
Appeal Decision

Site visit made on 31 January 2017

by Beverley Doward BSc BTP MRTPI

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

Decision date: 16 February 2017

Appeal Ref: APP/Z5630/D/16/3161014
24 Haycroft Road, Tolworth, KT6 5AU

- 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 & Mrs Matthewson against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/10249/HOU, dated 30 May 2016, was refused by notice dated 26 July 2016.
 - The development proposed is the removal of existing porch and construction of a single storey side extension to provide a new entrance hallway and larger kitchen. Extension of the rear bedroom at first floor level to the full width of the original house. Internal alterations to form an en-suite to the master bedroom.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In the appeal documentation the appellants indicate that they would be willing to amend the roof form on the first floor rear extension element of the proposed development. I have not been provided with any plans indicating such an arrangement which would in any event not have been considered by the Council or consulted upon. Accordingly, I confirm that I have considered the appeal on the basis of the same details that were before the Council when it made its decision.

Background and Main Issues

3. The proposed development comprises a single storey side extension and a first floor rear extension. The Council's decision notice refers only to the first floor rear extension element of the proposed development. Accordingly, the main issues in this case are:
 - the effect of the proposed development on the character and appearance of the host building and the area, having regard to the design of the proposed first floor rear extension; and
 - the effect of the proposed development on the living conditions of the occupiers of 26 Haycroft Road, with reference to light and outlook having regard to the height, depth and siting of the proposed first floor rear extension.
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Reasons

Character and appearance

4. The appeal site is a two storey end-terraced house within a residential area which comprises of a mix of dwelling types and styles. It is a typical Victorian terraced house with a two storey outrigger at the rear. The house has been previously extended with two ground floor rear extensions, both of which have flat roofs.
5. The single storey side extension would be constructed of matching materials to the host building and would have a lean-to roof. It would form a subordinate and proportionate addition to the dwelling which would be in keeping with the character and appearance of the host building.
6. The first floor rear extension element would extend out from the existing two storey outrigger above the flat roof rear extension which currently serves as the kitchen. The pitched roof of the existing two storey outrigger would be replaced with a flat roof which would also extend over the first floor extension. I note that the appellants indicate that the flat roof design would offer the best internal floor to ceiling height for the extended bedroom. However, it would not reflect the roof style of the host building or that on the outrigger of the adjoining dwelling. Notwithstanding that views of the rear of the appeal property are restricted somewhat by the garages along the service road to the rear of the terrace, the flat roof of the first floor rear extension would be visible from the service road. The juxtaposition of the differing roof forms would result in an unbalanced appearance which would compromise the character and appearance of the host building and the terrace when viewed from this vantage point.
7. The appellants refer to other properties nearby that have flat roof arrangements similar to that proposed in this case. However, I have no evidence before me to indicate the planning context under which these flat roofs were permitted. In any event each planning application and appeal needs to be considered on its own merits. I confirm that I have considered the appeal proposal on its individual merits taking into account the specific context of the site and its surroundings and having regard to the relevant development plan policies and all material considerations.
8. Taking all of the above into account therefore, I find that whilst the single storey side extension element of the appeal proposal would be acceptable the proposed development overall would be harmful to the character and appearance of the host building and the area having regard to the design of the proposed first floor rear extension. Accordingly, it would be contrary to policies DM 10 and CS8 of the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy April 2012 (CS), the Council's Residential Design Supplementary Planning Document 2013 (SPD) and the National Planning Policy Framework (the Framework) which together, amongst other things, seek to protect local character.

Living conditions

9. The single storey side extension would be set back from the front of the house and extend about 8.7m along the shared boundary with No 26. The existing boundary treatment serves to restrict the outlook somewhat from the ground

floor side facing kitchen window and the rear facing dining room window of No 26 and although the proposed side extension would be somewhat higher than the existing boundary treatment it would be of a relatively low height and would have a sloping roof. Accordingly, this element of the proposal alone would not materially reduce either the outlook from these ground floor rooms or the levels of daylight/sunlight provided to them. However, the appeal proposal also includes the first floor rear extension. This would present a two storey flank wall about 1.2m from the shared boundary with No 26 which due to its height, depth and proximity would appear unduly oppressive and overbearing when viewed from the side facing kitchen window and the rear facing dining room of No 26.

10. The first floor rear extension element of the proposed development would not accord with the advice in the Council's SPD in relation to daylight and sunlight in that it would breach both the 25 degree rule, when taken from the side facing kitchen window, and the 45 degree rule, when taken from the rear facing dining room. I note that the appellants suggest that the existing two storey outrigger already intersects the 25 degree line of the kitchen window of No 26 and I appreciate that the existing outlook from, and the levels of natural light to both the side facing kitchen window and the rear facing dining room window of No 26 are likely to be somewhat restricted by the existing juxtaposition of the two properties. Nevertheless, it seems to me that the proposed first floor extension would serve to further restrict the outlook from the rooms which these windows serve and reduce the amount of natural light enjoyed by the occupiers of No 26 in their kitchen and dining room.
11. The appellants state that the rear facing dining room window at No 26 is not the only window serving this room indicating that there is also a second window on the flank elevation. However, the outlook from and the amount of natural light to this second window is likely to be somewhat restricted given that it faces the gable of the main flank of the appeal property. Accordingly, I consider that any further restriction in these respects would be significantly detrimental to the living conditions of the occupiers of No 26.
12. To conclude on this issue therefore, I find that overall the proposed development would cause material harm to the living conditions of the occupiers of 26 Haycroft Road, with reference to light and outlook having particular regard to the height, depth and siting of the proposed first floor rear extension. Accordingly, it would fail to accord with policies DM 10 and CS8 of the CS and the Council's SPD which together seek to ensure good design and protect amenity.

Other matters

13. I appreciate that the proposal would provide an enlarged third bedroom which the appellants indicate is much needed. However, this does not serve to outweigh the harm that I have found above.

Conclusion

14. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Beverley Doward INSPECTOR