
Appeal Decision

Site visit made on 13 January 2026

by **A James BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 MARCH 2026

Appeal Ref: APP/Z5630/W/25/3374848

96 & 96A Alexandra Drive, Surbiton KT5 9AG

- 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 Hari Jain of Jain Homes against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 24/01930/FUL.
 - The development proposed is described on the application form as 'Proposed sub-division of existing 2 bed flat to form 1x 1-bed flat and 1 x studio flat'.
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Decision

1. The appeal is allowed and planning permission is granted for proposed sub-division of existing 2 bed flat to form 1x 1-bed flat and 1 x studio flat at 96 & 96A Alexandra Drive, Surbiton KT5 9AG in accordance with the terms of the application, Ref 24/01930/FUL, subject to the conditions in the attached schedule.

Applications for costs

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

Preliminary Matters

3. The appellant has submitted two amended drawings in support of the appeal. Drawing no 01.003 rev PL3 provides additional annotations and floor space calculations. Drawing no 01.005 rev PL4 provides additional annotations, calculations and cross section B-B, which clarifies the ceiling heights across the second floor, including the shower area. I have considered whether it would be appropriate to take this additional material into account in making my decision. As the submitted drawings provide clarification and do not amend the proposed development, no party would be prejudiced in accepting them. Accordingly, I have considered the appeal on this basis.

Main Issue

4. The main issue is whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to layout and ceiling heights.

Reasons

5. The appeal site is a mixed-use building which has a commercial unit on the ground floor with a residential unit over, spread across the first and second floors. The

proposed development would see the subdivision of this residential unit into two flats.

6. Policy DM10 of the Kingston Core Strategy (2012) relates to design requirements for new developments. The policy requires that developments have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance. Policy D6 of the London Plan requires that adequately sized rooms are provided in housing developments, including a minimum floor to ceiling height of 2.5m for at least 75 percent of the Gross Internal Area of each dwelling.
7. The additional information provided by the appellant has clarified that the proposed second floor flat would have a minimum floor to ceiling height of 2.5m for at least 75 percent of the Gross Internal Area. The council and the appellant also agree that both units would comply with the gross internal floor areas set out within the minimum internal space standards in Table 3.1 of Policy D6 of the London Plan. Overall, these units would be functional and provide a good level of accommodation for future occupiers.
8. Overall, I conclude that the proposed development would provide acceptable living conditions for future occupiers. Therefore, the proposed development would comply with policy DM10 of the Kingston Core Strategy (2012) and policy D6 of the London Plan. These policies, in summary, seek to secure high quality design in housing developments which achieve minimum design standards.

Other Matters

9. A third party has indicated that the subdivision of the property would increase the parking issues in the area. The proposed development would result in one additional household, although given the overall number of bedrooms, the number of occupants would likely remain similar. The site lies within a well-established residential area and there is no substantive evidence before me to suggest that the proposed development would have a harmful impact on parking provision in the surrounding area.
10. Although not included as a reason for refusal, the Council, in its Officer Report, referred to the need for a legal agreement in the event that the scheme was found to be otherwise acceptable. This is said to be required to secure the development as car-free, noting that the proposed development does not include any on-site car parking provision. However, there is no substantive evidence before me, including any evidence supporting that request or any relevant policies, to demonstrate why such a requirement would be necessary and reasonable in this particular case. Consequently, I cannot be satisfied that such a requirement would meet the relevant tests. Matters relating to cycle parking are dealt with below.
11. Comments have also been received alleging that the subdivision of the property would provide inadequate landscaping and means of enclosure and would result in increased noise. While these points are acknowledged, the proposed ground floor plan illustrates details of landscaping and the means of enclosure which are proportionate for the scale and nature of the proposed development. There is no substantive evidence before me to demonstrate that noise pollution as a result of the proposed development would be harmful, with any disruption during conversion works taking place over a temporary period.

12. It is also alleged that the development is retrospective. During my site visit I observed that the development had not taken place. I have no substantive evidence before me to indicate that works have begun. In any event, I have determined the appeal on its own individual circumstances and the plans before me.

Conditions

13. Paragraph 57 of the National Planning Policy Framework is clear that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.
14. I have attached the standard time limit condition (1). I have specified the approved plans condition for the avoidance of doubt (2). I have also specified a condition relating to the materials. This is necessary to ensure the external changes are of a satisfactory appearance, in the interests of the character and appearance of the area (3). In the interests of promoting sustainable transport and ensuring the cycle storage is secure and covered, I have attached a condition which requires details of cycle storage areas (4). To ensure there is adequate waste provision and that it is maintained to a satisfactory standard, I have attached a condition requiring details of waste and recycling facilities (5). In the interests of fire safety and to ensure the safety of all building users, I have attached a condition which requires the development to be carried out in accordance with the Fire Safety Strategy submitted with the application (6).
15. In imposing conditions, I have had regard to the tests within the National Planning Policy Framework, the PPG, and relevant statute, and have accordingly amended the wording of certain conditions proposed by the council without altering their overall aim.

Conclusion

16. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal is allowed subject to conditions.

A James

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan, 01.001 PL2, 01.002 PL2, 01.003 PL3, 01.004 PL2 and 01.005 PL4.
- 3) The development shall be carried out in accordance with the materials specified on the approved plans.
- 4) Prior to the occupation of the newly created residential units hereby permitted, details of secure cycle parking facilities to serve the two residential units shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the newly created residential units, the agreed details shall be fully implemented. Thereafter, the cycle parking facilities shall be kept available for the storage of bicycles.
- 5) Prior to the occupation of the newly created residential units hereby permitted, details of waste and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The waste and recycling facilities as shown in the approved details shall be implemented prior to occupation of the newly created residential units and shall be permanently retained thereafter.
- 6) The development hereby permitted shall be carried out in accordance with the document named Planning Fire Safety Strategy In Line With London D12a – Rev 5.0 dated 04.08.2024.