



Appeal Decision

Site visit made on 4 May 2021

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021.

Appeal Ref: APP/Z5630/D/20/3262730

47 Montem Road, New Malden KT3 3QU

- 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 Mrs Vanmathy Thuvarakesan against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 20/01900/HOU, dated 5 August 2020, was refused by notice dated 2 October 2020.
 - The development proposed is for a single storey rear extension and first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the appeal proposal upon i) the character and appearance of the area; and ii) the living conditions of the occupants of 45 and 49 Montem Road, with specific reference to outlook.

Reasons

Character and Appearance

3. The appeal site comprises a Victorian semi-detached two storey house consisting of a main range with a two storey outrigger running from its rear elevation. Attached to this outrigger is a single pitched, single storey rear extension, at the end of which is a conservatory in clear need of repair or replacement.
4. The proposal would give rise to the extension of the two storey outrigger by 3m, with the aforementioned single storey accretions being replaced by a new single storey rear extension. This latter element would have a double pitched roof and extend for the full width of the host dwelling, but enabling a small lightwell to be retained.
5. Whilst I consider that the detailed design of the proposal is unobjectionable, by virtue of the depth of the first floor rear element of the proposal, it would not appear subordinate in form to the host dwelling.
6. I note reference to the existing rear bedroom (no1) not complying with the Government's Nationally Described Space Standards (NDSS), however they are

for new, as opposed to existing development as a general rule. Whilst it is probable that at some point in the past a bathroom has been inserted within that bedroom, rendering it far smaller than originally constructed, it has not been demonstrated that an extension of 3m depth is absolutely necessary to create a policy compliant floor area for one bed space.

7. I accept that many dwellings within the immediate vicinity of the appeal site have been extended and altered over the years. Further, whilst I note the examples cited by the appellant, ultimately each case must be assessed on its own merits, and it is not for me to comment on the appropriateness, or otherwise, of other developments visible from the appeal site.
8. On this matter I consider that by reason of its scale, the proposed first floor rear extension would lack subservience to the host property, consequently it would appear as an incongruous feature that would result in harm to the character and appearance of the area. The proposal conflicts with Policies CS8 and DM10 of the Royal Kingston's LDF Core Strategy 2012 (CS) in that the Council seeks to protect the primarily suburban character of the Borough and requires proposals to incorporate principles of good design having regard to, amongst other things, scale and massing. These policies are reinforced by the National Planning Policy Framework (the 'Framework') which requires developments to be visually attractive as a result of good architecture.

Living Conditions

9. I note that the proposals in totality would marginally reduce the depth of built development following the demolition of the conservatory, although the single storey rear extension would be higher than this and the existing rear end of the single storey rear extension that it would replace. Furthermore, by virtue of the 3m two storey element of the proposal, the proposed development would be overbearing upon the first floor rear window of no49 adjoining, as well as its rear garden which has been truncated by the construction of Emerson Mews including no4 therein.
10. As denoted by the submitted proposed Block Plan, the scheme would essentially extend for half the depth of no49's rear garden (excluding its lightwell area), accentuating what is already quite an enclosed space, having regard to the presence of the aforementioned Emerson Mews development on the opposite side. Consequently, I cannot agree with the appellant's assertion that the occupants of no49 would continue to have an excellent outlook from habitable rooms nor from their "generously sized rear garden" [sic]. Therefore, I find that the proposal would be harmful to the living conditions of the occupants of 49 Montem Road, by virtue of a significant loss of outlook.
11. No45 has French doors on its principal rear elevation which like the appeal site also has a two storey rear outrigger. However these elements are quite well spaced apart and whilst I note that the single storey element of the proposal would bring built form closer to their shared boundary, neither this or the proposed first floor extension would be unduly overbearing upon the occupants of this neighbouring dwelling. By virtue of its overall height and the retained full length garden of this neighbouring property, I conclude that scheme would not give rise to an unacceptable loss of outlook from the principal habitable room window of no45.

12. I accept that the proposal would significantly improve the appellant's family's living space and conditions, however for the reasons given above, I conclude that the proposal would have a harmful effect upon the occupants of no49 with respect to outlook. On this basis I find that the proposal conflicts with CS Policy DM10 which, amongst other things, requires development proposals to have regard to the amenities of occupants and neighbours, including in terms of outlook and the avoidance of visual intrusion. The proposal also conflicts with the Framework which states that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Conclusion

13. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR