



Appeal Decision

Site visit made on 7 January 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2020

Appeal Ref: APP/Z5630/W/19/3236761

White House Nursing Home, 274 Malden Road, Worcester Park KT3 6AR

- 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 Mr Rahim Nurmohamed against the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 19/00757/FUL is dated 20 March 2019.
 - The development proposed is a three-storey rear extension.
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Decision

1. The appeal is dismissed and planning permission is refused for a three-storey rear extension at White House Nursing Home, 274 Malden Road, Worcester Park KT3 6AR.

Application for costs

2. An application for costs was made by Mr Rahim Nurmohamed against the Council of the Royal Borough of Kingston-upon-Thames. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council have subsequently issued a statement for the purposes of this appeal highlighting that it would have approved the application for a three-storey extension. I have had regard to this statement, the plans showing the proposed extension, third party representations received at the time of the planning application and observations at the time of my site inspection in framing the main issue.
4. A number of discrepancies have been identified within the submitted plans, these include, for example, windows shown to serve proposed bedrooms on the floorplans that are not replicated on the corresponding elevation plans. In applying professional judgement, I have determined the appeal on the basis of the floorplans, as these show the greatest extent of the development including the additional windows to habitable rooms that would otherwise be devoid of outlook and natural light.

Main Issue

5. The main issue is the effect of the development on the living conditions of nearby residents with particular regard to overlooking and loss of privacy.

Reasons

6. The appeal site is an established nursing home providing care accommodation over three floors. The building is located on a corner plot at the junction of Malden Road with Motspur Park and bordered by residential development.
7. The proposed extension would replicate the features, proportioning and external materials of the existing building, including new window openings. The extension would lie in close proximity to the side and rear boundaries which are currently delineated by panel fencing.
8. I note the objections of a nearby neighbour received by the Council at the time of the application and concerns expressed in relation to loss of privacy amongst other matters. The proposed openings to the ground floor would address the enclosed yard areas about the building and more distant views to bordering properties from new ground floor windows would be screened by virtue of the height of the existing boundary treatments.
9. A proposed opening at first floor level on the rear elevation facing on to the blank gable of 1 Motspur Park would be fitted with obscure glazing. It would therefore result in no increase in overlooking of that property.
10. However, the floorplans indicate two new bedrooms at first floor level with windows facing towards the garden area of 1 Kingswood Close. These windows, which are not shown on the elevation plans, would each be the only source of outlook for those bedrooms.
11. Whilst I acknowledge the view in the submitted Design and Access Statement suggesting the development would not overbear, overlook or adversely affect neighbouring properties, the arrangement of the development would conflict with the Council's separation distance standard of 7.5 metres as set out in Policy Guidance 16 of the Residential Design Guide SPD (2013) (SPD). Consequently, by reason of the orientation of the windows and close siting to the common boundary with 1 Kingswood Close, views across the private rear gardens of properties fronting Kingswood Close would result.
12. Although a slender deciduous tree lies within the intervening yard area, the absence of other dense vegetation or screening to prevent views directly into the private rear amenity space of 1 Kingswood Close would give rise to an unacceptable level of overlooking of the garden and loss of privacy to occupiers of that property.
13. As the main point of outlook for future occupiers and that these rooms are intended to provide primary habitable living quarters, it would not be a reasonable solution to impose the use of obscure glazing in those circumstance. To do so would deliver a poor standard of living conditions for the intended occupants.
14. Proposed upper floor windows facing on to Motspur Park would reflect the current relationship with properties on the opposite side of the road such that no significant effect on living conditions of those occupiers would arise.
15. For the above reasons, I conclude that the proposed extension would fail to meet the requirements of Policy DM10 of the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy (2012) and the SPD, Policy 7.6 of the London Plan (2016) and the National Planning Policy

Framework (the Framework) as they seek to protect the living conditions of nearby residents with respect to overlooking and privacy.

Other Matters

16. The Council advises that it is unable to demonstrate a five-year supply of deliverable housing land. Under the terms of the Framework the presumption in favour of sustainable development, as described in paragraph 11d, is consequently engaged. Based on census data the Council equates the provision of four additional bedrooms for the elderly as equivalent to the provision of two new homes. This is reasoned by virtue of the release of housing back into the market. I see no reason to disagree with that approach.
17. However, notwithstanding the small benefit to housing supply; the support within the local development plan for high quality health and social care, including care homes and facilities to support the needs of people with dementia; and, the improvement in facilities for existing residents and staff, this would not to my mind outweigh the harm I have identified to neighbouring living conditions.
18. I have noted the additional grounds for objection from nearby residents to the proposal and have had regard to them. However, in the light of my findings on the main issue of the appeal, my decision does not turn on those matters.
19. I also note the frustrations expressed by the appellant in relation to the delays and level of communication from the Council leading up to this appeal. However, this is not a matter for this appeal, which I have determined on its own merits

Conclusion

20. For the above reasons the appeal should be dismissed.

R Hitchcock

INSPECTOR