
Appeal Decision

Site visit made on 10 September 2021

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021.

Appeal Ref: APP/Z5630/D/21/3275962

71 Windsor Avenue, New Malden, KT3 5HE

- 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 Luan Xhiha against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref 21/00730/HOU, dated 9 March 2021, was refused by notice dated 6 May 2021.
 - The development proposed is the erection of part two storey, part single storey rear extension.
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Decision

1. The appeal is dismissed

Procedural Matters

2. The appeal property has recently been extended. A full-width ground floor and half-width first floor addition has been added to the rear. The roof has been extended with a hip-to-gable formed to the side and a full-width dormer has been created within the expanded rear roof slope. The application drawings only show the ground and first floor additions and include the removal of the single-storey element to the side of the property. This element was in place at the time of my visit.
3. As the development carried out differs from that shown on the application drawings I do not consider that the appeal relates to an application for retrospective planning permission.
4. At the time of my visit there was a single-storey lean-to structure attached to the rear of the neighbouring house, 73 Windsor Avenue. The form of construction of this element suggests it is a temporary structure and, in the absence of information to the contrary, I have treated as such.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of the occupiers of 73 Windsor Avenue, with particular regard to outlook and enclosure.

Reasons

6. The appeal property is a 2-storey semi-detached house. It is located in a residential area comprising semi-detached houses of similar age and

appearance, a number of which have been extended to the rear. The unattached neighbouring property, 73 Windsor Avenue, occupies a corner plot and is laid out at an angle of approximately 45 degrees to the appeal property. As a consequence its rear elevation faces the rear garden of the appeal property and the space immediately to the rear of No.73 is partly enclosed by the flank elevation of the appeal property.

7. The appeal proposal would result in a significant increase in the extent of 2-storey flank close to the boundary with No.73. Due to its height, rear protrusion and relationship to the No.73, this would severely enclose the area of garden immediately to the rear of No.73 and reduce outlook from garden-facing windows.
8. For these reasons I conclude that the proposal would have an unacceptable effect on the living conditions of the occupiers of No.73. It therefore fails to comply with Policy DM10 of the Royal Borough of Kingston Core Strategy (2012) and Policy D3 of the London Plan 2021. Amongst other matters these policies require development to have regard to the amenities of occupants and neighbours, including in terms of outlook.
9. The appellant has referred to nearby rear extensions. There is nothing before me to indicate that these schemes have the same relationship to neighbouring houses as the appeal property has to No.73. As each planning application and appeal needs to be considered on its individual merits having regard to the particular site characteristics in each case, I attribute limited weight to the nearby development.

Conclusion

10. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR