

Appeal Decision

Site visit made on 28 February 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 13th March 2017

Appeal Ref: APP/Z5630/D/17/3167498
56 Nelson Road, New Malden, KT3 5EB

- 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 Binu Harchowal against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/14637/HOU, dated 27 June 2016, was refused by notice dated 28 October 2016.
 - The development proposed is two storey side extension and single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the host property and area.
 - The effect of the proposal on the living conditions of the occupiers of Nos. 54 and 58 Nelson Road, with particular regard to light and outlook.

Reasons

Character and appearance

3. The appeal site contains a 2 storey semi-detached residential dwelling and its curtilage and is located in a street of residential properties of varying sizes and designs and from different periods. It is of a simple and traditional form and appearance albeit that it appears to have been previously extended by 2 storey side and single storey rear extensions. It has an existing side access and the flank wall of a 2 storey side extension to No. 58 is sited close to the boundary with the appeal site.
 4. Although there are examples of 2 storey side extensions within the road that extend close to the side boundary, I did not find that such extensions were prevalent. On the contrary, the variety and extent of gaps between the dwellings at first floor level gives views through to mature landscaping at the rear of the properties that positively contributes to the character and appearance of the area.
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5. Although the side extension is of a modest width it is of a significant height and extends for a considerable depth beyond the rear elevation. Moreover, the further encroachment of such built form even closer to the side boundary would give the perception of an almost continuous frontage of development. To my mind, the further erosion of the gap would diminish the important contribution that it makes to the character and appearance of the area.
6. Furthermore, the side extension would not be articulated from the original dwelling and the combination of its height and depth would result in such a significant mass and scale that in any reasonable assessment it would fail to appear subordinate to the host property. Although a variety of materials exist within the street the use of cedar cladding would be out of keeping with and unsympathetic to the traditional form and appearance of the host property and pair. Overall, it would be an unduly dominant and overly prominent addition to the host property that in its context would not represent a high quality of design.
7. For these reasons, the proposal would cause harm to the character and appearance of the host property and the area. It would conflict with Policies CS8 and DM10 of the Royal Borough of Kingston-upon-Thames Core Strategy 2012 ('CS'), Policies 7.4 and 7.6 of the London Plan 2015 ('the LP') and the policy guidance within the Council's Residential Design SPD 2013 ('the SPD'). When taken as a whole these require good design, that development respects, maintains and enhances a street or area, including plot width and format which includes spaces between the buildings, scale, height, form and massing and gives detailed guidance for the design of such residential extensions and alterations to ensure residential development achieves the highest possible standards in design and does not harm local character.

Living conditions

8. The 2 storey side extension would be sited approximately 1m away from the boundary with No. 54 and the side facing windows within the ground floor of that property were located a similar distance from the boundary. Given its height and depth so close to the boundary there would inevitably be some loss of daylight into the ground floor windows located in the side elevation of No. 54. I noted that although light to the windows was already restricted by the side extension at No. 56, nonetheless, the proposal would exacerbate this and make that accommodation a less attractive space within which to spend time. Furthermore the outlook from this part of that property would be onto a large expanse of flank wall directly in front of the window, appearing oppressive and overbearing from it. Given the depth and scale of built form along the boundary and despite the presence of soft landscaping, there would also be harm in terms of outlook from the rear ground and first floor windows of No. 54 and its garden area.
9. The host property benefits from a large single storey flat roof rear extension sited on the boundary with No. 58. That property has no similar extensions and therefore the outlook from the ground floor habitable room windows and patio area is already onto a substantial blank wall. The erection of a further extension of the depth proposed would result in an excessive amount of built form along the boundary. In combination with the height, this element of the proposal would be overbearing and oppressive to the outlook from the rear facing habitable room windows and patio area of No. 54.

10. Although there is landscaping along this boundary I have concerns that the construction works for the extension would not allow for such landscaping to be retained. Even if it were, there would still be harm in terms of outlook from the upper floor bedroom windows and garden area because the eye would be unacceptable drawn to the large expanse of flat roof, depth of the first floor rear extension and the overall amount of built form.
11. For these reasons, the proposal would cause harm to the living conditions of the occupiers of Nos. 54 and 58, in terms of light and outlook. The proposal would conflict with Policy DM10 of the CS, Policy 7.6 of the LP and the SPD insofar as development should have regard to the amenities of neighbours in terms of sunlight/daylight and the avoidance of visual intrusion and extensions should maintain the amount of daylight and sunlight experienced by neighbouring properties and a reasonable outlook for occupiers.

Other Matters

12. The appellant refers to compliance with the National Planning Policy Framework ('the Framework'). However, I find that the policies and guidance cited are consistent with it. Consequently, the proposal would also conflict with the Framework insofar as it requires a high quality of design and a good standard of amenity for future occupants of land and buildings.
13. I have also considered the fall back position but there is nothing before me to substantiate what any permitted development rights would allow or what such a scheme would provide. I cannot therefore conclude that the likelihood of such development occurring is more than a theoretical prospect. I acknowledge the proposal would provide additional accommodation to meet the needs of the appellant's family who would continue to reside at the property, may be more energy efficient and that consultation was undertaken with neighbouring occupiers. However, none of these other considerations, on their own or in combination, justify or outweigh the harm that I have identified in relation to the main issues.
14. Whilst I have also considered the examples given by the appellant of other similar extensions, I have not been provided with the full details and do not know the circumstances of these or the policies that applied at the time of their consideration. I cannot be certain that they are directly comparable and therefore they do not justify the harm that I have identified. In any event each case must be determined on its own merits.

Conclusion

15. 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 not indicate that the proposal should be determined 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