



Appeal Decision

Site visit made on 13 May 2021

by R. Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2021.

Appeal Ref: APP/Z5630/D/21/3269372

3 Avebury Park, Surbiton KT6 6SQ

- 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 Ms Asha Khagram against the decision of Council of Royal Borough of Kingston upon Thames.
 - The application Ref 20/02797/HOU, dated 6 November 2020, was refused by notice dated 4 January 2021.
 - The development proposed is use of flat roof as roof terrace (retrospectively) and proposed erection of 1.7m high obscured glazed screening.
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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 host property and surrounding area; and ii) the living conditions of neighbours, with specific reference to outlook.

Reasons

Character and appearance

3. The appeal property, No.3 Avebury Park (No.3), is a three-storey mid terrace town house that forms part of a block on the western side of Upper Brighton Road. To the rear of No.3 is an existing single storey extension with a flat roof. This flat roof is being used as an external terrace, accessed from a first floor living area through double doors. The terrace has been decked and enclosed at low level with timber railings.
4. There is close boarded timber fencing of various heights to the rear of Avebury Park at the back edge of the pavement along the Upper Brighton Road and mature landscaping in the rear gardens of the houses. Despite this, I saw from my site visit that the terrace and particularly the timber railings are visible from the opposite side of Upper Brighton Road and the corner of Lovelace Gardens, and would be very visible from the rear gardens of neighbouring houses. Because of the design of the railings and its siting, the terrace appears an incongruous addition to an otherwise uniform terrace of houses.
5. The proposal is to retain the existing timber railings and add a 1.7m high obscured glazed screen at either end of the roof terrace over a length of

around 3m. Whilst I recognise that this is designed to protect the privacy of neighbours, it would further increase the prominence of the structure particularly from the neighbouring gardens and give the appearance of a solid structure, of awkward design.

6. I therefore find that the proposal would cause harm to the character and appearance of No.3 and the surrounding area. It would conflict with policies CS8 and DM10 of the Royal Kingston Core Strategy (2012) (CS) which together seek to ensure that development proposals incorporate principles of good design and contribute to the character of an area.

Living conditions

7. On the rear elevation of No.2 and No.4 Avebury Park (No.2 and No.4), which adjoin No.3, are first-floor windows, including a full height window to No.4 that is not shown on the Proposed Drawing (reference 4D03). Although the proposed 1.7m obscured glazing would be offset from the edge of the flat roof extension behind an existing upstand and slightly off the boundary, it would nonetheless be very close to the first-floor windows of the neighbouring houses. Whilst a reasonably lightweight glazed structure, the screen would be necessarily obscured and would extend the full depth of the roof terrace (of around 3m). This, in combination with its proximity to the windows of No.2 and No.4, means it would appear overbearing.
8. Consequently, the proposal would cause harm to the living conditions of neighbours by reason of loss of outlook. It would therefore conflict with CS Policy DM10 in so far as it requires development to have regard to the amenities of neighbours including in terms of outlook. Further, it would conflict with CS Policy CS8 because it fails to relate well to its surroundings.

Other matters

9. I am sympathetic to the personal circumstances of the appellant and fully appreciate the overall health, well-being and quality of life benefits associated with access to outside space particularly in challenging Covid-19 times. I also agree that the flower planters improve the overall appearance of the terrace. However, these matters do not outweigh the harm that I have found to the character and appearance of the area and the living conditions of neighbours, particularly as the appellant would still have access to a rear garden.

Conclusion

10. For the reasons set out above, I conclude the appeal should be dismissed.

R. Jones

INSPECTOR