



Appeal Decision

Site Visit made on 10 December 2020

by S Thomas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/Z5630/D/20/3260651

58 Eaton Drive, KINGSTON UPON THAMES, KT2 7QX

- 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 Miss Kate Jennings against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref 20/01162/HOU, dated 21 May 2020, was refused by notice dated 17 July 2020.
 - The development proposed is described as construction of single storey extension to the rear of the property. Conversion of back bedroom into dining area and new extension to host new kitchen area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the area including the host dwelling and (ii) the living conditions of neighbouring occupiers (No 56) with regard to daylight.

Reasons

Character and Appearance

3. The appeal property is a mid terrace three storey dwelling. It is located amongst a characterful street scene characterised by flat roof properties with coloured facades and juliette balconies. These features and the symmetry of design provides an attractive appearance to the street scene along Eaton Drive. The site falls within a local area of special character.
4. The proposed single storey extension would be a prominent addition to the rear of the dwelling. Given the height of the pitched roof, the existing juliette balcony would be removed and replaced with a smaller window. Even though the rear elevations are screened from public viewpoints in the street scene, nevertheless, the juliette balconies are a feature of interest on the rear elevations and contribute to the character and appearance of the dwelling and the wider area.
5. The loss of the juliette balcony would be visible from surrounding gardens and would disrupt the existing symmetry of balconies within the rear of the terrace. Whilst I note there are examples of properties in the area where balconies have been removed, I do not know the circumstances behind these, and in any event, this does not persuade me that the proposal would be acceptable.

6. In addition, given the prominence of the proposed extension, the vertical zinc cladding material would appear stark and would jar with the rendered finish of the appeal property and adjoining properties. Taken together, the proposal would fail to be a sympathetic addition to the existing dwelling and would not integrate successfully into the area. Although the appellant states that part of the works could be carried out as permitted development, this matter is not before me in this appeal.
7. For the above reasons, the proposal would cause harm to the character and appearance of the area and the host dwelling. Accordingly, it would be in conflict with Policies DM10 and CS8 of the Royal Borough of Kingston Upon Thames Core Strategy (2012) (Core Strategy) and the Council's Residential Design Supplementary Planning Document (2013) (SPD). Together, amongst other matters these seek to ensure that development respects the character of the local area including elements contributing to local distinctiveness and should relate well to its surroundings.

Living Conditions

8. The proposed extension would be sited in close proximity to the nearest ground floor habitable room window of No 56. I have had regard to Policy Guidance 32 of the Council's SPD and the 45-degree test. Considering the relationship between the proposed extension to this habitable window and given its scale and pitched roof, I conclude it would lead to an unacceptable loss of daylight and overshadowing to this window. This will harm the living conditions of the occupiers of No 56.
9. Whilst I note the appellant's comments regarding the 25-degree test, in my view, this is relevant for windows opposite each other which is not the case in this appeal. Furthermore, I also note the appellant's views on Right to Light legislation. However, this is a separate legal matter and not relevant to the determination of this appeal.
10. For the above reasons, the proposal would cause harm to the living conditions of No 56 with regard to loss of daylight. Accordingly, the proposal would conflict with Policy DM10 of the Core Strategy and the SPD. Together, amongst other matters these seek to ensure that development has regard to the amenities of neighbours.

Conclusion

11. For the above reasons, the appeal does not succeed.

S Thomas

INSPECTOR