
Appeal Decision

Site visit made on 19 December 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 05 January 2018

Appeal Ref: APP/Z5630/D/17/3181587
105 Beresford Avenue, Tolworth KT5 9LW

- 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 Syl Rexhepi against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 17/16257/HOU, dated 31 March 2017, was refused by notice dated 3 July 2017.
 - The development proposed is the addition of pitched roof to existing building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the appeal form as this more clearly explains the nature of the proposal.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the development on the living conditions of the occupiers of Nos 103 Beresford Avenue and No 105 Elgar Avenue, with particular reference to outlook.

Reasons

Character and appearance

4. The appeal relates to a single storey outbuilding situated at the end of the rear garden of the semi-detached dwelling at No 105 Beresford Road.
5. The linear layout of the dwellings fronting onto both Beresford Road and Elgar Avenue creates a relatively wide area of gardens between these two rows. I accept that public views of this space and the development would be limited, however, the visual quality arising from the trees, vegetation, grassed areas and the considerable distances between the backs of houses, provides a significant and important character resource to the area and the many surrounding residents.

6. There are existing outbuildings at the rear of Nos 99 and 107 Beresford Avenue but these do not appear as large as the appeal outbuilding. The other domestic buildings I could see, such as sheds and greenhouses, are subservient or of minor scale.
7. Due to the building being set down at the rear of the garden with a flat, dark roof, as well as the height of the adjacent boundary fencing and surrounding planting, the building as existing has a limited visual influence on the character and appearance of the area and is relatively recessive. However, the increased height would create a more visually imposing building, which would appear incongruous and unduly prominent within this garden setting between two rows of dwellings.
8. I accept that there would be some visual correlation with the design of the roof extension on the main dwelling and the pitched roofs of the dwellings in the surrounding area. I also acknowledge that paragraph 60 of the National Planning Policy Framework states that planning decisions should not attempt to impose architectural styles or particular tastes. However, the resulting scale would create a development which would more obviously and conspicuously appear out of character with the existing pattern of development.
9. I therefore conclude the proposal would result in material harm to the character and appearance of the area and as such would be contrary to Core Strategy (CS) Policies CS8 and DM10. These seek, amongst other matters, to ensure new development relates well to its surroundings.

Living conditions

10. Due to the properties on both Beresford Avenue and Elgar Avenue benefiting from relatively long rear gardens, the resultant separation to the outbuilding would ensure that there would be no material harm to the outlook from those dwellings arising from the addition of the proposed pitched roof. The effects would therefore be largely restricted to that experienced towards the end of the rear garden areas of the neighbouring properties.
11. Whilst the occupants of No 103 would clearly see the expanse of roof, given that it would slope away from that property and would be located at the end of the garden, any additional overbearing effect would not be significant or to an extent which would warrant withholding planning permission. With reference to No 107, the outbuilding is set away from the boundary with that property and given the existing buildings at the rear of No 107, no material harm would arise.
12. The Council's reason for refusal also refers to the effects on No 105 Elgar Avenue. However, any harm arising in terms of outlook from the additional effects of the gable end, which would increase the maximum height at the apex by 2m, would not be significant or unacceptable, even if the existing screening is removed. Similarly, any overshadowing or loss of light created towards the end of neighbouring gardens would not be significant and not to an extent that would warrant withholding planning permission. Moreover, given the relatively large gardens and relatively restrained scale of most of the outbuildings around the appeal site, I do not consider that the proposal would result in an undue sense of confinement or enclosure to existing occupants.

13. I therefore conclude that the proposal would not result in unacceptable harm to the living conditions of the occupants of neighbouring properties and as such would not conflict with CS Policy DM10 insofar as this policy expects development proposals to have regard to the amenities of occupants and neighbours.

Other matters

14. I have noted the appellant's reference to the outbuilding at the rear of Lyndhurst Avenue, however I am not aware of the planning status of that development and in any case I have considered the appeal proposal on its own merits.
15. I sympathise that the existing roof leaks and requires regular maintenance and that the proposed works would create a more efficient and sustainable form of development. However, I have no evidence to demonstrate that this could not be achieved by other measures which would be less visually intrusive.
16. I note the appellant's concern regarding the way in with the planning application was handled by the Council, however, this is not a matter for this appeal which I have determined afresh and on its planning merits.

Conclusion

17. Whilst I haven't found that the proposal would result in unacceptable harm to the living conditions of the occupants of neighbouring properties, it would however result in material harm to character and appearance of the area and for this reason, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR