

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/16/3161045

29 East Road, Kingston upon Thames KT2 6EJ

- 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 Mrs Olga Generozova against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 16/12776/FUL, dated 25 July 2016, was refused by notice dated 26 September 2016.
 - The development is the installation of 2 small vertical components to existing Velux windows in a piggy-back loft extension.
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Decision

1. The appeal is allowed and planning permission granted for the installation of 2 small vertical components to existing Velux windows in a piggy-back loft extension at 29 East Road, Kingston upon Thames KT2 6EJ in accordance with the terms of the application, Ref 16/12776/FUL, dated 25 July 2016, subject to the following condition:
 1. The windows hereby approved in the eastern and western elevations of the piggy-back loft extension 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.

Procedural Matter

2. Exceptionally in this case because of the original description of development explaining the circumstances of the appeal scheme, the description has been shortened. However, full regard has been had to the original description of development.

Main Issue

3. It is considered that the main issue is the effect of the development on the character and appearance of the appeal property and the surrounding area.

Reasons

4. Pursuant to a planning permission (Ref 14/12964/HOU), a piggy-back style extension has been erected to the rear roof of the appeal property which varies from the approved drawing because of the erection of 2 windows at eaves level
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which are each below a rooflight. These windows are located within the side elevations of the extension and face towards the neighbouring properties. As noted by the Council and the appellant, these windows are not visible from public viewpoints but can be seen from the gardens of surrounding dwellings.

5. The Council's *Residential Design Supplementary Planning Document* (SPD) includes guidance on the design of piggy-back extensions which does not preclude the potential erection of windows within side elevations subject to being obscure glazed if at a low level. The guidance also refers to any detailing matching or complementing the original house. 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.
6. The Council claim that the windows are of an unusual design. However, the windows are not so conspicuous so as to significantly detract from the character and appearance of the surrounding residential area and the property as it has been extended. The design of the windows is such that, although lengths of guttering are missing at eaves level, the basic form, shape and character of the extension has been respected. The windows are of a modest size and do not dominate the appearance of the side elevations of this enlarged property. This assessment equally applies when the windows are considered in combination with their associated rooflights.
7. During the site visit it was observed that no other neighbouring dwellings possessed windows of a similar type and siting as those the subject of this appeal. However, as claimed by the appellant, there are a wide variety of extensions to the roofs of the surrounding dwellings with different sizes and types of openings. The variety of roof extensions reflects the variations in the types of designs of the dwellings, including other alterations and extensions. Accordingly, there is no cohesive or clear character or appearance associated with the roofscape and associated fenestration of the dwellings within the surrounding residential area.
8. For the reasons given, it is concluded that the development does not cause unacceptable harm to the character and appearance of the appeal property and the surrounding area and, as such, it does not conflict with Policies CS8 and DM10 of the Local Development Framework Core Strategy and the general guidance contained in the SPD. 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. These policies are consistent with the National Planning Policy Framework's (the Framework) core principle of securing high quality design.

Other Matters

9. The siting of the windows is such that if they were clear glazed then I would share the concerns of the occupiers of the neighbouring properties about the potential for overlooking and loss of privacy. However, the erection of obscure glazed windows, rather than the use of film which could be removed, precludes overlooking of the neighbouring properties and any associated loss of privacy. Further, and as suggested by the Council, these windows should not be capable of opening otherwise the benefit of the obscure gazing would be lost.

Conditions

10. For the reasons which have already been given, the Council's suggested condition concerning the erection of obscure glazing and the windows being non-opening accord with the tests included in the Framework and the National planning Practice Guidance. 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