
Appeal Decision

Site visit made on 14 February 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 3rd March 2017

Appeal Ref: APP/Z5630/D/17/3167492

58 Park Road, Kingston-upon-Thames, Surrey KT2 6AU

- 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 Barry Selwyn against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/12826/HOU, dated 8 August 2016, was refused by notice dated 26 October 2016.
 - The development proposed is loft conversion to provide additional bedrooms, extensions and alterations to existing roof, alterations to existing rear extension and side extension at first floor level and rear extension at ground floor level.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Location and Block Plans submitted with the original application clearly show the host property and its curtilage outlined in red¹. However, I also have been appointed to determine an appeal following the refusal of planning permission for a similar proposal at No. 56 and I carried out a joint site visit. Although this appeal relates to No. 58 only and I am required to determine the appeal on this basis, I have also had regard to the current appeal proposal at No. 56².

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the host property and the Liverpool Road Conservation Area ('LRCA').
 - The effect of the proposal on the living conditions of the occupiers of No. 60 Park Road, with particular regard to light and outlook.

Reasons

Character and appearance

4. The appeal site lies within a predominantly residential area located on the periphery of the LRCA although there are commercial and retail uses along Park Road. Further along Park Road and outside the LRCA, there are a variety of

¹ The land to which the planning application relates to.

² APP/Z5630/D/17/3167695.

detached and semi-detached properties that have been subject to a number of alterations in the form of extensions, roof alterations and box projecting roof dormer windows. Nevertheless, these do not form part of the LRCA, the significance of which derives mainly from its residential streets of substantial 2 to 2 ½ storey detached and semi-detached villas and houses set in mature planting and street trees that emphasise the pleasant leafy and suburban character of the area on the edge of Richmond Park.

5. Despite the use of sympathetic materials and appropriate detailing the additional increase in height of both the roof and the first floor side extension, which would sit above the eaves, would detract from the integrity and uniformity of the design of the pair. The large expanse of flat crown roof extending to the rear and at a greater height than the immediate roofscape would exacerbate the scale of the host property, resulting in it being overly prominent and unduly dominant. Although views are not widespread it would be publically visible and the size and projection of the rear element and overall increase in scale and bulk at roof level would appear at odds with the immediate roofscape, diminishing views of its chimney which is an attractive existing feature of the pair.
6. Rather than reflecting the existing rhythm of the LRCA, the proposal would unbalance the appearance of Nos. 56 and 58 as a freestanding pair of semi-detached dwellings. The additional increase in height and change to the roof form would look incongruous and out of keeping to the detriment of the character and appearance of the host property and the LRCA. In its context it would not therefore constitute good design.
7. The appellant contends that the proposals at Nos. 56 and 58 need to be implemented together and although the appellant refers to a legal agreement, no such agreement is before me that would secure joint construction. I have considered whether the use of a Grampian style planning condition could be attached to the planning permission which prohibited the proposal being constructed at No. 56 until the proposal at No. 58 was constructed.
8. However, on the evidence before me there is little for me to be certain of any prospect whatsoever of the development at No. 56 being constructed within a 3 year time period (which would be the time limit in which a potential planning permission would have to be begun for works at No. 58). In this particular case a Grampian style condition would not therefore be appropriate and would fail the tests set out in paragraph 206 of the National Planning Policy Framework ('Framework') as it would not be enforceable or reasonable.
9. Moreover, even if a Grampian condition was appropriate the proposal would still result in an unbalancing effect to the building that would be harmful, given the contrasting height, form and design of the first floor side extensions on each property and the overall mass, scale and design of the roof alterations and extensions. This would still cause harm to the character and appearance of the pair and would fail to preserve or enhance the character and appearance of the LRCA.
10. For these reasons, the proposal would not preserve or enhance the character and appearance of the LRCA and would harm the character and appearance of the host property. It would conflict with Policies CS8, DM10 and DM12 of the Royal Borough of Kingston-upon-Thames Core Strategy 2012. When taken as a whole, these require good design, seek to maintain and improve the local built

and historic environment and require that new developments conserve and enhance the character and appearance of the Borough's heritage assets.

11. In the context of the Framework, the proposal would cause less than substantial harm to significance of the LRCA. On the evidence before me, any public benefits in terms of economic activity during construction and improved family accommodation would not outweigh the considerable weight and importance I give to the desirability of preserving or enhancing the historic asset and the harm that I have identified to the character and appearance of the host property.
12. The Council raise no objections to the single storey rear extension and having visited the site I have no reason to disagree with such an assessment. Whilst the Council also objects to the dormer windows, I found that other dormer windows existed within the LRCA. Moreover, they would be subservient additions within the roof and of a suitable and sympathetic design. Whilst I have found the necessary roof alterations to be unacceptable, the dormer windows per se would not be an alien feature and would preserve the character and appearance of the LRCA.
13. Furthermore, given the pattern and grain of built form within the LRCA, I did not find that the first floor gap between the host property and No. 60 to contribute to the significance of the LRCA. I also noted the gap on the opposite side, between Nos. 56 and 54 was already compromised by an existing first floor, flat roof side extension. On its own, the infilling of this gap would preserve the character and appearance of the host property and LRCA, albeit that I have found the associated increase in its overall height would be unacceptable.

Living conditions

14. I have not been provided with any details regarding the layout of the first floor flat at No. 60 although I noted at the site visit it had a large bay window in the front elevation and windows to the rear. In the absence of any substantive evidence from the Council that the affected windows would be the sole windows serving habitable rooms of that property and from my site visit, I am unable to be determinative that the proposal would cause harm to the living conditions of the occupiers of No. 60, in terms of light and outlook. Furthermore, in view of my findings in relation to the first main issue, I find it is not necessary for me to express a conclusion in relation to such effects as it would not alter the outcome of the appeal.

Other Matters

15. I acknowledge the appellant's personal circumstances and the desire to improve the living accommodation of the appellant's home. However, these do not outweigh the harm that I have identified in relation to the first main issue, mindful that there is also no substantive evidence before me to suggest that such improvements could only be realised by the appeal scheme.

Conclusion

16. For the reasons set out above the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do indicate that a decision should be made other than in accordance with the

development plan and having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR