
Appeal Decision

Site visit made on 11 April 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 27 April 2017

Appeal Ref: APP/Z5630/D/17/3168440

13 South Lane West, New Malden, Surrey KT3 5AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mrs Clair and Mr Richard Hebborn against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/15201/PNH, dated 18 November 2016, was refused by notice dated 5 January 2017.
 - The development proposed is a rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There is no dispute that the proposal complies with the relevant limitations and restrictions set out in the GPDO and so the development would be permitted development if prior approval were to be granted.
3. The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

Reasons

4. The appeal property is a two storey terraced house, located within a predominantly residential area.
5. No 11 South Lane West adjoins the site to the north-east. This end of terraced house has an existing rear extension of approximately 2m in length, which runs alongside the boundary with the appeal property. No 15 South Lane West is a mid-terraced house, situated to the south-west of the appeal property. This house does not have an existing extension.
6. The Council refers to its Supplementary Planning Document (SPD)¹ which provides guidance relevant to the appeal. I have taken this into account as a form of evidence to assist the planning judgement. Policy Guidance 33 'Single

¹ Royal Borough of Kingston Upon Thames Local Development Framework: Residential Design Supplementary Planning Document, adopted July 2013 amended November 2013

Storey Rear Extensions' states that extensions to terraced or semi-detached houses should generally not exceed 3-3.5 m in depth. The SPD complements Policy DM10 of the Core Strategy² which seeks, amongst other things, to protect the amenities of neighbouring occupiers, including in terms of outlook and visual intrusion.

7. The extension would project 6m into the rear garden and it would be sited along the boundaries with Nos 11 and 15. The extension would exceed the maximum depth advised in the SPD and it would be a relatively large and dominant structure, particularly in relation to No 15.
8. The neighbouring house at No 11 has an existing rear extension and so the adverse impact of the proposed extension would be less significant than its effect on No 15. Nevertheless, the proposed siting and length of the extension is such that it would adversely affect the living conditions of the occupiers of both properties due to its overbearing impact. It would also result in a loss of outlook from their ground floor rear windows.
9. I appreciate that the neighbour at No 15 has not objected to the proposal. However, the views of neighbours can change and new occupiers may arrive with different opinions.

Conclusion

10. I find that the development would have an adverse effect on the amenity of the occupiers of the adjoining houses at Nos 11 and 15 South Lane West. The siting and length of the extension is such that it would be overbearing and dominant, and would result in a loss of outlook to the detriment of the living conditions of the adjoining occupiers.
11. For the reasons given above, I conclude that the appeal should be dismissed.

Debbie Moore

Inspector

² Royal Borough of Kingston Upon Thames Local Development Framework: Core Strategy, adopted April 2012