



Appeal Decision

Site visit made on 12 October 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/Z5630/W/19/3243695

246 Kingston Road, New Malden KT3 3RN

- 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 P Onslow-Cole against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 19/02506/FUL, dated 9 October 2019, was refused by notice dated 4 December 2019.
 - The development proposed is erection of first floor extension to accommodate 1x self-contained studio unit.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following submission of the application to the Council, the proposal description was revised from '*Formation of rear first floor extension to create bedsitting room*' to the description of development set out in the banner heading above, which has been taken from the Council's decision notice and the appellant's appeal form. The Council's officer report confirms that the revised description of development was subject to consultation. I have considered the appeal on this basis.

Background and Main Issues

3. There is no dispute between the main parties that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. Therefore, the presumption in favour of sustainable development contained in paragraph 11 d) of the National Planning Policy Framework (the Framework) is engaged. Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
4. In the context of the above, the main issues are:
 - the effect of the proposal on the character and appearance of the host building and wider area;
 - whether adequate living conditions would be provided for future occupiers in respect of external amenity space provision and outlook; and

- the effect of the proposal on the living conditions of the occupiers of first floor flats at Nos 244 and 246 Kingston Road in respect of outlook.

Character and appearance

5. The appeal site is a two storey end of terrace property on the south side of Kingston Road close to the junction with California Road. The building has a single storey flat roofed rear extension and is occupied by a retail shop and bedsitting room at ground floor level and residential use above including within the roof space. It is typical of the buildings within the terrace which generally comprise mixed commercial and residential use. While there are some larger extensions, outbuildings and high boundary treatments, the terrace is predominantly characterised by single storey rear extensions. Thus, the appeal property, in this regard, positively contributes to the character and appearance of the area.
6. Although there would be a gap between the main rear elevation of the host building and the proposed first floor extension, the resultant height of the development would be marginally above the eaves height of the main building at first floor level. It would also be taller than the adjoining building at the rear of the site. Taking into account that the existing rear extension is relatively deep, in combination with the proposed increase in its height, the overall size of the development would be such that it would represent an overly dominant addition that would not be subservient to the host building. Furthermore, the flat roof of the proposed first floor extension would be at odds with and thus not relate well with the pitched roof form of the host building. Overall, by virtue of its scale and design, the proposal, which would result in a two storey flat roofed extension, would represent a bulky addition that would detract from the architectural integrity of the host building.
7. Public views of the proposal would be restricted and limited to ones from California Road and the end of Virginia Close. However, even against the backdrop of the existing development, as a result of its siting and scale, the proposed first floor extension would be conspicuous and so would have an adverse visual impact when viewed from these locations. Overall, the proposed development would not represent a subordinate addition or assimilate well architecturally to the host building. Moreover, the proposed development, which would result in a substantial two storey rear extension, would not respect the prevailing pattern of development which is characterised by mostly single storey rear extensions. For these reasons, therefore, it would cause significant harm to the character and appearance of the host building and the wider area.
8. Consequently, the proposal, in this regard, would not accord with the design aims of Policies CS8 and DM10 of the Royal Borough of Kingston Upon Thames Local Development Framework Core Strategy (2012) (CS); the relevant parts of the Royal Borough of Kingston Upon Thames Local Development Framework Residential Design Supplementary Planning Document (2013) (SPD); and chapter 12 of the National Planning Policy Framework (the Framework). Taken together, and amongst other things, these policies seek to ensure that new development incorporates principles of good design; should not appear over dominant; and respect the character of the area.

Future occupiers' living conditions

9. The proposal's open plan habitable room would be served by a single window. Thus, the self-contained studio unit would be afforded a single aspect. Notwithstanding the size of the window and although the outlook from it would be south facing, it would be mainly towards the flank wall of No 14 Virginia Close, a two storey end of terrace property, and the access road located to the rear of the site. Taking into account the distance involved, the flank wall would adversely affect the outlook from the window resulting in an unduly oppressive living environment for future occupiers of the proposed development.
10. The Council's SPD indicates that for a flat the minimum standard of private amenity space provision is 10 square metres, plus 1 square metre per additional occupant. The proposed private amenity space for the studio unit would be a courtyard garden. The size of the existing courtyard at the rear of the appeal site is approximately 19 square metres. However, it would need to be sub-divided to allow the space to be shared with the existing ground floor bedsitting room. Although following its sub-division the size of the courtyard garden would fall a little short of that indicated in the SPD, taking into account the physical context and local character of development, the modest shortfall in external amenity space provision would not be harmful to the living conditions of future occupiers. Consequently, in this regard, the proposal would adhere to the living conditions aims of Policy DM10 of the CS, Policy 3.5 of the London Plan (2016) and the Framework.
11. However, although adequate living conditions would be provided for in respect of external amenity space provision, the proposed development would not afford adequate living conditions for future occupiers in terms of outlook. Consequently, in this regard, it would conflict with the living conditions aims of Policy DM10 of the CS and paragraph 127 f) of the Framework which, amongst other things, seek to ensure that development proposals have regard to the amenities of occupants in terms of outlook.

Living conditions of neighbouring occupiers

12. The existing outlook from the rear elevation first floor windows of the flats within Nos 244 and 246 Kingston Road is mainly above the flat roof of the existing single storey rear extension of the host building. Although the outlook from No 244 is not completely unrestricted due to the siting of an extract duct, as a result of its height, siting and overall size, the proposal would create a dominant and oppressive feature which would have an overbearing effect upon the outlook from the aforementioned windows.
13. The appellant says that the standard of accommodation for the first floor flat within No 246 has been improved as a result of a roof extension, giving a good outlook from the now principle bedroom. However, this would not mitigate the requirement to ensure that the outlook from the existing first floor rear elevation window that serves a bedroom, a habitable room, is not adversely affected as a result of the proposal.
14. For the reasons outlined above, the proposal would have a harmful effect upon the living conditions of the occupiers of the flats within Nos 244 and 246 in terms of outlook. Consequently, in this regard, it would conflict with the living conditions aims of Policy DM10 of the CS and paragraph 127 f) of the

Framework which, amongst other things, seek to ensure that development proposals have regard to the amenities of neighbours in terms of outlook.

Other Considerations

15. The development would have some benefit to local housing land supply in the context that the Council cannot currently demonstrate a deliverable five-year supply of housing land. Whilst paragraph 59 of the Framework refers to boosting significantly the supply of housing the provision of one additional unit would be a modest contribution, but beneficial, nonetheless. Moreover, the Framework acknowledges at paragraph 68 that small sites can make an important contribution to meeting the housing requirements of an area.
16. The above considerations are afforded positive weight in the overall planning balance.

Planning Balance and Conclusion

17. The proposed development would cause significant harm to the character and appearance of the host building and the wider area. It would also not afford adequate living conditions for future occupiers in terms of outlook and would have a harmful effect upon the living conditions of neighbouring occupiers in terms of outlook. I afford substantial weight to these matters as part of the determination of this appeal noting conflict with both development plan and Framework policies.
18. Although the proposed development would not be harmful to the living conditions of future occupiers in terms of external amenity space provision, this is a matter of neutral consequence in the overall planning balance.
19. In conclusion, the identified adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consequently, and for the above reasons, I conclude that the appeal is dismissed.

Andrew Bremford

INSPECTOR