



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: 23 October 2020

Appeal Ref: APP/P3610/D/20/3245919

259 Kingston Road, Ewell KT19 0BN

- 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 and Mrs Uddin against the decision of Epsom & Ewell Borough Council.
 - The application Ref 19/01470/FLH, dated 6 November 2019, was refused by notice dated 13 January 2020.
 - The development proposed is demolition and replacement of part of the garage, ground rear floor extension, part side and rear extension at first floor level and loft conversion.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council's refusal notice refers to the effect of the development on the character and appearance of the area. It also refers to the effect of the development "*upon the amenity of the neighbouring property to the north west by reason of its overbearing and overshadowing impacts*". In respect of the latter issue, it is clear from reading the Council's officer report that this relates to No 261 Kingston Road. Therefore, the main issues are the effect of the proposal upon (i) the character and appearance of the host building and wider area; and (ii) the living conditions of the occupiers of No 261 Kingston Road in respect of outlook and sunlight.

Reasons

Character and appearance

3. The appeal property forms the right-hand half of a pair of two storey semi-detached houses. The building is typical of the development on the western side of Kingston Road in the vicinity of the appeal site. Although some properties have been extended to varying degrees, the street scene is generally characterised by evenly spaced and pleasingly balanced pairs of semi-detached houses interspersed by detached properties. These characteristics give the street scene a strong rhythm of development, which the appeal property positively contributes towards.
4. In combination, the proposed first floor side extension and hip to gable extension would substantially increase the size of the property, fundamentally altering its shape. By virtue of its bulk and mass the development would represent an incongruous addition that would disrupt the marked balance of

the pair of semi-detached properties. Thus, the proposal would upset the rhythm of development described above both in terms of the host building and the surrounding pattern of development. The proposed development, which would be very readily apparent from the public domain, would have a significant adverse influence on the street-scene. For these reasons, therefore, it would be significantly harmful to the character and appearance of the host building and wider area.

5. Consequently, in this regard, the proposed development would not accord with the design aims of Policy DM 10 of Epson & Ewell Borough Council's Development Management Policies Document (2015) (DMPD) and Policy CS 5 of Epson & Ewell Borough Council's Core Strategy (2007) (CS). These policies, amongst other things, seek to ensure proposals incorporate principles of good design and respect the character and reinforce the local distinctiveness of a street.
6. The proposed development would include a side extension and so differ from what could be constructed as permitted development under Lawful Development Certificate (LDC) reference 19/01136/CLP, dated 29 October 2019. Thus, little weight is afforded to the LDC and its existence does not alter or outweigh my overall conclusion on this main issue.

Living conditions

7. No 261 forms the left-hand half of a pair of two storey semi-detached houses and has a conservatory attached to its rear elevation. The garden area adjacent to the conservatory and the windows that serve the conservatory are afforded an open sky outlook over the fence along the boundary with the appeal site. Furthermore, the evidence indicates that its glass roof allows south eastern sunlight into the conservatory in the early morning period during the winter months.
8. The proposed two storey rear extension would extend around 3.5 metres beyond the rear elevation of the host property. As a result of its scale, bulk and proximity to No 261 it would have an enclosing effect and be a dominant and overbearing feature in the outlook from the garden area adjacent to the conservatory and from the conservatory windows. Moreover, the evidence indicates that the proposal, by virtue of its position to the south east of No 261, would reduce the amount of sunlight reaching the glass roof of the conservatory in the early morning period during the winter months.
9. In these circumstances, for the reasons outlined above, the proposed development would have a harmful effect upon the living conditions of the occupiers of the neighbouring residential property at No 261 with particular regard to outlook and sunlight. The proposal would, therefore, conflict with the living conditions aims of Policy DM 10 of the DMPD which, amongst other things, seek to ensure development proposals have regard to the amenities of neighbours in terms of outlook and sunlight. The Council has referred to Policy CS 5 of the CS in its refusal notice. However, this policy is not directly relevant to living conditions issues.

Other Matters

10. The appellants point out that they have chosen a design option that would ensure that if they had reduced mobility in later years, they can remain

independent in their home as all the necessary facilities would be located on the ground floor. Moreover, they state that the proposal would create a safe environment for their family and neighbours by virtue of the installation of security measures and incorporate measures to improve the energy efficiency of their home. I have taken these other matters into account. However, they would not justify allowing harmful development.

11. None of the other matters raised alter or outweigh my overall conclusions on the main issues.

Conclusion

12. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR