



# Appeal Decision

Site visit made on 20 February 2010

by **Gary Deane BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**19 April 2010**

**Appeal Ref: APP/Z5630/A/09/2117003**

**The Coach House, Kingswood Close, Surbiton, Surrey KT6 6DZ**

- 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 Kevin McCambridge against the decision of the Council of the Royal Borough of Kingston upon Thames.
- The application Ref 09/16242/FUL, dated 25 June 2009, was refused by notice dated 20 August 2009.
- The development proposed is the change of use of former Coach House to a 1-bedroom dwelling.

## Decision

1. I dismiss the appeal.

## Main issue

2. The main issue is the effect of the proposed development on the living conditions of its future occupiers in terms of outlook, privacy, private amenity space and noise, and on the occupiers of 13, 15 and 17 Kingswood Close, with regard to outlook and privacy.

## Reasons

### *Outlook*

3. The proposal would convert part of a former coach house, located to the rear of a 3-storey block of flats which front Kingswood Close, to a single, 1-bedroom dwelling. The front elevation of the proposed dwelling would face the rear elevation of these flats, particularly 13, 15 and 17 Kingswood Close. Since all the windows would be in the front elevation of the proposed dwelling, the view from the main habitable rooms would be dominated by the rear of the existing flats, as well as the adjacent access road and vehicle parking area. Similarly, the proposed dwelling would be particularly evident when viewed from the rear windows of Nos 13, 15 and 17, as the existing building is at present. The resultant view would be oppressive and unacceptably harmful to the living conditions of the occupiers of the proposed dwelling and Nos 13, 15 and 17.
4. In reaching this conclusion, I acknowledge that the outlook from the rear of the existing flats towards the access road, parked vehicles, the appeal building and the garages beyond is not ideal. I also accept that the proposed dwelling is slightly offset from the block of flats, which would allow a partial view from the proposed dwelling towards Kingswood Close. However, in my opinion, this would not significantly diminish the visual impact of the existing flats for the future occupiers of the proposed dwelling.

5. I note that there are no restrictive parking arrangements at the front of the proposed dwelling. However, I doubt that any loss of outlook or light as a direct result of vehicles parking in front of the proposed ground floor windows would be so great as to cause additional harm to the living conditions of the future occupiers of the proposed dwelling.

#### *Privacy*

6. In relation to privacy, there would be considerable overlooking between the front of the proposed dwelling and the rear of Nos 13, 15 and 17 primarily due to the short separation distance between the buildings and position of the windows in the proposed dwelling. Although the existing flats and proposed dwelling would be slightly offset, I consider that the level of overlooking would cause an unacceptable loss of privacy at the proposed dwelling and at Nos 13, 15 and 17. I accept the appellant's point that overlooking may also occur from the use of the shared parking area and access road. However, this does not make the loss of privacy through overlooking between the existing and proposed buildings acceptable.

#### *Private Amenity Space*

7. There would be limited private amenity space associated with the proposed dwelling even taking into account the space allocated for refuse and recycling. There would be, for example, no obvious area within the curtilage of the site that would be of value to future occupiers as space for sitting out. However, a local park and other amenity space is close by and would be accessible to future occupiers. Given the modest size of the proposed accommodation, which is unlikely to be suitable for families, I do not consider that the private amenity space would be so inadequate, as to be sufficient to justify refusing planning permission if the scheme was otherwise acceptable.

#### *Noise*

8. The principal aspect of the proposed dwelling would face, and be close to, the adjacent access road and the area for vehicle parking. Even though the proposed front elevation would be set back slightly from the access road unacceptable noise would arise from, for example, vehicle movements, engines, car doors slamming and garage doors opening close to the proposed dwelling. That the ambient conditions of this area are quiet and vehicle movements relatively infrequent would only emphasise such sudden noises. I accept that the relationship between the proposed dwelling, the existing flats, the access road and parking area would not significantly change. I also acknowledge that similar conditions may occur elsewhere. However, it is my view that future occupiers of this development should not be subject to undue noise or disturbance.
9. I therefore conclude that the proposed dwelling would not provide satisfactory living conditions for future occupiers, primarily as it would result in an unacceptable quality of outlook, a loss of privacy, and be subject to unacceptable disturbance from noise. Living conditions at 13, 15 and 17 Kingswood Close would also be unacceptable in respect of outlook and privacy.
10. Consequently, the proposed development would conflict with Policies H1, BE12 and RES3 of the Royal Borough of Kingston upon Thames Unitary Development Plan First Alteration and Policy 4B.1 of the London Plan. These policies seek to ensure that development respects the local context, safeguards the amenities of occupiers in terms of outlook, privacy, and avoids noise and disturbance. The proposal would also be contrary to national guidance contained in Planning

Policy Statement (PPS) 1, *Delivering Sustainable Development*, and PPS 3, *Housing*. Both documents place an emphasis on providing good quality homes that contribute positively to making places better.

*Other matters*

11. The appellant refers to the importance of retaining the appeal building given, in his opinion, its positive contribution to the character of the local area. However, this does not outweigh the significant harm that I have identified with regard to the living conditions at it and nearby properties. The appellant also refers to the role that residential use would play as the only viable way to ensure the building's retention. However, in the absence of any detailed evidence to support his view, I am unable to attach significant weight to this matter in support of the appellant's case.
12. I note the appellant's comments regarding the possible demolition of that part of the existing building which lies outside the conservation area and that this could take place without the prior consent of the Council. Whether or not that is the case, I have determined this appeal on the basis of the development sought and on its individual merits. The appellant considers that the proposal would be more compatible with nearby housing than the current use of the appeal building, Use Class B8 (storage and distribution), particularly with regard to traffic movements, including larger delivery vehicles. Even if that were the case, it would not outweigh the harm that I have identified with regard to the living conditions of existing and future occupiers.
13. Interested parties raise additional concerns about the proposal including obscuring of light, freedom to use the outdoor space associated with the existing flats, disruption during construction, refuse collection, the intensity of development and the proposed dwelling's appearance. These are all important matters and I have taken into account all the evidence before me. However, given my findings on the main issue, these are not matters upon which my decision has turned.
14. Finally, the Council and the appellant refer to the location of the site adjacent to, and outside, a conservation area. There is no objection from the Council to the proposal on the basis of its design or its effect upon the character and appearance of the conservation area although an interested party does consider that the proposal would look out of place. I consider that the design of the proposed development is acceptable. It would therefore preserve the character and appearance of the nearby conservation area.

**Conclusion**

15. I have had regard to all other matters raised, including the representation in support of the proposal, the opportunity to incorporate energy-efficient measures, and the proposed use of materials to match the existing building. I have also taken into account the modest contribution that the proposal would make to achieve the Council's policy objectives to provide more housing and the credentials of the appeal property as a sustainable location. However, these matters are not sufficient to outweigh the harm that I have identified. Therefore, for the reasons given above, the appeal fails.

*Gary Deane*

INSPECTOR