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## Appeal Decision

Site visit made on 4 December 2017

**by G J Fort BA PGDip LLM MCD MRTPI**

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

**Decision date: 15 December 2017**

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**Appeal Ref: APP/Z5630/W/17/3181736**  
**76 Elm Road, New Malden KT3 3HN**

- 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 Anton Rooseboom (I-improve Properties Ltd.) against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
  - The application Ref 17/14275/FUL, dated 6 March 2017, was refused by notice dated 8 May 2017.
  - The development proposed is a mansard roof extension, single-storey side return, introduction of a lightwell, partial demolition of the rear extension and other external alterations.
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### Decision

1. The appeal is allowed and planning permission is granted for a mansard roof extension, single-storey side return, introduction of a lightwell, partial demolition of the rear extension and other external alterations at 76 Elm Road, New Malden KT3 3HN in accordance with the terms of the application, Ref 17/14275/FUL, dated 6 March 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plans- Drawing No. 1341/01; Proposed Floor Plans- Drawing No. 1341/05; Proposed Elevations- Drawing No. 1341/06; Proposed Sections- Drawing No. 1341/07.
  - 3) The materials used in the construction of the external surfaces of the development hereby approved shall match those used in the existing building.

### Main Issue

2. I consider the main issue in this appeal to be the effect of the proposed development on the character and appearance of the host building and its surroundings.

### Reasons

3. Located within a short terrace, the appeal property is of two storeys, and at the rear is brick-faced with a prominent outrigger. Outriggers of a similar scale and projection give a sense of rhythm to the rear of the appeal building's host

terrace up to its first floor; however, a large extension at the roof level at an adjacent property has added diversity to the roofscape, and lower level additions and accretions impart a functional character to this rear aspect. In the wider area, and inter-visible with the appeal property, rear roof additions and alterations of varied scales, materials and detailing are common and widely visible elements of the streetscene. The proposed development, as described above, would include comprehensive changes to the rear roof of the appeal property including the installation of mansard style roofs.

4. I saw that the rear roofs immediately to either side of the appeal property remain unaltered. However, the presence of the large roof extension elsewhere in the terrace, and the amount of rear roof alterations within the immediate context of the appeal property form part of the established character of the streetscene.
5. Whilst the style of the proposed roof would differ from that of the roof extension at the adjacent dwelling, it would nevertheless be of a similar scale and mass. Unlike that existing roof extension which has a boxy appearance, the proposed development would have pitched roofing elements, which would slope away from the appeal building's rear elevations. This aspect of the appeal scheme's design, taken together with the retention and extension of the party wall upstand on the outrigger's flank, would help the roof extension to assimilate with its host property. Moreover, due to these aspects, the proposed development would not interrupt the rhythm created by the terrace's outriggers, and would not read as an incongruous element given the character of its surroundings, wherein incremental development, both at roof and lower levels is commonplace. As a result, the proposed development would not cause material harm to the character of its host property or the wider streetscene.
6. Whilst I am mindful that the appeal proposal relates to a commercial rather than a residential development, I have nevertheless taken into account the guidance given in Kingston upon Thames's Residential Design Supplementary Planning Document (adopted July 2013- Amended November 2013) (the SPD). Whilst the proposed development would conflict with this guidance as it would introduce a mansard style roof, the lack of harm that the proposed development would cause to the character and appearance of the streetscene justifies a departure from the SPD's advice in this instance.
7. Accordingly, for the above reasons, the proposed development would not cause any material harm to the character and appearance of its host building or its surroundings. Consequently, I conclude that the proposed development would not conflict with Policies CS8 and DM10 of the Kingston upon Thames Core Strategy (adopted April 2012), which taken together and amongst other things, seek to protect the primarily suburban character of the Borough from inappropriate development; and require developments to respect, maintain or enhance the most essential elements identified as contributing to the character and local distinctiveness of the area.

## **Conditions**

8. The National Planning Policy Framework establishes, at paragraph 206 that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have been mindful of these tests in my

assessment of the Council's suggested conditions, and where I have attached them have made amendments to their wording in the interests of clarity.

9. In the interests of certainty, I have attached a condition which specifies the approved plans. In order that the proposed development is sensitive to the character and appearance of its host dwelling and surroundings I have attached a condition requiring the use of matching materials in its external facing. Given the location and height of the proposed roof, and the consequent impracticalities of accessing it for amenity use I consider it unnecessary to attach a condition restricting its use as a balcony or roof terrace.

### **Conclusion**

10. The appeal scheme would not conflict with the development plan insofar as the above-referenced policies are concerned. Accordingly, I conclude, for the reasons set out above, and taking into account all other matters raised, that the appeal should succeed.

*G J Fort*

INSPECTOR