

Appeal Decision

Site visit made on 19 October 2016

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 31 October 2016

Appeal Ref: APP/Z5630/D/16/3153558

46 Alpine Avenue, Surbiton, Surrey KT5 9RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1 of the Town and Country Planning (General Permitted) (England) Order 2015.
 - The appeal is made by Gail Bigglestone against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/16340/PNH, dated 5 May 2016, was refused by notice dated 16 June 2016.
 - The development proposed is a single storey flat roofed rear extension extending 5m from the ground floor wall, the flat roof being 3m from the level of the garden with a flat roof with a central rooflight contained within the roof thickness.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 for a single storey flat roofed rear extension extending 5m from the ground floor wall, the flat roof being 3m from the level of the garden with a flat roof with a central rooflight contained within the roof thickness at 46 Alpine Avenue, Surbiton, Surrey KT5 9RJ in accordance with the details provided pursuant to Schedule 2, Part 1 of the GPDO.

Procedural Matter

2. I have omitted extraneous details from the application description which pertain to the design and materials of the proposed extension.

Main Issue

3. The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of the appeal has been made in the same manner.

Reasons

4. No 46 Alpine Avenue is a mid terrace property, within a suburban residential area. The Council assert that the depth of the extension would be 5.3m, rather than the 5m referred to by the appellant, and shown marked on the proposed plans. Nonetheless, the GPDO provides for larger extensions of up to 6m in depth in the case of non-detached properties.
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5. The Council's Residential Design Supplementary Planning Document, in relation to single storey rear extensions requires that the depth should not generally exceed 3m to 3.5m. It also advises that if the neighbouring house is set at a lower level the depth of the extension should be reduced.
6. However, although ground levels slope down slightly towards No 48, this property has an existing conservatory with a pitched roof which the Council state is about 2.7m in depth. The development would therefore extend less than 3m beyond the conservatory, and would not result in an unacceptable loss of outlook.
7. No 44 Alpine Avenue has no ground floor rear extension and so there would be a conflict with the SPD. However, the largest window in the rear elevation which appears to serve a living or dining room is located furthest away from the common boundary with the appeal site. There is also a kitchen door with small windows on either side nearest to the appeal property. If all the windows in the ground floor rear elevation served a single room, the principal outlook would be from the larger window, which due to its location further from the boundary would avoid an unacceptable loss of outlook. Even if the kitchen is a separate room, it would have a floorspace too small to generally be considered as a habitable room and thus whilst views from the kitchen would be altered by the location of the extension, a reduction in outlook from that room would not be materially harmful. Furthermore, the 2m high wooden fence and several trees and shrubs partway along the boundary would provide a degree of screening of the extension.
8. Taking all of the above into account, I conclude that the proposal would not materially harm the living conditions of neighbouring occupiers by reason of outlook, and that the development would not conflict with Policy DM10 of the Local Development Framework Core Strategy (2012). This policy states that proposals should have regard to the amenities of occupants and neighbours in terms of privacy, outlook, sunlight and daylight, avoidance of visual intrusion, noise and disturbance.
9. The Council has suggested the inclusion of the standard 3 year time limit for the implementation of full planning permission but in granting approval the appellant should note the GPDO requires at paragraphs A4 (13), (14) and (15) that the development should be completed on or before 30 May 2019 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer, the address or location of the development, and the date of completion.
10. The GPDO does not provide any general authority for imposing additional conditions beyond these deemed conditions in relation to Schedule 2, Part 1, other than that related to the impact of the proposal on the amenity of adjoining residents. To that end, the Council's suggested conditions setting out the approved drawings, for samples of external materials to be submitted to and approved by the Council and to restrict windows or other openings in the flank walls of the extension would ensure a satisfactory appearance and safeguard the amenity of adjoining occupiers, so I shall impose them.

Claire Victory INSPECTOR

Schedule of Express Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan, Site Location Plan, Drwg No 1B Existing and Proposed Ground Floor Plans, Drwg No 2B First Floor Plans, Drwg No 3B Roof Plan and Elevations, and Drwg No 4 Sections, all received on 6 May 2016.
- 2 Before the commencement of development a sample of the facing materials to be utilised in the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be built in accordance with the approved samples.
- 3 No windows or other openings shall be formed in the flank walls of the extension hereby approved.