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## Appeal Decision

Site visit made on 20 October 2021

**by C Rafferty LLB (Hons), Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> November 2021**

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**Appeal Ref: APP/Z5630/W/21/3277869**

**46 Vale Crescent, Kingston Vale SW15 3PN**

- 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 Charlotte/Andrew Royle/Crampton against the decision of the Council of the London Borough of Kingston upon Thames.
  - The application Ref 21/00254/HOU, dated 26 January 2021, was refused by notice dated 4 June 2021.
  - The development proposed is the erection of single storey rear extension to ground floor garden flat.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Whilst I have had regard to the revised national policy as a material factor, in this instance the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

### Main Issues

3. The main issues are the effect of the development on: the character and appearance of the host dwelling and the surrounding area; and the living conditions of occupiers of No. 42 Vale Crescent, with particular regard to outlook and overshadowing.

### Reasons

#### *Character and Appearance*

4. The appeal property is the ground floor flat of a two storey semi-detached dwelling. To the rear both it and the attached neighbouring dwelling benefit from double storey outrigger projections on the outer flanks. The area is residential, with a consistency in the massing and design of properties. In particular, shared materials give the immediate vicinity a faux Tudor style.
5. The proposal would comprise a single storey rear extension. The Council's Residential Design SPD, July 2013 (the SPD) advises that such extensions should generally not exceed 3-3.5m in depth. The parties agree the depth of the proposal would be greater than this. While it is general guidance rather

than policy, the SPD remains a material consideration and the failure of the proposal to follow this guidance is indicative of it being unduly bulky.

6. As a result of this scale, the proposal would introduce a feature to the dwelling that would not respect the current proportions of the property. When viewed from the back garden, it would appear as an overly dominant feature, representing a significant addition to the ground floor rear elevation of the dwelling. A large section of the proposal would also cause the gap between the side elevation of the property and the boundary fence to be infilled. This, combined with the boxy appearance, would further increase the dominating feeling and appearance of the proposal and reduce the consistency of built form at this pair of properties.
7. The proposal would be built from matching brickwork, including a basket weave design that responds to the surrounding Tudor style. It would also incorporate the black timber material found in the surrounding area. However, the timber would cover most of the rear projection façade in a way that would not reflect immediate surrounding detailing and that would appear overtly contemporary, and thus out of place, in comparison.
8. The size and style of the proposed rear windows would be at odds with the existing fenestration, contributing to an overall disjointed appearance. This would further highlight the proposal as an out of place feature that fails to respect the character of the dwelling. It is acknowledged that this would not be viewed from the street. However, combined with the excessive scale and incongruous detailing highlighted above, it would further reduce the contribution of the proposal to the surrounding character and distinctiveness.
9. For the reasons given I find that the development would have a significant adverse effect on the character and appearance of the host dwelling and surrounding area. As such, it would fail to accord with Policy D3 of the London Plan 2021, Policy DM10 of the Kingston upon Thames Local Development Framework Core Strategy 2012 (the Core Strategy) and the SPD, which together seek to promote good design.

#### *Living conditions*

10. The proposal would be clearly visible from the rear of No. 42, creating a change in outlook. While its height would comply with SPD guidance and an element would be stepped back, most of the extension would run along the boundary and tower above the fencing present. As such, although much of the back garden at No. 42 would not be bounded by the proposal, due to its scale and proximity it would still appear dominant from the rear windows facing the site and the upper rear garden.
11. When combined with the side projection at No. 42, the development would create a narrow corridor flanked by built form rising above the rear bay windows and door at No. 42 abutting the boundary. This would further exacerbate the overbearing nature of the development, negatively impacting residents' enjoyment of the upper garden and rear rooms at No. 42.
12. For similar reasons the proposal would result in unacceptable overshadowing of No. 42. Its scale and positioning relative to this property and garden would reduce the amount of light reaching these spaces. While the appellant argues any shadow would be intercepted by the current outrigger, no substantive evidence has been provided. Rather, the introduction of built form directly on

the boundary would increase the length of time when the closest parts of the garden and rear elevation of No. 42 would be in shadow, exacerbating any current overshadowing in this location to an unacceptable degree.

13. For the reasons given I find that the development would have a significant adverse effect on the living conditions of the occupiers of No. 42 Vale Crescent with regard to light and outlook. As such, it would fail to accord with Policy D3 of the London Plan 2021 and Policy DM10 of the Core Strategy, which together seek to promote adequate living conditions.

### **Other Matters**

14. Reference has been made to various proposals that have been granted permission within the surrounding area, which the appellant states are comparable to the proposal in terms of their infill nature, fenestration and baseline overshadowing. However, limited information has been provided to draw meaningful comparisons with the case before me. In any event, the proposal must be assessed on its own site specific circumstances and merits, and reference to approved schemes elsewhere therefore carries little weight, which fails to outweigh the harm identified.
15. The appellant's frustrations with regards to the Council's timeframes and communication are acknowledged. However, this does not affect my considerations of the planning merits of this case.

### **Conclusion**

16. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

*C Rafferty*

INSPECTOR