



Appeal Decision

Site visit made on 5 February 2019

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2019.

Appeal Ref: APP/Z5630/W/18/3200368

86 Cambridge Road, New Malden, Surrey KT3 3QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Cliff against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 18/14099/FUL, dated 16 January 2018, was refused by notice dated 5 April 2018.
 - The development proposed is construction of new below ground single storey two bedroom dwelling in the rear of the site.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has referred to the 2012 edition of the National Planning Policy Framework (the Framework). This has now been superseded by the 2018 version and it is this I have referred to in my reasoning.

Main Issues

3. The main issues are the effect of the development on:
 - The living conditions of future occupiers with particular regard to outlook, amenity space, refuse storage and vehicular access;
 - The character and appearance of the area; and,
 - Whether the development would accord with local policies in respect of water management.

Reasons

Living conditions

4. The appeal site contains a detached dwelling (No 86) on a narrow plot which widens at the rear. The development would comprise a sunken single storey dwelling close to the rear plot boundary. Its lantern lights would be visible above ground level.
5. The two bedrooms and the bathroom would be illuminated solely by lantern lights. The kitchen would also have a lantern but would abut a larger living cum dining area which would have bifold doors opening onto a lightwell. However, the depth of the lightwell would be between 2 and 4 metres. As

such, even this large living space would have an unsatisfactory outlook as occupiers would look directly onto a retaining wall. Rooms with lanterns only would have no outlook at all.

6. The L-shaped lightwell would provide the only directly accessible amenity space. This would be limited in extent and would be heavily shaded for much of the day which would also restrict its usability. The appellant argues that the whole area could be used as amenity space. I presume this is a reference to the garden of No 86, which is included in the appeal site boundary. However, if this were to be the case it is unclear where the amenity space for No 86 would be located. Accordingly, I give this argument limited weight.
7. The dwelling's entrance would be nearly 40 metres from the road. Wherever the bins are located there would need to be refuse transfer across distances in excess of those set out in the SPD¹.
8. Whilst I agree that on-site parking would not necessarily be required for a dwelling in this location, the lack of close vehicular access for day to day living or even to facilitate house moving and deliveries, would be an inconvenience. I concur with the Council that the development would represent a poor standard of accommodation in this regard.
9. In the light of the above, I conclude that the development would be detrimental to the living conditions of future occupiers and would therefore be contrary to Policy DM13 of the Local Plan (LP) and Policy 3.5 of the London Plan (MLP) insofar as these are concerned with high quality design, and the guidance set out in the SPD. It would also fail to comply with Paragraph 127 of the Framework which requires decisions to ensure that development creates places that have a high standard of amenity.

Character and appearance

10. The established street pattern presents a consistent and repeated pattern of linear frontages, narrow plots and long rear gardens. This backland development would be unrelated to and unreflective of that underlying development pattern in terms of both built form and arrangement. I appreciate that the dwelling would not be particularly visible above ground level, but nonetheless, there would be associated frontage activity in an area of contiguous rear gardens. The proximity of the development to the rear elevations of two dwellings fronting Montem Road, whose gardens abut the appeal site, would be particularly anomalous in this context.
11. I conclude that there would be an adverse impact on the character and appearance of the area which would be contrary to Policy CS8 of the Core Strategy and LP Policy DM10, insofar as these are concerned with local distinctiveness, as well as guidance contained within the SPD and the Framework with regard to design.
12. I appreciate that dwellings in the vicinity have outbuildings in their plots but these are ancillary to the host dwellings. Their presence does not justify this backland development.

¹ Council's Residential Design Supplementary Planning Document July 2013

Water management

13. I note the concerns raised in relation to ground water levels, ground water flow and drainage. Although the appellant argues that the development would comply with water management regulations, no evidence is submitted in this regard. I conclude therefore that the development would be contrary to LP Policy DM4 which is concerned with water management and flood risk.

Other matters

14. The appellant has referred to the presumption in favour of sustainable development set out in the Framework. However, as set out in Paragraph 12 of the Framework, this presumption does not change the statutory status of the development plan as the starting point for decision making.

15. Moreover, although I acknowledge councils should not impose architectural styles, it is proper to seek to promote, or reinforce local distinctiveness. As set out above, I have concluded that this development would not promote the distinctive regularity and repetition of the established building pattern.

16. I appreciate that No 86's garden is overgrown but this does not justify the development.

Conclusion

17. In the light of the above, I conclude that the development would be contrary to the relevant policies of the Local Plan and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR