

Appeal Decision

Site visit made on 18 January 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 1 February 2017

Appeal Ref: APP/Z5630/D/16/3162781

180 Clarence Avenue, New Malden KT3 3DX

- 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 Carl Snyman against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 16/14945/HOU, dated 12 September 2016, was refused by notice dated 7 November 2016.
 - The development proposed is the erection of a double storey side and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission granted for the erection of a double storey side and single storey rear extension at 180 Clarence Avenue, New Malden KT3 3DX in accordance with the terms of the application, Ref 16/14945/HOU, dated 12 September 2016, subject to the following 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 the following approved plans: Ordnance Survey Location Plan; Block Plan; 4624/2 and 4624/2a.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 4. Before the extension hereby permitted is occupied any windows in the eastern elevation above ground floor level facing 8 Langley Grove shall be constructed so that no part of the framework less than 1.7 metres above finished floor level shall be openable. Any part below that level shall be fitted with obscure glazing of a patterned type only and shall be permanently retained in that condition.
 5. The roof area of the rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.
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Main Issue

2. It is considered that the main issue is the effect of the proposed development on the character and appearance of the appeal property and the streetscene.

Reasons

3. The appeal property is a 2-storey semi-detached dwelling situated within a primarily residential area but there is a school and medical centre located on the opposite side of Clarence Avenue (which becomes Langley Grove to the east of the property). No specific objection has been raised by the Council to the proposed single storey rear extension which would be erected to the rear of the property and would partially replace a conservatory. There are no reasons to disagree with the Council's assessment on this element of the appeal scheme.
4. The proposed development also includes a first floor side extension that would result in the loss of the appeal property's existing cat-slide roof. This proposed extension would not accord with the guidance contained in the Council's *Residential Design Supplementary Planning Document (SPD)* which prefers an extension utilising a dormer window within a cat-slide roof. The SPD also indicates that extensions at first floor level should appear subservient to the host dwelling by being set back from the front elevation and possessing a ridge height lower than the current roof. However, the SPD's householder development section is additional guidance for those looking to extend or alter their existing homes and it is acknowledged the SPD cannot anticipate every eventuality.
5. A Certificate of Lawful Development has been issued (Ref 16/14596/LDP) which confirms that the intended alterations to the property's roof would fall within the scope of being permitted development for a dwelling house. The alterations implemented pursuant to the Certificate of Lawful Development would include a hip to gable roof extension which would be visible from the road and would, by itself, materially unbalance the appearance of this pair of semi-detached dwellings. As a material consideration, I have attached significant weight to these permitted alterations.
6. Although the front elevation would be flush with the host property's front elevation and the roof height would also be the same, the inclusion of a hipped roof form as part of the appeal scheme would assist in providing a more sympathetic roof form when compared to the permitted alterations. The proposed hipped roof would not have the same visually disruptive or unbalancing effect as a gable roof form and would not result in an isolated sloping roof to the side of the property. The type of subservience sought by the SPD's guidance is unnecessary in this case because the appeal scheme would be of a higher quality of design when compared to the permitted alterations.
7. As noted by the appellant, there are variations in the types and designs of the dwellings fronting Clarence Avenue and Langley Grove. The design of the appeal property, including the cat-slide roof, was originally shared by 162 to 180 Clarence Avenue. However, some of these dwellings have already been altered, including side extensions which have resulted in the removal of the cat-slide roofs at Nos. 164, 172, 174 and 176. Some of these extensions at

first floor level are not set back from the front elevation of the host dwelling and do not possess lower ridge heights of the type sought by the SPD. Accordingly, the original character and appearance of these semi-detached dwellings has been lost.

8. The alterations to these other dwellings contribute to the varied character and appearance of the streetscene along Clarence Avenue and Langley Grove which also includes contemporary style and design of 8 Langley Grove. When viewed within this context, the appeal scheme would not unacceptably disrupt the character of this varied streetscene nor result in an enlarged property whose design and form would appear incongruous.
9. Reference has been made by the appellant to other dwellings within the wider area where cat-slide roofs have been replaced by side extensions of varying types. Although these dwellings were visited, limited information about the planning circumstances of these other schemes have been provided. Further, it was noted during the site visit that some of the extensions were to semi-detached dwellings where the adjacent property had already been altered. By reason of their remoteness from the appeal property and lack of their detailed planning circumstances, limited weight has been given to these other schemes in the determination of this appeal.
10. Selected extracts from various appeal decisions have also been quoted by the appellant but without the detailed planning circumstances of these other cases. Again, in the absence of their full details only limited weight can be attached to these other appeals. Accordingly, this appeal scheme has been considered on its own planning circumstances.
11. For the reasons which have been given, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the appeal property and the streetscene and, as such, it would not conflict with Policies CS8 and DM10 of the Local Development Framework Core Strategy. Amongst other matters these policies require development to be of a good design which respects the character and local distinctiveness of the street or area, including consideration of layout, height, form, massing, building lines and plot width. These policies are consistent with the National Planning Policy Framework's (the Framework) core principle of securing high quality design.

Conditions

12. The Council has suggested conditions in the event this appeal succeeds and they have been assessed against the tests contained in the Framework and the National Planning Practice Guidance. For the avoidance of doubt and in the interests of proper planning, a condition requiring the proposed development to be erected in accordance with the approved drawings is necessary. For reasons of precision, the suggested condition concerning the use of external materials can be simplified.
13. The Council has suggested a condition preventing the use of the roof of the proposed extension being used as balcony or sitting out area. A condition is also suggested concerning the glazing and opening of proposed windows within the side elevation. To protect the living conditions of the occupiers of neighbouring properties both these conditions are necessary. However, for

reasons of precision, the windows subject of the condition should be limited to those above ground floor level and the restriction on the use of the roof should specifically apply to the proposed single storey rear extension's flat roof. Accordingly, and taking all other matters into account including the Framework's presumption in favour of sustainable development, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR