not been provided. Overall, it cannot be established that the marketing was sound or rigorous, as required by Policy DM17.

9. The marketing was directed towards a range of employment uses including those beyond the remit of the 2016 permission, including healthcare and childcare services, and supermarkets. Given the scope of the 2016 permission these would likely necessitate a new planning permission in any event, giving additional uncertainty to the timescales surrounding its delivery. It is not surprising, therefore, that a positive response did not follow. While I appreciate the appellant's position, and that the marketing needed to relate to space which does not currently exist, it remains that the marketing does not sufficiently demonstrate that there is no need for an employment use here.
10. Problems were identified as a result of the site's characteristics, including the absence of car parking and loading areas, together with the site's distance from Kingston town centre. While these would be likely to deter some particular occupiers, including the referenced arts charity, it is not apparent that these factors would prevent the use of the site for any employment use, including the consented offices.
11. The appellant has also submitted an EEIS, which considers the market context and the availability of alternative spaces for office and industrial uses in the area, and which considers there to be a local oversupply which in turn contributes to the lack of market interest in the appeal site. It reports trends at the time and circumstances arising from the economic uncertainties and reduced business confidence surrounding the implications of Brexit and Covid-19. It also sets out a significant number of alternative office and industrial premises on the market near the site. While I have no strong reason to doubt this information, it represents a snapshot in time when the report was written and refers to economic statements at that time rather than reflecting potential longer term trends. While the number of alternative premises is significant, it is not demonstrated that those premises are comparable to the office space which could be delivered on the appeal site, or that they represent reasonable alternatives for potential occupiers.
12. The EEIS considers the potential scenarios set out in the Council's Employment Land Review (ELR) which were used to inform future requirements for employment space up to 2041. The EEIS adopts an average of the requirements arising from all the scenarios, giving a negative requirement figure overall. This arises largely from the inclusion of one scenario based on past development rates which indicated a downward trend for offices among other uses between 2010 and 2019. However, based on what I have seen and heard, I am not satisfied that adopting an average from those scenarios is a reasonable approach, nor is there evidence to suggest this represents a likely future trend in itself. The ELR considers a longer term view together with qualitative factors which informed its recommendations for future office and industrial requirements. The EEIS, by comparison, contains a largely quantitative assessment, drawing primarily on negative quotes from the ELR in reaching its conclusions, without the same considerations informing its assessment. As such I am not satisfied that it represents a reasonable view on expected future growth.
13. The evidence of both main parties accepts there are inherent uncertainties surrounding future growth scenarios and the need for employment space in the future. However, given the concerns above in combination, it has not been robustly

demonstrated that there is a lack of current or future requirement for employment space at the appeal site.

14. Policy E7 of the LP includes provisions to support delivery of residential and other such uses in LSISs, as part of a plan-led process of intensification and consolidation, which would not be the case here. However, I accept that policy refers to specific classes of industrial use which no longer exist on the site and do not form part of the scheme which the demolition intended to implement. The Council have not identified conflict with LP Policy E4, which relates to those same industrial uses. Overall, I do not consider the proposal to conflict with those policies. Neither do I find conflict with LP Policy E6, since it sets out actions for development plans on these matters.
15. Nonetheless, the proposal would result in the loss of land designated for employment uses and the provisions set out in the relevant policies which allow for alternative uses have not been met. The proposal would conflict with CS policy DM17 summarised above which relates specifically to land uses in the LSIS, as well as policy CS11 of the CS insofar as it requires land to be available for both industrial and office based employment. In turn the proposal would also conflict with LP Policy E2, which supports development plan policies for provision of B use class business space.

Affordable Housing

16. Policy DM15 of the CS states that the delivery of affordable housing is a key priority and the Council will seek to maximise its provision. Part c) of the policy sets out proposals of this size should provide the maximum reasonable amount of affordable housing, subject to viability considerations. Accordingly, the appellant has provided viability evidence which alleges that the scheme cannot make a contribution. I have focused on the main areas of dispute between the main parties, which relate to the Benchmark Land Value and Gross Development Value.
17. The appellant has adopted an Existing Use Value informed by MHCLG land value estimates for residential land, including a reduction to reflect the lack of planning permission. Even if I were to accept a residential land value to be appropriate here given the 2016 planning permission, the use of the MHCLG would not adhere to the Affordable Housing and Viability Supplementary Planning Guidance 2017 (the AHVSPD) or Planning Practice Guidance (PPG). These state that in all cases land or site value should reflect Development Plan Policies including those relating to affordable housing, planning obligations and CIL. Neither is there substantive evidence to support the extent of the discount applied.
18. If the 2016 permission were used instead to inform an Alternative Use Value, the submission lacks sufficient evidence of market demand and costs plan to reflect the particulars of that scheme including its basement. As such, the value of that alternative, incorporating current day costs and values, as required by the AHVSPD, has not been demonstrated.
19. Even where the Council's notional Benchmark Land Value has been accepted by the appellant, there remains significant differences between the main parties surrounding the Gross Development Value, derived in this case from the sales values of the proposed units. The AHVSPD states assumptions should be justified

with reference to up-to-date transactions and market evidence relating to comparable new build properties within a reasonable distance of the site.

20. The appellants initial sales values for the proposal were informed by discussions with Land and New Homes agents and the appellant refers to an absence of reasonable comparative developments. In rebuttal, the Council refer to two other new developments in Kingston which are far larger schemes and include on site services and facilities including concierge and gym facilities which would not form part of this proposal. Accordingly, the Council accept they are not directly comparable in these respects. However, even accounting for these differences, the sales values of those other schemes remain significantly higher than put forward by the appellant and cast doubt over the much lower sales values put forward for the appeal scheme.
21. The appellant's blended value for the appeal scheme is comparable to that at 40 Cowleaze Road. Both main parties accept, however, that the units at 40 Cowleaze Road were sold at discounts and to those meeting certain earnings eligibility criteria. The similarity to the blended values of the appeal scheme therefore adds to my concerns.
22. Proposed Flat 20, being the only unit on the top floor of the proposed development, was also valued significantly below the other units in terms of its value per square foot. This is the largest of the proposed units with generous room sizes, multiple private balconies and likely good views over the surrounding area. While it is agreed there are not nearby comparables for this unit, neither has the comparatively low value per square foot been substantiated.
23. The appellant's red book valuation generated a blended value even further below those originally put forward based on advice from agents and much lower than any potential comparable, including those sold at discounts. I have not been provided with any strong reason to doubt the inputs into the red book valuation, other than the heavy conflict of its findings with evidence of higher sales values in Kingston. Although lacking detail, the Council refer to older properties in the area currently being marketed at similar, or higher, rates.
24. Overall, the difference in GDV between the main parties here is significant and results in very different outcomes in terms of the maximum reasonable amount of affordable housing which the scheme could deliver. I have had regard to the evidence on other relevant factors, including the end of the Help to Buy scheme and current trends in property values. However, it is not apparent that these alone would account for the appellant's values. Together, the above factors amount to significant uncertainty surrounding the Gross Development Value.
25. As a consequence it cannot be established with sufficient certainty that the maximum reasonable amount of affordable housing which the scheme could deliver would be zero. Accordingly, the development would not comply with policies DM15 and CS10 of the CS, nor policies H4 and H5 of the LP which together seek to maximise delivery of affordable housing.

Character and Appearance

26. Policy D9 of the LP defines tall buildings as those not less than 6 storeys or 18 metres measured from the ground to the floor level of the uppermost storey. Based on the drawings before me, the floor level of the roof level accesses would just exceed 18m. However, having regard to the particular characteristics of the roof level here and the supporting text to Policy D9, which distinguishes between upper floors and roof-top mechanical equipment and amenity space, I have not considered the roof level here to constitute a storey. Therefore the proposal would not constitute a tall building by definition and it is not necessary to assess the proposal in light of those policies or guidance relevant to tall buildings.
27. As acknowledged by the LP, however, this does not mean that all buildings up to this height are automatically acceptable. Building heights surrounding the appeal site vary considerably and include 40 Cowleaze Road which reads as four storeys at its Elm Crescent frontage, but includes a set back fifth storey behind. Taller buildings are apparent on Richmond Road and beyond to the southwest around Kingston town centre, and the area surrounding the appeal site forms part of an area of transition between the town centre and the more traditional two storey housing typologies which extend to the north and east.
28. The overall height of the development would rise significantly above the height of any nearby building. While the set backs of the upper-most floors would reduce the high level massing, the appellant's townscape analysis demonstrates the overall height of the building would remain in heavy contrast with its context and appear visually prominent. The treatment of the upper floors, where the building form becomes more varied and complex, would draw the eye to the upper levels and further accentuate its conflict with the surrounding building heights. These effects would be apparent in localised views, as evidenced by the appellant, as well as potentially medium range views from the east and north, above lower buildings.
29. Turning to the form of the building, the majority of buildings within the immediate area have regular shaped footprints and include modest set backs from the street. Although the appearance of buildings in the area vary significantly, these are heavily consistent features of the townscape surrounding the appeal site. In many cases this set-back is limited in depth, but allows some planting and open space at the footpath edge. This is apparent, for example, in front of the car park to the west, around 40 Cowleaze Road as well as to the sides of the commercial buildings to the south of the site and around Sigrist Square. In combination they contribute to feelings of spaciousness and, together with the generally lower building heights, these features provide local distinctiveness and help to distinguish the area from the more dense pattern of development and street-edge frontages around the town centre and Richmond Road to the west. The proposed building's stepped elevations and heavily staggered building lines peppered with varied balconies, together with its proximity to the footpath edge, would be in stark contrast with this established local character. The proposed ground floor amenity spaces would provide buffers between the building and the footpath in parts, but these would be irregularly shaped and hard surfaced, thereby not integrating with the pattern of development in the area.
30. In summary, the combination of the height, form and design of the building would result in a development heavily at odds with the surrounding built environment and would cause harm to the character and appearance of the area. The proposal would conflict with policies D3 and D4 of the LP and policies CS8, DM10 and DM11 of the CS which together require good design which responds to a site's

context and character. There would also be conflict with the Residential Design SPD 2013 which similarly emphasises the importance of site context in ensuring good design.

Key View

31. The appeal site lies within a key view between Thatched House Lodge in Richmond Park and Guildhall in Kingston. The Council consider the view to constitute a non-designated heritage asset (NDHA) as an important part of the way in which the heritage assets of Kingston are experienced. This is not disputed by the appellant and I have no strong reason to reach a different view.
32. The appellant's Design and Access Statement includes a photograph of this view taken at a time of full foliage on the trees within Richmond Park, which obscure much of the view of Kingston. This is unlikely to be the case throughout the year when more of Kingston would be visible. The photograph does not identify Guildhall and the highlighted Admiralty House is some distance further north. Importantly, the evidence highlights only the approximate location of the appeal site and does not suggest the extent to which the upper floors of the proposed development might be visible or what effect that may have on the significance of the view. The associated model does not provide assurances but highlights the height of the proposal relative to its context.
33. The previous scheme was lower in height and, in the absence of evidence relating to the effects of that scheme on the view, it cannot be concluded that this provides a justification for the effects of the appeal scheme. As a consequence of the combination of these factors there is not sufficient evidence to assess the effect of the development on that view and harm to the NDHA cannot be ruled out. In respect of this main issue the proposal would conflict with Policy HC1 of the LP and Policy DM12 of the CS relating to heritage conservation. I return to this matter, and the balancing exercise required by the Framework, below.

Living Conditions of Future Occupants

34. Six of the 20 units proposed would be single aspect. Policy D6 of the LP requires housing development to maximise dual aspect dwellings and normally avoid the provision of single aspect dwellings. It states they should only be provided in certain circumstances relating to design-led approach and optimising site capacity and where it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.
35. I appreciate that constraints of the site, including its size and position and need for the central core, has given rise to challenges in respect of unit layout. However, it has not been demonstrated that the single aspect units are more appropriate than dual aspect units in light of part B of Policy D3 of the LP, as required by Policy D6. Furthermore, the affected units have narrow, relatively deep floorplates and it has not been demonstrated that those units would have adequate passive ventilation and avoid overheating. The appellant's Energy Statement refers to use of passive ventilation, as well as mechanical, but does not address how passive ventilation would be possible given the layout of those units. In the absence of assurances on those matters, those units would not provide an acceptable standard of accommodation and the proposal would conflict with Policy D6 of the LP.

36. All proposed units would have their main habitable room windows facing towards the street and towards the surrounding residential properties. The section drawings show that at their closest point, the windows of the development would be 13.45m from the front elevation of 23 Cowleaze Road and 13.8m from the side elevation of 40 Cowleaze Road. Given this proximity, and as the facing windows of the proposal would be large full height openings, there is a heavy likelihood that occupiers of the proposed development would be observed by occupants of the surrounding properties in carrying out their day to day activities. This is particularly the case for those single aspect units, which would provide no scope to avoid the mutual overlooking.
37. The proposed ground floor rooms would also include bedrooms, where a higher level of privacy can generally be expected. Despite the proposed external amenity spaces, users of those rooms would experience overlooking from users of the footway in close proximity. This would particularly be the case for Unit A on the ground floor given the proximity of all windows to the footpath.
38. The Council's Residential Design SPD 2013 (the RDSPD) sets out a distance of normally no less than 21m between facing windows of habitable rooms but acknowledges that on smaller sites the prevailing character of the area may dictate separation distances. While the appellant has alleged a separation distance of 12m is considered normal, this has not been substantiated and is not prevalent in the vicinity of the appeal site.
39. It was discussed whether a system of screens would be appropriate. While these could be effective in obstructing intervisibility between the proposed units and those facing them, they would need to be substantial and would likely need to be installed to the vast majority of the windows in order to prevent overlooking. This is very likely to negatively impact the quality of the accommodation proposed, restricting their outlook and lighting, and contributing towards oppressive living conditions. In the absence of evidence to the contrary, this would not be an appropriate measure to address issues of privacy.
40. Turning to amenity space, each of the proposed units would benefit from some outdoor space in the form of balconies. In many cases these would be well proportioned balconies with dimensions making them suitable for furniture and paraphernalia. Unit A on the ground floor, however, would instead have a number of smaller, triangular shaped balconies which, together with the indicative internal layouts shown, would be difficult spaces to use. Their positioning directly adjacent to the footpath edge would also severely limit the quality of those outdoor spaces and how they may be used by future occupiers. This would similarly be the case for Unit C on the ground floor, where the private amenity space would be adjacent to designated communal amenity space and the building's entrance.
41. The plans suggest many of the balconies fall below the 10sqm standard set by the RDSPD, although it allows for this shortfall to be added to the communal amenity space. The RDSPD also sets out qualities which should be demonstrated for communal open space. The proposed rooftop communal space has the ability to be an attractive area, although it would be unlikely to be overlooked by surrounding development given its height. The ground floor communal amenity space, by contrast, would be overlooked but heavily enclosed, likely receive little if any direct sunlight and would have limited use given its dimensions. Overall, even if the quantum of communal amenity space were acceptable, in qualitative terms it

would not provide good quality shared outdoor space. Overall adequate amenity space would not be provided.

42. No. 40 Cowleaze Road shares some of the proposed characteristics, including limited outdoor amenity space and habitable rooms close to the footpath edge. However I understand the circumstances of that development and its intended occupants were different to those before me and its planning permission pre-dated the current London Plan. As such it would not provide a justification for the shortfalls of the accommodation now proposed.
43. For the reasons given and taken in combination, the proposal would not deliver an acceptable quality of accommodation for its future occupants. The proposal would conflict with LP Policy D6, DM10 and DM13 of the CS, which together relate to housing quality. The proposal would also conflict with the RDSPD insofar as it relates to separation distances and amenity spaces to provide acceptable standards of amenity.

Living Conditions of Nearby Occupiers

44. The Council's concerns on this main issue relate to the houses of 17- 23 Cowleaze Road and the flats within 40 Cowleaze Road which all include habitable room windows facing towards the appeal site. The relationship and proximity between the facing habitable rooms is discussed above. As a consequence of the proximity and height of the development, the outlook from those surrounding facing windows would be heavily dominated by the proposed development, particularly from lower level windows where there would be no respite from the scale of the development. The proposal would cause harm to the outlook from those facing properties, particularly affecting those ground and first floor level windows.
45. In terms of privacy, as above, there would be mutual overlooking between the existing and proposed buildings. Residents of those existing properties on Cowleaze Road would be confronted by tall elevations of full height windows in many cases providing the main source of outlook from the proposed properties. When in use, the proposed balconies would further increase opportunities for overlooking at close proximity. I understand all the affected Cowleaze Road properties to be dual-aspect, which would give occupants some respite from the overlooking within their homes. However, there would nonetheless be a harmful loss of privacy to some of their habitable rooms. As above, while the RDSPD provides for consideration of prevailing character in establishing separation distances, this has not been demonstrated here.
46. I have no strong reason to doubt the conclusions of the appellant's sunlight and daylight report insofar as it assesses the lighting conditions of those nearest properties. However, in combination, the effects of the proposal on the privacy and outlook of those neighbouring properties would cause unacceptable harm to the living conditions of those occupants. In this regard the proposal would conflict with Policy D6 of the LP and Policy DM10 of the Core Strategy insofar as they relate to the amenities of neighbours and effects that are appropriate to its context, as well as the RDSPD regarding separation distances.

Unit Mix

47. Policy DM13 of the CS requires proposals to incorporate a mix of unit sizes and types and provide a minimum of 30% of dwellings as 3 or more bedroom units. It

nonetheless allows flexibility where it can be robustly demonstrated that this would be unsuitable or unviable. The Council's case also refers to Policy H10 of the LP, which states schemes should consist of a range of unit sizes, determined having regard to robust local evidence of need. Based on need, the Council's HNA 2024³ recommends a housing mix for market homes to comprise 50% 3 beds, thereby suggesting the need for 3 bed homes is actually greater than identified in the CS. The proposal would comprise 25% 3 bedroom units, falling short of the policy requirement, and substantive evidence to suggest that 30% is either unsuitable or unviable, has not been provided.

48. The 2016 scheme provided just 20% 3 bed units and I do not have full details of the circumstances of why that was accepted. Nonetheless that decision pre-dates the LP policy cited above and the Council's 2024 evidence of need. I am therefore not satisfied that the 2016 scheme provides a sufficient justification for the proposed shortfall in 3 bed homes. In conclusion on this main issue, the proposal would not provide a suitable mix of homes and would conflict with Policy DM13 of the CS as well as Policy H10 of the LP summarised above. I note the appellant considers the CS policy to be out of date, and even if this were to be the case, the implications are considered below.

Neighbouring Sites

49. The Council's forth reason for refusal includes that the proposal would prejudice the development of neighbouring sites. During the hearing the Council advised that one neighbouring site has been subject to pre-application discussions for redevelopment, but otherwise there is little indication of the nature and scale of development likely on the neighbouring sites, or the timescales in which it may occur. It is relevant that the site, and those which directly adjoin it, form part of a site allocation of the emerging local plan which will be subject to further master planning. The appeal site and those which adjoin it to the southeast and southwest form an important component part of that allocation. The emerging local plan, however, is some way from examination and adoption and there is no certainty of the final form its policies and allocations may take.
50. Any development which may come forward on the adjoining sites would need to take account of the windows proposed to the southeast and southwest boundaries and they are likely to provide a constraint to some degree. However, there is not convincing evidence to suggest that those windows would prohibit neighbouring developments nor significantly affect their ability to make efficient use of the land. For these reasons, I do not find the proposal would necessarily prejudice the development of the neighbouring sites or conflict with LP Policy D3 in respect of this issue.

Other Matters

51. The main parties agree that the proposal would not deliver the policy compliant amount of Urban Greening and that the proposal would conflict with LP Policy G5. I have no strong reason to reach a different view.
52. The main parties agree that a policy compliant amount of wheelchair accessible and adaptable homes could reasonably be secured by condition. The Council also

³ Kingston Housing Needs Assessment 2024

accept that the statutory BNG could be achieved and that the UU is capable of adequately addressing the other matters in the reasons for refusal relating to net-zero offsetting, highways impacts and playspace. These are no longer contested issues. As the appeal is being dismissed for other reasons, it is not necessary to assess the planning obligations in light of the relevant tests. However, I have accounted for some of the obligations in the planning balance below.

53. I am aware of other issues raised by interested parties, including those of local residents near the site whose concerns I have not addressed above. However, I have not addressed those other issues further, since they would not alter the outcome of the appeal.

Planning Balance

54. In respect of the effect on the NDHA of the view from Richmond Park, the Framework at paragraph 216 requires a balanced judgement having regard to the scale of any harm or loss, and the significance of the heritage asset. As above, there is not substantive information regarding the effect of the proposal on this view and, adopting a precautionary approach, the harm to the view could be significant. Having regard to the significance of the NDHA based on the limited information before me, I do not consider this harm alone would be outweighed by the benefits of the scheme, in particular the contribution of 20 residential units and other benefits discussed below. The harm to the NDHA therefore weighs against the proposal.
55. Turning to the provisions of paragraph 11 of the Framework, the Council accept it does not have a five year housing land supply, and report a supply of just 1.48 years, which is an acute shortage. The Borough's housing delivery test of 2023 sits at just 48%⁴. The provisions of paragraph 11d) of the Framework are therefore relevant to the appeal.
56. With regard to paragraph 11d)i. the application of policies in the Framework which protect areas of assets of particular importance, as listed in the footnote, do not provide a strong reason for refusing the proposed development. The balancing exercise of 11d)ii is therefore required.
57. The adverse impacts of granting permission would be numerous, as set out in the main issues above. The proposal would conflict with the key policies signposted by paragraph 11d)ii in the following respects: the proposal would not provide affordable homes, in conflict with paragraph 66 of the Framework; it would cause harm to the character and appearance of the area in conflict with the provisions of paragraphs 129, 135 and 139 of the Framework which include the need for development to take into account the desirability of maintaining an area's prevailing character and setting, be sympathetic to local character, and reflect local design policies and guidance, and; the proposal would fail to provide acceptable living conditions for both existing nearby occupants and future occupants of the development, in conflict with paragraphs 129 and 135 which include the need to secure healthy places and promote well-being. The lack of a policy compliant amount of Urban Greening also presents a degree of conflict with paragraph 135 insofar as it refers to effective landscaping and optimising the site to include an appropriate amount of green space.

⁴ Royal Borough of Kingston upon Thames, Housing Delivery Test and Five-Year Housing Land Supply: Position Statement March 2025

58. There would also be conflicts with other parts of the Framework arising from the loss of designated employment land, at odds with paragraph 85, the lack of a locally appropriate housing mix, at odds with paragraph 61, and harm to the NDHA which is not outweighed by other factors as set out above. The effects of these adverse impacts would be significant and long lasting, in conflict with local and national policy, and attract very substantial weight.
59. The proposal would provide the benefit of 20 new residential units which is particularly important here given the acute local shortage and the national objective to boost the supply of homes. The Council has set out that, based on a housing target of 964 homes per year, the delivery of 2,852 homes between 1 April 2019 and 31 March 2024 resulted in a total shortfall of 1,968 homes. Given the extent of that shortfall, the 20 residential units of the appeal scheme would make a modest contribution to the shortfall and I give the benefit of the new homes moderate weight. I note both main parties agree that greater weight should be given to this matter, however it is not clear how this is derived given the above figures and this is nonetheless a matter for the decision maker.
60. Those new homes would be in an established built up area, on a previously developed site, and with very good accessibility to services and facilities including public transport links, thereby encouraging sustainable means of travel. The new homes would include units accessible or adaptable for wheelchair users and the proposal would be capable of delivering biodiversity enhancements, albeit potentially off-site. These benefits align with the key policies contained in paragraphs 110 and 115 of the Framework. The Framework also promotes the use of brownfield land and acknowledges the important contribution which small and medium sized sites, such as this, can make to meeting the housing requirement of an area and that they are essential for Small and Medium Enterprise housebuilders to deliver homes and are often built out relatively quickly. Given the site was cleared in 2019 with the intention of implementing the 2016 permission, it is not apparent that the site should be considered as under-utilised land for the purpose of assessment against the Framework. Given the scale of the development, these matters together attract considerable weight.
61. In addition there would be economic benefits as set out by the appellant. These would include those from the construction process and its associated costs and employment which could include apprenticeships and training, as well as ongoing expenditure into the local economy by future occupiers. Given the scale of the proposal and limited duration of the construction process, I give those benefits moderate weight. While the site is empty, becoming overgrown and unkempt, it is not apparent that the appeal scheme is the only means of addressing this issue and I give this limited weight.
62. During the hearing I heard details of the appellant's unique business model and inherent goals to regenerate communities and support residents through means including bespoke partnerships and connections with local businesses, to facilitate good well-being and mental health, for residents across various tenures. These are clearly important benefits for both future occupants and local businesses. However, based on what is before me, it is not clear that these benefits would, or could, be reasonably secured if planning permission were to be granted here and there is no certainty that these benefits would occur. This severely limits the weight which I can give to the appellant's intentions, and I give them limited weight.

Where the proposal has been found to be policy compliant in other respects, these are neutral matters rather than weighing in favour of the development.

63. For the reasons given, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and having particular regard to the key policies listed. The proposal would not therefore benefit from the presumption in favour of sustainable development set out in the Framework.

Conclusion

64. The proposal would conflict with the development plan and there are not material considerations of sufficient weight, including approaches in the Framework, which indicate that a decision should be made other than in accordance with it.

C Shearing

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Katie Walker	Associate Director, ET Planning Ltd
Richard Tinto	Managing Director, Tinto Architecture
Kate Carris	Director, Cariss Land and Property Ltd
Howard Williamson	Harwood Real Estate
Alex Impey	CoCity Development Ltd
Pete Craig	CoCity Development Ltd

FOR THE LOCAL PLANNING AUTHORITY:

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Chloe Clay	Lead Design Officer, Royal Borough of Kingston
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