
Appeal Decision

Site visit made on 9 July 2021

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 August 2021

Appeal Ref: APP/Z5630/D/21/3273861

200 Canbury Park Road, Kingston upon Thames KT2 6LF

- 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 Caroline Burnett against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 20/03138/HOU, dated 5 December 2020, was refused by notice dated 12 March 2021.
 - The development proposed is a single storey side infill extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side infill extension at 200 Canbury Park Road, Kingston upon Thames KT2 6LF in accordance with the terms of the application, Ref 20/03138/HOU, dated 5 December 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Block Plan; capr-200-0; capr-200-1, and; capr-200-2 Rev A.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no windows or other openings shall be constructed on the side, boundary elevation of the development hereby permitted.

Main Issue

2. The main issue raised by this appeal is the effect the development would have on the living conditions of the occupiers of 198 Canbury Park Road, with particular reference to outlook.

Reasons

3. The development would fill in the space between a two-storey outrigger projecting to the rear of the terraced appeal site and the boundary that it shares with the similar No 198 which also has a two storey outrigger at the rear. This adjoining property is set slightly lower than No 200 and shares a

sensitive relationship with No 200 at ground floor level as a result of the relatively small space between their respective outriggers.

4. The existing outlook from the room served by the ground floor window in No 198's rear elevation would already be limited to an extent by these two outriggers. Filling in around half the area of this space with an extension extending over 6m along the boundary would reduce the outlook onto a narrower space. This would moderately increase the feeling of enclosure when looking out of the window, as well as from other ground floor windows and a glazed door in No 198's outrigger.
5. However, the proposed eaves would be at a relatively low height even taking account of the change in levels. The roof on top would slope away from the boundary at a low pitch. Although the outlook from the ground floor rear of No 198 would change, it would remain relatively open above the proposed extension and beyond. Whilst it is a modest sized terraced house, the outlook from other habitable rooms in No 198 would be unaffected. The increased feeling of enclosure would not be so great as to materially harm the living conditions of the occupiers of No 198.
6. The development would therefore accord with Core Strategy¹ Policy DM 10 which requires, amongst other criteria, that development has regard to the amenities of neighbours in terms of outlook. It would similarly avoid conflict with London Plan, 2021 Policy D3 which requires development to achieve indoor and outdoor environments that are comfortable and inviting for people to use. No conflict would arise with Core Strategy Policy CS 8 albeit that its character and design provisions are much less pertinent to the issue raised by this appeal.
7. Although not mentioned in the Council's refusal reason, the narrative which accompanies it refers to their Residential Design Guide SPD. However, I have not been presented with this nor have the Council expanded on how they consider the proposal would fail to adhere to its guidance. Given that I have found that the development would accord with the development plan taken as a whole this is not a consideration that leads me to a different conclusion.

Conditions

8. It is necessary to specify the approved drawings as this provides certainty for all parties. Ensuring materials match will protect the character and appearance of the area. It is also necessary to prevent any new openings along the flank wall of the extension to protect neighbours' privacy. This was not suggested by the Council, but the standard nature of such a condition will avoid any parties' interests being prejudiced by my attaching it.

Conclusion

9. As there are no material considerations that indicate the application should be determined other than in accordance with the development plan, for the reasons given above, the appeal is allowed.

Geoff Underwood

INSPECTOR

¹ Royal Borough of Kingston upon Thames Local Development Framework – Core Strategy, 2012.