



Appeal Decision

Site visit made on 7 October 2020

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2020

Appeal Ref: APP/Z5630/D/20/3249890

11 Cardinal Avenue, Kingston upon Thames, KT2 5RX

- 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 Phil Ryder against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 19/02674/HOU, dated 23 October 2019, was refused by notice dated 3 January 2020.
 - The development proposed is side extension and rear extension.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Phil Ryder against the Council of the Royal Borough of Kingston upon Thames. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the host property, the Tudor Estate Local Area of Special Character and the area generally.
 - The effect of the proposal on the living conditions of existing occupiers at number 9 Cardinal Avenue (No. 9) with specific reference to daylight, sunlight and outlook.

Reasons

Character and appearance

4. The appeal property is a two-storey, end of terrace dwelling situated on the south side of Cardinal Avenue. Whilst not within a Conservation Area, the appeal site is situated within the Tudor Estate Local Area of Special Character (LASC) which is defined as a heritage asset within the Council's Core Strategy (2012).
5. The Tudor LASC contains a variety of house styles, the most characteristic of which are the distinctive 'Tudor' houses which predominate in character area 11. Whilst I noted a variety of house types, there is characteristic consistency

in terms of layout, form and detail. Properties are generally two-storey with a hipped roof form, half-timbered upper storey in white painted render and front gable features. Properties are set back from the road on a consistent building line behind a small front garden and longer gardens to the rear. The appeal property exhibits these characteristic features and is representative of this era of development. Consequently, the property contributes to the distinctive character and appearance of the area and the LASC.

6. The proposed two-storey side extension would be set back from the front elevation and down from the main roof which would reduce its prominence in views from directly in front of the property. Nevertheless, the combined mass and bulk of the various elements of this substantial 'wrap-around' side and rear extension would dominate the host property and fail to appear subservient. Furthermore, the location of the appeal property at the end of a terrace and adjacent to the access would increase the visibility of the proposal from the public realm where the significant mass and bulk would be readily apparent in views from the north and to users of the garages to the rear.
7. The single-storey side element would extend beyond the two-storey extension and adjoin the boundary of the property. Furthermore, there would be a significant rearward single storey extension along the shared boundary with No. 9. Both single-storey elements would, therefore, contribute to the mass and bulk of the extension.
8. I acknowledge that the presence of the pathway to the side of the property would assist in providing a visual gap between the proposal and the garages situated on the opposite of the access. Nevertheless, I find that the lack of set -in from both side boundaries would serve to emphasise the significant mass and bulk of the proposal.
9. Overall, I consider that the proposed extension would dominate the host property and fail to appear subservient. Furthermore, it would fail to maintain the architectural legibility of the host property and so diminish the contribution which it makes to the character and appearance of the LASC and the area generally. Moreover, the incongruous addition would be readily apparent in public views and disrupt the characteristic consistency of the LASC.
10. The proposal would have some benefits to the existing occupiers in terms of extended living space and may have some economic benefits during the construction phase. However, these benefits would not outweigh the harm which I have identified to the LASC.
11. For the reason stated, I conclude that the proposal would have a harmful effect on the character and appearance of the host property, the LASC and the area generally. It would, therefore, be contrary to the Policies CS8, DM10 and DM12 of the Council's Core Strategy (2012) and the Council's Residential Design Supplementary Planning Guidance (2013) which collectively seek to ensure that new development recognises distinctive local features, that extensions are proportionate and subordinate to the original property and protects or enhances heritage assets.

Living conditions

12. The proposed single storey rear extension would extend some length along the shared boundary with No 9 at a height of around 2.7m. No. 9 has a

French/patio style window on the ground floor rear elevation near the boundary. The extension would be situated in close proximity and to the west of this window resulting in a loss of light and late afternoon/early evening sun to this window and the part of the garden closest to the rear elevation.

13. The rear French/patio style window currently has an outlook to their own garden and over and above the boundary wall to the garden of the appeal property and the sky above. The single-storey element would extend some distance along the shared boundary and, due to its mass and bulk, would appear dominant and restrict the outlook of the occupiers of No 9 to the west.
14. For the reasons stated, the proposal would harm the living conditions of existing occupiers at No. 9 with regards to daylight, sunlight and outlook. It would, therefore, be contrary to Policies CS8 and DM10 of the Core Strategy which together seek to achieve higher standards of design and have regard to the amenities of occupant and neighbours.

Other matters

15. Attention is drawn to planning permission which was granted for an extension at No 1 Cardinal Avenue. In this case, the overall depth of the two-storey side/rear extension would be similar to the appeal proposal, and it would project beyond the rear elevation to a similar extent. There would also be no set-in from the boundary. However, the two-storey side extension in this case is narrower than the appeal proposal and the two-storey rear extension is not as wide. Furthermore, there is no additional single-storey side extension. Moreover, the adjacent property (number 3 Cardinal Avenue) has a single-storey rear extension and the rear extension would not extend beyond the building line of the rear elevation of No. 3. Consequently, this case is not directly comparable to the appeal proposal which limits the weight which I can attach to in my decision.
16. The extension would have some benefit for the occupiers of the host property in terms of additional living space and may have some short-term economic benefits during the construction phase. However, these benefits would not outweigh the harm which I have identified or the conflict with the development plan.

Conclusion

17. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector