



Appeal Decision

Site visit made on 7 January 2026

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

an Inspector appointed by the Secretary of State

Decision date: 26th January 2026

Appeal Ref: APP/Z5630/W/25/3375014

Garages adjacent to 31-33 Verona Drive, Tolworth KT6 5AJ

- 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 Mike Moss of LH Developments Limited against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 25/00274/FUL.
 - The development proposed is demolition of existing garages, and the erection of a single 2 bedroom flat (Use Class C3) over car parking (four spaces) together with landscaping and all enabling works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address above is taken from the Council's Decision Notice as it more accurately describes the site. I note it is also used on the appeal form.
3. While the appellant refers to amendments to the scheme to increase floor-to-ceiling heights and bedroom sizes within the proposed dwelling, revised plans have not formally been submitted. For the avoidance of doubt, I have, therefore, considered the appeal based on the plans submitted to the Council with the planning application.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - the effect of the proposed development on the living conditions of the occupiers of 33 and 35 Verona Drive, with particular regard to sunlight; and
 - whether the proposed development would provide acceptable living conditions for future occupiers, with regard to the provision of internal and external space.

Reasons

Character and appearance

5. The appeal property comprises a single storey block of 6 garages, of a simple low-profile design, which fronts the highway. The surrounding area is predominantly residential in character. The dwellings along this part of Verona Drive include

semi-detached dwellings, some of which are sub-divided into maisonettes, of a similar design, set back from the road with gardens to the front. This contributes to a pleasant sense of uniformity. While the 1st Hook Scout Group Headquarters building immediately to the rear of the site differs from the prevailing character of the residential development, in terms of its scale and siting, which, in part, depicts its non-residential use, it nonetheless has a simple roof form.

6. The proposed development would see the demolition of the existing garage block and its replacement with a 2-storey building consisting of a first floor flat, set within a mansard roof, above undercroft parking. Despite the use of materials consistent with those found on the existing properties in the area, including the development at 63 Verona Drive, the design of the building, which would incorporate low eaves and a mansard roof, would depart from the more traditional 2-storey dwellings within the surrounding area. The proposed building would also be sited closer to the highway than neighbouring properties. As a result, it would appear incongruous in the street scene and erode the uniformity of the built form on Verona Drive.
7. The appellant suggests that the proposed development has been designed to improve the utilitarian outlook of this part of Verona Drive and act as a transitional element between the residential properties and Scout Group Headquarters building which has a more commercial appearance. However, by reason of the design, in particular the mansard roof, I consider that it would appear incongruous. Moreover, even if the proposed development would improve the site by removing the existing garages, the development would cause harm by eroding the uniformity of the street scene.
8. The appellant highlights examples of residential development in the wider area which are suggested to be similar to the appeal proposal in respect of their design and contrast with the prevailing architectural typologies in the areas in which they are located. However, there are notable differences between the examples presented and the appeal proposal. While 42 Mansfield Road uses materials which contrast with those of neighbouring properties, the scale and massing of the property echoes that of surrounding properties. The appeal proposal, on the other hand, would depart from the dominant architectural style on Verona Drive, in doing so eroding the uniformity of the street scene.
9. 249/249A Hook Road is a similar typology to the proposed dwelling and also shares a similar materiality. It contrasts with the surrounding built form due to its typology and materiality. However, the surrounding area comprises a variety of architectural styles with the property not appearing unduly prominent as a result. In contrast, the immediate vicinity the appeal site is dominated by 2-storey semi-detached properties which share a consistent form, scale and siting and the appeal proposal would depart from this and, therefore, appear incongruous.
10. The roof design of the buildings which comprise Warwick Court has some similarities with the appeal proposal. In addition, the scale, design and form of the buildings differ from the predominant typologies in the surrounding area. Nevertheless, Warwick Court is a cluster of broadly uniform buildings fronting onto open space accessed from Hook Road. It is experienced as a separate, self-contained development. In contrast, the appeal proposal would form part of the street scene on Verona Drive and would detract from the pleasant sense of uniformity due to its form and siting.

11. Taking account of the above, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. As such, the proposal would not accord with the relevant provisions of Policy DM10 of the Royal Borough of Kingston Upon Thames Local Development Framework Core Strategy 2012 (CS) and Policy D3 of the London Plan 2021 (LP). These policies seek, among other matters, development which positively responds to local distinctiveness and respects the prevailing development typology, scale and form.

Living conditions for neighbouring occupiers

12. The appeal site is located to the west of the private amenity spaces of Nos 33 and 35. The proposed development would be sited close to the shared boundary with these amenity spaces.
13. Within their appeal submission, the appellant has provided some commentary on the impact of the proposal on sunlight based on sun path data.
14. However, the information provided does not assess the effect on the proposed development on sunlight levels entering the private amenity spaces of Nos 33 and 35 at all times of the year. In the absence of such an assessment, given the height and massing of the proposed development and its siting close to the amenity spaces, I am not satisfied that the proposed development would not lead to a loss of sunlight in the private amenity spaces at Nos 33 and 35.
15. Taking account of the above, and in taking a precautionary approach, I conclude that the proposed development would have a harmful effect on the living conditions of the occupiers of Nos 33 and 35, with particular regard to sunlight. Accordingly, the proposal would be contrary to the relevant provisions of Policy DM10 of the CS, which, among other matters, seeks development which has regard to the amenities of neighbours, including in terms of daylight and sunlight.

Living conditions for future occupiers

16. Policy D6 of the LP requires that the minimum floor-to-ceiling height is 2.5m for at least 75% of the gross internal area of a dwelling. The appeal proposal would provide a dwelling with a floor-to-ceiling height of 2.4m. However, the appellant has provided details of how the floor-to-ceiling height could be increased to 2.5m without altering the external appearance, height, scale and massing of the building. In this regard, it is evident that the floor-to-ceiling height requirement could be met in the proposed development.
17. The Council also raises concerns about a lack of private amenity space. However, the plans before me include the provision of private amenity space, in the form of a balcony, in accordance with relevant space standards in the Council's Residential Design Supplementary Planning Document.
18. For these reasons, I conclude that the proposed development would provide acceptable living conditions for future occupiers, with regard to the provision of internal and external space. Therefore, the proposal accords with the relevant provisions of Policy DM10 of the CS and D6 of the LP. Among other matters, these policies seek development which has regard to the amenities of occupants and provides adequately-sized rooms with comfortable and functional layout which are fit for purpose and meet the needs of Londoners.

Other Matters

19. Even if the existing garages are not of a sufficient size to accommodate a car and in need of repair, and the site suffers from fly tipping, there is no compelling evidence that the appeal proposal is the only means by which to address these matters.
20. The proposed dwelling would accord with standards relating to internal floorspace and car and cycle parking. It would be constructed in accordance with low carbon design principles and provide solar panels and an electric vehicle charging point as well as appropriate access for refuse collection. The proposed development would ensure privacy for occupiers of neighbouring properties and future occupiers of the proposed dwelling by reason of the separation distances to neighbouring properties, the window sizes proposed and the use of obscured glazing. Nevertheless, these are normal expectations of new development and, as such, attract limited weight in favour of the proposal.
21. The proposal allows for the provision 3 rentable spaces which would be available to occupiers of neighbouring properties. I attach moderate weight in favour of the proposal to this benefit.
22. The absence of an objection from the 1st Hook Scout Group would not in itself render the scheme acceptable and is a neutral factor in my decision.
23. While I appreciate the frustration of the appellant regarding lack of engagement with the Council during the application process and the Council's late submission of the Officer Report, these matters are not determinative. In any event, I have considered this appeal on its own merits in light of the evidence before me.

Planning Balance and Conclusion

24. The appeal proposal would have a harmful effect on character and appearance and living conditions for neighbouring occupiers. As such, the proposal would conflict with the development plan as a whole.
25. However, 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. In addition, the delivery of housing over the past three years has been substantially below the housing requirement, with the latest Housing Delivery Test result standing at 48%. In these circumstances, paragraph 11d) of the National Planning Policy Framework is engaged.
26. Paragraph 11d) establishes that where the policies which are most important for determining the application are out-of-date, 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.
27. The proposal would contribute positively towards the supply of housing in an area where there is a serious shortfall and would reflect the aims of the Framework to significantly boost the supply of housing. The housing would be provided in a

location which benefits from good access to local facilities and on previously developed land, support for which is found in the Framework. The development would deliver a dwelling which benefits from appropriate internal floorspace, privacy and parking designed and constructed in accordance with low carbon principles. It would also provide additional parking spaces available to rent by occupiers of neighbouring properties. Alongside the benefits once completed, the proposal would result in economic benefits during construction. I give significant favourable weight to these cumulative benefits. However, given the scale and nature of the proposed development, the contribution to housing supply and other benefits would be limited in extent.

28. Balanced against this the Framework is clear that proposals for the use of suitable brownfield land within settlements for homes should be approved, unless substantial harm would be caused. Moreover, while paragraph 129 of the Framework supports the efficient use of land, it sets out the importance of securing well-designed, attractive and healthy places. In addition, planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. For the reasons set out in relation to the first and second main issues, I find that the proposal would fall short of these expectations of the Framework.
29. Consequently, in this case, 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.
30. The proposal would conflict with the development plan read as a whole. 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