

Appeal Decision

Site visit made on 30 October 2020

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2020

Appeal Ref: APP/Z5630/D/20/3252936

19 Hastings Drive, Surbiton KT6 5NX

- 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 & Mrs Marcus Clery against the decision of the Royal Borough of Kingston Upon Thames.
 - The application, Ref. 20/00176/HOU, dated 27 January 2020 was refused by notice dated 23 March 2020.
 - The development proposed is the erection of part single storey / part two storey side extension; single storey rear extension; single storey front canopy extension; conversion of the existing garage into habitable accommodation and installation of roof lights.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions for the occupiers of No. 18 Hastings Drive as regards outlook and light.

Reasons

3. I saw on my visit that the appeal dwelling No. 19 is set back from the adjacent terrace to the north east, with the end house No. 18 being closest. This property has a rear garden of a modest size which in addition to providing the occupiers with outdoor space is the area that provides visual amenity from French windows on the ground floor and a bedroom window above.
 4. This rear garden is already substantially enclosed on its south western flank by the existing single storey garage with its sloping roof. And the proposed rear extension at No. 19 will add to the restriction of outlook, albeit the single storey height of the extension will limit the harm caused.
 5. More importantly however, a wall to the new eaves height of the proposed first floor addition above the garage would restrict the outlook from both the rear windows of No. 18 to a significant degree. Given the small garden area and the combination of the extent and height of the first floor extension, I consider that this would result in an unacceptable loss of outlook and an increased perception of undue enclosure for the residents of the dwelling. I do not regard the Council's reference to the effect as being 'overbearing' to be unreasonable.
-

6. The further length of the single storey wall of the proposed rear extension would not on its own be unacceptable but when seen with the two storey element it would compound the adverse effect.
7. The Council's refusal and the objection from No. 18 also refer to a loss of light. There is no technical information before me on this point, but as the appeal property lies to the south west of No. 18 it is common sense that the degree of enclosure at such close quarters would result in at least a noticeable reduction in daylight and quite possibly some summertime late afternoon /evening shadowing.
8. The grounds of appeal refer to similar approved developments in both Akerman Road and Hastings Drive but also correctly identify that the difference in this case is the set back of No. 19 relative to No. 18. Only one other development – at No. 3 Hastings Drive – has this relationship with the neighbour. But having observed this development on my visit I do not regard it as being sufficiently similar to the appeal proposal to form a fair comparison.
9. For the reasons explained above I conclude that the appeal proposal would have an unacceptable impact on the living conditions for the occupiers of No. 18 as regards outlook and light. This would be in harmful conflict with criterion k of Policy DM10 of the Kingston On Thames Core Strategy 2012 and paragraph 127f) of the National Planning Policy Framework 2019.
10. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR