
Appeal Decision

Site visit made on 20 June 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 5 July 2017

Appeal Ref: APP/Z5630/W/17/3171771

The Devonshire Care Home, 213 Malden Road, New Malden KT3 6AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Annar Neallani Mangalji against the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/14934/FUL, is dated 9 September 2016.
 - The development proposed is roof alterations.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matter

2. The Council state that had they had the opportunity to determine the application it would have refused the application on the grounds that the proposed front dormer windows would be out of keeping with the property itself and the street scene and that the side dormer would dominate the existing roof slope and not relate well to the existing property.

Main Issue

3. Taking into account the above, I consider that the main issue is the effect of the proposal on the character and appearance of the host property and surrounding area.

Reasons

4. The appeal property is a large detached two storey property on Malden Road within a predominately residential area comprised of 2 storey detached and semi-detached properties and three storey apartment blocks. It is proposed to convert the roof space involving the erection of two front dormers and a side dormer in order to rationalise the existing water tanks in the roof space and provide additional day space.
 5. Policy Guidance 39 (PG39) of the Council's Residential Design Supplementary Planning Document (SPD) 2013 states that dormer windows should be designed so that they are, amongst other things, set down from the ridge and set in from the sides and eaves of the roof by at least 500mm; do not feature on the front roof slope (in most cases); are designed to complement the character of the existing house and wider area and; match or line-up with any original windows below.
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6. The property is significantly larger than the majority of the surrounding properties which are generally semi-detached or detached occupying smaller plots. The appeal site is also in close proximity to three to five storey flatted developments situated at either side of the junction of Malden Road with Malden Way to the north of the appeal site. The front of this traditional property remains largely unaltered and retains many of its original features including bay windows and front gable features. It thus contributes significantly to the character and appearance of the area.
7. As the proposed two front dormers would not be set down from the ridge by 500mm and by virtue of the position on the front roof slope there would be clear conflict with PG39 of the SPD. I note that PG39 states that dormer windows should not feature on the front roof slope 'in most cases'.
8. Although the front dormers would not be set down by the required 500mm, as there is a degree of set down they would, nevertheless, be visually contained within the roof slope. In light of the unique nature of the appeal property and as a degree of flexibility is implied by PG39 of the SPD I have considered whether the front dormers could be successfully incorporated. However, the dormer to the north would result in the loss of the small gable feature and the dormer to the south would detract significantly from the front gable feature. The relocated water tanks would raise the roof profile and would fail to appear as an integral part of the overall design. Overall, the front dormers and raised roof would appear incongruous and detract from the character of the host property. The dormers and raised roof would also be highly visible from Malden Road and would, therefore, harm the character and appearance of the area.
9. A large glazed dormer window with angled sides is proposed to the rear courtyard north side elevation. The dormer would not be set down from the roof ridge by 500mm and nor would it align with the windows below. In addition, the design would not reflect the design of existing windows or dormers. Furthermore, it would occupy a high proportion of the roof slope and would, therefore, dominate this elevation. Consequently, it would be an incongruous addition at odds with the character of the host property. Whilst visibility is more restricted to the rear there is, nonetheless, an access to the sports club to the rear of the site and the proposed side dormer would, therefore, be visible to users of the club.
10. Attention is drawn to the three-storey flatted development situated at the junction with Malden Way. However, I consider that the appeal property relates visually to the two storey properties along Malden Road rather than the apartment blocks. Attention is also drawn to other dormers in the area. Within the immediate vicinity of the site, I noted only two dormer windows situated on the front roof slope of properties on the opposite side of Malden Road. However, these are set within the context of chalet style bungalows and appear to have been in place for some time. No details of the dormer windows at the other care home on Malden Road have been provided, however, they also appear to have been in place for some time. I cannot, therefore, be certain that they benefit from planning permission or were determined within the same development plan context. None of these cases are directly comparable to the appeal proposal which limits the weight which I can attach to them in my decision.

11. I have had regard to the fact that the proposal would provide enhanced living conditions for residents of the care home. However, I consider that these benefits could be achieved by alternative means. Consequently, I consider that the benefits of the proposal would be outweighed by the significant harm which I have identified.
12. For the reasons stated, I conclude that the proposal would harm the character and appearance of the host property and surrounding area. It would, therefore, conflict with Policies CS8 and DM10 of the Council's Core Strategy 2012 which together seek to protect the character of the Borough and ensure that new development incorporates principles of good design. The proposal is also contrary to the SPD. Furthermore, conflict arises with paragraph 56 of the National Planning Policy Framework which states that good design is a key aspect of sustainable development.

Conclusion

13. For the reasons stated and taking all other matters into consideration the appeal should be dismissed.

Caroline Mulloy

Inspector