
Appeal Decision

Site visit made on 16 December 2020

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th January 2021

Appeal Ref: APP/Z5630/D/20/3261058

41 Newlands Way, Chessington KT9 2RW

- 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 Andrew Bradley against the decision of the Royal Borough of Kingston Upon Thames.
 - The application Ref 20/01713/HOU, dated 19 July 2020, was refused by notice dated 24 September 2020.
 - The development proposed is erection of first floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of first floor side extension at 41 Newlands Way, Chessington KT9 2RW, in accordance with the terms of the application, Ref 20/01713/HOU, dated 19 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: N41000-0001 Rev P1; N41000-0007 Rev P1; N41000-0008 Rev P1; N41000-0009 Rev P1; N41000-0010 Rev P1.
 - 3) The materials used in the external surfaces of the extension hereby permitted shall match those used in the existing dwelling.

Preliminary Matters

2. I have taken the description of development in the banner heading above from the Council's decision notice. It more accurately describes the proposal than the description contained in the planning application form.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal relates to a semi-detached, two-storey and hip-roofed dwelling located on the south-eastern side of Newlands Way. No 41 Newlands Way has previously been extended with a single storey, flat-roof side extension that extends to the boundary with the adjacent bungalow. Newlands Way comprises

a mix of detached, semi-detached and terraced dwellings typical of the inter-war period. The dwellings are predominantly hip-roofed and set back from the highway behind relatively open frontages. The consistency of architectural forms, building lines and open frontages gives the street a spacious and harmonious character.

5. The proposed side extension would respect the character of the existing dwelling with similar roof angles and matching materials. Whilst the proposal is of a significant width, the extension would be set down from the existing dwelling's ridgeline and would be set-back at first floor level. This would provide an effective design break with the original dwelling, thus acceptably maintaining the distinct prominence of the original dwelling and its symmetry with its attached counterpart (no 43). The significant width of the extension would not result in a harmful terracing effect or loss of a characteristic space within the street given it would adjoin a bungalow.
6. My attention has been drawn to a previously granted certificate of lawfulness¹ at the appeal site that confirms a previously granted permission for a side extension including accommodation within the roof space could lawfully be completed in full. Whilst I have not seen full details of the original permission, the Council has not provided any substantive evidence to suggest that the previous permission could not be implemented. As such, it represents a realistic fallback position and its introduction of a large flat roof dormer to the front elevation would not reflect the character of the host dwelling or the surrounding area. It would result in a more harmful effect on the character and appearance of the area than would result from the current proposals. Whilst not determinative, this potential fallback position weighs in favour of the proposal.
7. Overall, I find the proposal would respect the prominence of the original dwelling and its symmetry with its attached counterpart. It would appropriately respond to the character and appearance of the area and would be in accordance with Policies CS8 and DM10 of the Kingston on Thames Core Strategy 2012. Taken together, amongst other things, these policies require developments to incorporate principles of good design and to respect the character and local distinctiveness of the area. Furthermore, the proposal would accord with paragraph 127 of the National Planning Policy Framework which requires development to be sympathetic to local character.

Conditions

8. A condition specifying the approved plans is necessary as it provides certainty. In the interests of the character and appearance of the area, it is necessary to require that any materials used for external alterations match those of the existing building.

Conclusion

9. For the reasons set out above, and having had regard to all other matters raised, the proposal would comply with the development plan taken as a whole. The appeal is therefore allowed.

S D Castle

¹ Certificate of Lawful Development Reference: 07/10268/LDP dated 19 December 2007