



Appeal Decision

Site visit made on 4 November 2025

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Appeal Ref: APP/Z5630/W/25/3367645

77 Brighton Road, Surbiton, Kingston Upon Thames KT6 5NF

- 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 Xpress Property Development Ltd against the decision of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 24/00356/FUL.
 - The development proposed is the change of use of a retail unit to provide a residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the development would provide appropriate living conditions for the occupier, and whether a car-free scheme would be suitably secured.

Reasons

3. The proposal relates to the ground floor area previously used as a retail unit and is identified as No.77a. The rest of the building, including the rear of the ground floor and the first floor (No.77), is residential.
4. The property is located within the Surbiton District Centre area, although it is on the periphery, and this section of Brighton Road comprises a mixture of commercial and residential uses. The former retail unit is primarily a single-storey structure, with the front elevation featuring a door and a window at the back edge of the pavement. A number of roof lights are proposed to provide an additional source of natural light; nonetheless, the property only has one external wall, and in accordance with the definition set out in The London Plan Guidance (LPG) – Housing Design Standards¹ it would be a single aspect dwelling.
5. Policy D6 of the London Plan 2021 (LP), promoting housing quality and standards, seeks to avoid single-aspect dwellings. The LPG refers to them as an exception, restricted to one- or two-bedroom units where amenity aspects such as passive ventilation, daylight and privacy can be adequately demonstrated.
6. The proposed studio flat is at the minimum size but accords with the internal space standards (as set out in Table 3.1 of policy D6). To provide privacy, the front windows are designed with one-way privacy glazing. While the original daylight and

¹ Appendix 3 – Dual aspect definition

sunlight assessment did not account for this glazing provision, an updated assessment confirms that the internal habitable space would comply with the BRE (BR209 2022) guidance and appropriate standards of light and sunlight would be provided.

7. The proposed glazing would restrict views into the property but would not prevent outlook for the occupiers. The outlook would, however, be through a window likely to have a level of tint, and with no defensible space to the street, external activity, including people walking along the pavement, would be in very close proximity. As such, and given the unconventional glazing arrangement, there is likely to be a perception of being overlooked, even with the restrictions of the glazing. While glazing is often used to address privacy in relation to a specific window, the proposed accommodation, which is a single living space, would have no standard clear-glazed windows (excluding the rooflights).
8. There are a range of other residential properties in the vicinity, although these are generally set further back, and the Council explain that the single-aspect dwellings referred to by the appellant are not on the ground floor and/or are served by several windows. I also observed that many of the properties along this stretch of Brighton Road had coverings (e.g. closed blinds or curtains) to their ground-floor windows.
9. The four roof lights to be inserted would offer views of the sky, providing a further connection to the outside and natural light. They would also provide for airflow, and the appellant indicates that a mechanical ventilation system could be installed to ensure appropriate circulation. A ventilation system, in addition to opening windows, is also recommended in the supporting acoustic report to achieve the required internal noise levels.
10. A further requirement is the provision of private outdoor space, with the Council's Residential Design Supplementary Planning Document 2013 (SPD) setting a figure of 10m² of amenity for new flats. The proposal does not provide this, although external provision is made for the required cycle and bin storage.
11. The existing form of the building restricts the layout of the space and window positions. The design solutions would ensure that the studio space is adequately lit and ventilated, offers suitable acoustic levels, and creates privacy. These various mitigating features could be secured by condition to ensure the provisions are in place and maintained. Nonetheless, the privacy is wholly reliant on one-way glazing to the main windows, and the accommodation would have a compromised outlook and no external amenity space. This would negatively affect the living conditions of the proposed occupiers and be contrary to LP policy D6 and the Council's Core Strategy April 2012 (CS) policies DM10 and DM13, which promote high-quality residential development that offers occupiers a comfortable and functional living environment. It would also fail to provide the higher standards of accommodation, as encouraged by the LPG.

Car Free - Planning Obligation

12. The proposal does not include any parking provision and, as a car-free scheme, aligns with the approach of LP Policy T6 and is supported by the Council. The property is located within a controlled parking zone, and in line with CS policy DM9, the Council is seeking to restrict eligibility for on-street parking and has provided details of the Council's Car-Free Unilateral Undertaking (UU) template. The restriction would mitigate the impacts of potential additional parking demand and

promote the use of public transport. It is directly related to a policy requirement, and as such, I find that the provision would meet the necessary tests and is required to make the development acceptable in planning terms.

13. The appellant indicates that they are willing to enter into a planning obligation; however, there is no UU before me, therefore, I have no mechanism for securing the required restriction.
14. The Planning Practice Guidance (PPG) advises that planning obligations are entered into prior to granting planning permission for certainty and transparency. It does indicate that, in exceptional circumstances, a negatively worded condition may be appropriate, although there is no evidence before me that the development would otherwise be at risk, nor are there any reasons put forward why the UU could not be completed.
15. Consequently, in the absence of the obligation to prevent the occupants of the development from obtaining parking permits, the proposal would not facilitate car-free development, and conflicts with LP Policy T6.1 and CS Policy DM9.

Other Matters

16. A lack of interest in the property as a retail space has been demonstrated, and the Council accepts the loss of the retail use. The property is located in a sustainable location with access to public transport and a range of facilities, including open space at Victoria Recreation Ground, a short distance from the site. As part of a central location, it experiences higher activity than other residential areas; however, this is balanced against convenience and accessibility to various facilities.
17. The proposal entails the repurposing of a vacant building which is supported by the National Planning Policy Framework (the Framework), which encourages the efficient reuse of urban land. There are no specific details before me, but the appellant also advises that the adjoining neighbour is to be converted to residential.
18. The Council confirms that there is a significant unmet housing need in the Borough. Given its size, the development would offer single-occupancy accommodation at the more affordable end of the housing market.

Planning Balance and Conclusion

19. There is no dispute between the parties that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites. In such circumstances, paragraph 11 d) ii of the Framework states that permission should be granted unless 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.
20. The property is within a sustainable location with access to facilities and public transport. The proposal would make effective use of a property that has been vacant for a number of years and would provide a small-scale residential unit. As such, it would make a modest but nonetheless important contribution to housing supply in the Borough, and altogether I afford moderate weight to the benefits.
21. Conversely, the proposed accommodation would not provide a high standard of amenity for the occupiers and would fail to accord with LP policy D6 and CS policies DM10 and DM13. As an existing building, there are restrictions on the

layout and provision of external amenity space. The proposal incorporates a range of design and technical solutions to address the amenity provisions, and I recognise that there are limitations to what can be achieved and that there is an element of choice regarding the occupier's comfort with the form of the accommodation. However, this is also coupled with the lack of a mechanism to secure the required restriction on access to parking permits, further conflicting with development plan policies and support for car-free development.

22. Thereby, when assessed against the policies in the Framework taken as a whole, I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Accordingly, the proposal does not represent sustainable development within the meaning of the Framework.
23. The proposal conflicts with the development plan, and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
24. Therefore, for the reasons given above, the appeal is dismissed.

G Ellis

INSPECTOR