



Appeal Decision

Site visit made on 28 October 2019

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2019

Appeal Ref: APP/Z5630/D/19/3237987 22 Howard Road, New Malden KT3 4DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Plummer against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 18/00304/HOU, dated 17 December 2018, was refused by notice dated 29 August 2019.
 - The development proposed is described on the application form as 'extensions to roof to create dormer and additional bedrooms'.
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Decision

1. The appeal is allowed and planning permission is granted for extensions to the roof to create dormer and additional bedrooms at 22 Howard Road, New Malden KT3 4DP, in accordance with the terms of the application Ref 18/00304/HOU, dated 17 December 2018, subject to the conditions below.

Preliminary matters

2. This proposal follows certificates of lawfulness ('CLD') in 2018 and 2011 for potential alterations to the roof of No 22 via permitted development rights under the relevant provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended ('GPDO').¹ I understand that a subsequent application for similar development has been made to, but not yet determined by the Council.² Plan BA049_03_005 compares the 2018 CLD proposition with the present scheme, and the Council does not challenge the accuracy of that representation.
3. As implied by this appeal and the application subsequent to it, the 2018 CLD proposition may not be ideal in terms of maximising available space or other practicalities. However the planning history to No 22 establishes that a substantial roof extension of some form would be lawful, and is clearly actively being sought by the appellants. It is therefore reasonable to take the position that there is a good likelihood that such a fallback scheme would be undertaken were this appeal to be unsuccessful.³
4. That said, the proposal before me differs from the 2018 CLD proposition. There is some give and some take. However the present scheme would entail a

¹ Ref 18/14967/LDP and 11/14905/LDP.

² Ref 19/02131/HOU.

³ With regard to R (on the application of Zurich Assurance Ltd.) v North Lincolnshire [2012] EHC 3708.

higher roofline. That is impermissible via permitted development rights.⁴ Moreover each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise.

Policy context

5. In this instance, notwithstanding a review underway, the development plan includes policies of the Core Strategy (adopted April 2012, the 'CS'). I have also had regard to various material considerations including the Council's Residential Design Guide Supplementary Planning Document (adopted July 2013, the 'SPD'), the National Planning Policy Framework ('NPPF'), and the National Design Guide ('NDG').
6. In brief, and amongst other things, CS policies CS 8 and DM 10 seek to ensure that development is designed so as to integrate appropriately with local distinctiveness, including in respect of scale, height and massing. Similarly NPPF paragraph 127(c) out that development should be sympathetic to the surrounding environment, as also reflected in sections C1 and I1 of the NDG.
7. Section 39 of the SPD guides that, in order to complement the original design of a property, dormers should generally be set down from the ridgeline by at least 0.5m and similarly set-in from the sides and eaves. That approach follows on from the statement in SPD paragraph 4.24 that 'roof extensions can have a significant impact on the character of the streetscape both in individual cases or through the cumulative impact of several roof extensions within a street. This is particularly true when they are visually prominent within the street.'

Main issue

8. Against the context above, the main issue is the effect of the development proposed on the character and appearance of No 22 and that of the surrounding area.

Reasons

9. No 22 is one of six terraced properties, Nos 20 to 30, to the east of Howard Road. They appear early twentieth century in origin. The immediate surroundings to the appeal site are residential, notwithstanding that Howard Road runs parallel to New Malden High Street a short distance away. No 20 occupies a corner plot of Howard Road and Malden Hill, the topography of the latter rising eastwards; the rear elevation of No 22 is therefore partially visible from vantage points in that direction. There are only fleeting and distant glimpses towards the rear of No 22 from King's Avenue, which runs initially by No 38 Howard Road (given intervening boundary features and established trees).
10. Houses along the opposite side of Howard Road to No 22 tend to date from around the turn of the century or later, and are typically semi-detached properties of traditional design. However Nos 20 to 30 have a rare layout and form. All share party walls to the rear, however they appear semi-detached or detached by virtue of narrow gaps between their principal elevations of around 0.6 to 0.7 metres.⁵ That may have been as rear elements were originally

⁴ GPDO Schedule 2, Part 1, Class B(B.1)(b).

⁵ Appellant's statement of case regarding the relationship of No 20 and 22.

tenements, albeit that is conjecture. In any event, their layout results in an atypical roof form. Each has a sunken central flat-roofed element, with dual-pitched elements projecting above both forward and back. That roof form is only readily perceptible from Malden Hill, where the side elevation to No 20 has two gable elements linked by a level section.

11. Considered in the abstract, or mathematically, the proposed roof extension would be substantial. The Council sets out that in spanning, more-or-less, from party wall to party wall, the extension would measure some 5.1 metres in width. As shown on plan 'BA049_03_03 REV. A' in particular, the scheme would 'fill in' the space between the pitched elements of the property's roof, amounting to some 9.6 metres in depth. The proposal would reach a maximum height above that of either existing ridgeline, and extend to around 0.65m back from the eaves of No 22 at the rear. Although in that latter respect the set-in from the eaves would exceed the minimum distance recommended in the SPD, that would not be the case in respect of width or height.
12. Nevertheless in actuality the scale of the proposal would not be readily apparent. The gap between the principal elevations of Nos 20 and 22 is, as set out above, narrow. As such, and given also the presence of a highway tree broadly in line with the bay window of No 20, there would be no meaningful visibility of the side elevation of the proposed extension from Howard Road. Moreover the pitch of the proposed roof declines towards the principal elevation of No 22 to meet the existing ridgeline. As demonstrated by the three-dimensional street scene elevation on plan BA049_03_004,⁶ the extension would therefore not visibly increase the height of the property as also viewed from vantage points along Howard Road. As alluded to above, the proposal is sufficiently distant and obscured by intervening features from Kings Avenue such that the extension proposed would be barely perceptible from that location (if at all).
13. I accept that, as viewed from Malden Hill however, the proposal would disrupt the symmetry that presently exists between the upper floors and roof forms of Nos 20 to 30 relative to one another, none of which presently feature rear dormers. Symmetry is inherently visually pleasing, (notwithstanding that the rear-facing elevation proposed is broadly symmetrical in itself). However implementing the scheme certified as lawful in 2018 referenced above would have a similar unbalancing effect. There is force in the appellants' argument that, by virtue of the minimum set back required from the eaves of 0.2 metres in respect of additions to the roof of the property under permitted development rights,⁷ implementing the 2018 scheme may result in development that is, in certain respects, more prominent.
14. There are several factors that would further qualify the visual effects of the scheme as viewed from Malden Hill. Visibility of the proposal would be partially obscured by boundary features and established planting within the rear garden of No 20,⁸ a highway tree in that location also, and by the form of No 1 further eastwards. Alterations to original roof forms and rear dormers are not

⁶ It appears rendered as if viewed from typical eye level at the pavement near No 19 obliquely opposite.

⁷ Schedule 2, Part 1, Class B(B.2)(b)(i)(bb) of the GPDO.

⁸ Although dependency cannot be placed on those features remaining as they are, some level of boundary screening is likely to be maintained for reasons of aesthetics and privacy.

uncommon in the surrounding area,⁹ albeit I accept the Council's point that there are no direct comparables to the development proposed. There is also some variety in the age, design, and roof form of properties in the area; neither Nos 20 to 30 neither nor the surrounding area is formally protected on account of its heritage or nature of its built environment. In that latter context, although the seamed zinc proposed would not reflect the traditional palette of materials present at No 22 it would not appear discordant (including on account of the muted copper and grey tones proposed).

15. I accept that the proposal would result in some change and represent a relatively significant addition to No 22 that does not adhere to certain guidelines in the SPD. However, for the above reasons, given the particular design of the scheme, bearing of the 2018 CLD, and various contextual factors, I am not of the view that the proposal would be incongruous or unacceptable. By contrast the proposal is suitably sympathetic to the surrounding built environment and would integrate appropriately with local distinctiveness in accordance with the relevant provisions of CS policies CS 8 and DM 10 and also NPPF paragraph 127(c).

Conclusion

16. For the above reasons, having taken account of the development plan as a whole, the approach in the NPPF along with all other relevant considerations, I conclude that the appeal should be allowed subject to the conditions set out below.

Conditions

17. In addition to requiring commencement within the relevant statutory period, I have imposed conditions requiring compliance with the supporting plans and that matching materials are used (other than where different materials are intended). In my view, and with regard to the tests in NPPF paragraph 55, they are necessary in order to ensure that the development proposed is implemented as assessed above and in the interests of certainty.

Thomas Bristow
INSPECTOR

SCHEDULE OF 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 approved plans BA049_03_003 REV.A, BA049_03_004, BA049_03_005.
- 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 (other than they are intended to differ, as shown on the approved plans).

⁹ That is the case, for example, and neighbouring No 1 Malden Hill, with the appellant also citing a wide range of examples of alterations to roofs relatively nearby in their appeal statement along Malden Hill, Howard Road and Kings Avenue (pages 8 and 9).