

Appeal Decision

Site visit made on 7 April 2017

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 25 April 2017

Appeal Ref: APP/Z5630/D/17/3168259

4 Arundel Road, Kingston upon Thames, KT1 3RZ

- 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 Chulan Weeresinghe against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 16/15164/HOU dated 8 November 2016 was refused by notice dated 4 January 2017.
 - The development proposed is the erection of a part single, part two storey side and rear extension and front extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a part single, part two storey side and rear extension and front extension at 4 Arundel Road, Kingston upon Thames, KT1 3RZ in accordance with the terms of the application, Ref 16/15164/HOU, dated 8 November 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: 4ARUN/FP/1 Rev 1, 4ARUN/FP/1A Rev 1, 4ARUN/FP/2 Rev 1, 4ARUN/FP/3 Rev 1, 4ARUN/FP/4 Rev 1 and 4ARUN/FP/5 Rev 1.
 - 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) The flat roof area of the extension hereby permitted shall not be used as a balcony, siting out area or similar amenity area and no access shall be gained except for maintenance purposes.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no windows or other openings (other than those expressly authorised by this permission) shall be formed in the first floor or above on the eastern or western side elevations of the extension hereby permitted.
-

Procedural Matter

2. At the time of my site visit, construction works were ongoing at the appeal site. It was not clear whether this was in connection with the appeal proposal or a previous approval which have been referenced. For clarity, I am considering the appeal based on the submitted plans.

Main Issue

3. I consider the main issue is the effect of the proposal on the living conditions of neighbouring occupants with regard to outlook.

Reasons

4. The appeal property is a semi-detached dwelling which is situated on the southern side of Arundel Road. It has previously been extended to the side with a two-storey structure and at the time of my visit, a single storey rear extension was under construction. The proposal includes a rear extension at first floor level, which the Council raise concerns in relation to the overbearing impact on No. 6 Arundel Road. Whilst I recognise the height and the bulk of the proposal and the proximity of the first-floor part of the scheme at around 1m from the shared boundary, I was able to see at the time of my visit that the windows on the rear elevation of this neighbouring property were set away from the common boundary. Given the overall separation to these windows, as well as the hipped roof form of the proposal, I do not consider that there would be any demonstrable overbearing impact on the neighbouring house's occupants. No. 6 also has a large rear garden which would ensure that there would no unacceptable impacts on the use of this amenity space.
5. The Council have referred to a previous application¹ and the now reduced projection of the first-floor element by 0.3m not overcoming the second reason for refusal. I am however required to determine the appeal proposal on its own merits and I do not consider that there would be an unacceptable effect on the living conditions of this neighbouring property's occupiers.
6. No concerns have been raised by the Council in relation to the impact of the proposal on No. 2 and given the height and projection of the development close to this neighbouring property, I have no reason to disagree.
7. I therefore conclude that the proposal would not have an unacceptable harmful effect on the living conditions of neighbouring occupants with regard to outlook. Of the policies quoted in the refusal notice, I consider Policy DM 10 of the Council's Core Strategy to be of most relevance to the proposal. There would be no conflict with this policy, which requires, amongst other matters, for development to have regard to the amenities of occupants and neighbours. It would also not conflict with the Residential Design Supplementary Planning Document, which seeks, amongst other matters, a good level of amenity for existing neighbouring residents.

Conclusion

8. For the reasons given above and having taken into account all other matters raised, I conclude the appeal should be allowed.

¹ LPA Ref: 16/14928/HOU

Conditions

9. The Council have suggested a number of conditions. In addition to the standard time condition, the condition requiring matching materials is necessary in the interests of the appearance of the area. I also consider it necessary to impose a condition to secure compliance with the approved plans, for the avoidance of doubt and in the interests of proper planning.
10. Conditions are also necessary to prevent new windows or openings on the side elevations of the extension hereby approved and to restrict the use of the flat roof area of the extension to protect the living conditions of surrounding residential occupiers. The wording of some of the conditions has been amended without changing their overall effect.

F Rafiq

INSPECTOR