



Appeal Decision

Site visit made on 10 December 2021

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2021

Appeal Ref: APP/Z5630/D/21/3285909

9 Amberwood Rise, New Malden KT3 5JE

- 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 Ismail Laher against the decision of Royal Borough of Kingston Upon Thames Council.
 - The application Ref 21/02130/HOU, dated 30 June 2021, was refused by notice dated 29 October 2021.
 - The development proposed is 'Erection of part single, double-storey side extension and single-storey rear pitched roof extension'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was amended following submission of the application; I have utilised the amended description.

Main Issues

3. The main issues are:

- The effect of the proposal on the character and appearance of the host building and surrounding area; and,
- The effect of the proposal on the living conditions of occupiers of neighbouring property, specifically nos. 7 and 11 Amberwood Rise.

Reasons

Character and appearance

4. The appeal site is an end of terrace property within Amberwood Rise, a predominantly residential area. Amberwood Rise comprises of semi-detached and terraced properties of similar size, type and simplistic utilitarian design which, despite their low profile, appear massive. The similar design and pattern of development creates a sense of uniformity and regularity within the streetscene. The area has a spacious character due to the width of the roads and junctions, the set back of dwellings from the road and varied gaps between the dwellings. Corner plots within the area are particularly spacious, though the dwellings within those plots have generally been extended.

5. The appeal scheme would introduce a two-storey side extension and an additional single-storey rear extension. The rear extension would not be visible within the streetscene or wider area by virtue of its rear siting. The rear extension, combined with the existing single-storey rear extension, would have a depth of approximately 6 metres from the original rear wall of the host dwelling.
6. The side extension would be set back from the front elevation and would be approximately half the width of the original dwelling. Whilst the ridgeline of the extension would not be set-down from the main roof, its set-back position and limited width would create a subservient appearance with the host dwelling and would limit its prominence within the streetscene. Moreover, the vernacular is one of massive low profile dwellings, many of which have extensions of a substantial scale. The scheme would not, therefore, be out of keeping with this character.
7. Whilst the scheme would reduce the gap between the end terrace appeal site and the adjacent semi-detached pair of dwellings, it would not erode the overall sense of spaciousness or regularity within the vicinity. The scheme may create a terraced appearance with the semi-detached dwellings adjacent, however, the appeal site is already part of a terrace and terraces are part of the established local character.
8. Although the scheme would substantially extend the dwelling, the overall scale of the proposal would nonetheless respect the proportions of the existing dwelling and would not overwhelm it. The scheme would not create a cramped appearance due to the generous depth of the plot.
9. For these reasons, the scheme would be in keeping with the character and appearance of the host dwelling and wider area. In this respect, the scheme would therefore accord, with policies CS8 and DM10 of the Kingston Core Strategy (CS), adopted in 2012, and policy D3 of the London Plan (LP), adopted in 2021. These policies seek, amongst other things, high quality design which recognises distinctive local character.

Living Conditions

10. The two-storey side extension would align with the flank wall of no. 11 Amberwood Rise, which is the adjacent semi-detached dwelling. This flank wall includes only a single narrow window which appears to serve either a bathroom or hallway. As such, the proposed side extension would not have an overbearing or unacceptable overshadowing impact on no.11 as a result of the two-storey side extension.
11. The appeal scheme would increase the depth of rear extensions by approximately 3 further metres, creating a total depth of approximately 6 metres, and it would span the width of the dwelling right up the boundaries with the neighbouring properties.
12. The rear elevation of no. 11 Amberwood Rise aligns with the original rear elevation of the appeal site. The appeal scheme would therefore project by its full depth from the rear wall of no.11. However, despite this depth, the gap between the properties, low eaves height and sloping roof of the proposal would ensure that the single storey rear extension would not overbear or overshadow no. 11.

13. However, the rear elevation of no. 7 Amberwood Rise is set back from the original rear elevation of the appeal site and is not extended. As such, the existing rear extension at the appeal site projects a significant degree from the rear elevation of no.7. Moreover, no.7 part of the terrace and is in much closer proximity to the appeal site. Despite its limited height and sloping roof, the additional depth of the scheme would create an overbearing tunnelled outlook at no.7. This would be exacerbated by the significant depth of rear extensions at no.5.
14. The Appellant does not dispute the Council's reason for refusal in respect of living conditions in their Grounds of Appeal, they state; "*Comments made under point 2 of the council's refusal letter that relate to the single storey rear are not being questioned*" (SIC). The Appellant does refer to permitted development rights pertaining to larger extensions, however, there is no evidence of a prior notification before me and no other evidence of a realistic 'fallback' position in this respect. The Appellant also refers to a similar extension at no.11 Amberwood Rise, however I have determined this appeal on the individual merits and built context of the scheme.
15. For these reasons, the scheme would have an unacceptable adverse impact on the living conditions of neighbouring occupiers, contrary to policy D3 of the LP and policies CS8 and DM10 of the CS. These policies seek, amongst other things, high quality development which relates well to its surroundings and has regard to the amenities of occupants and neighbours.

Conclusions

16. For the reasons stated above, I find that the appeal proposal is contrary to the relevant policies of the Development Plan and no material considerations indicate that the proposal should be determined other than in accordance with the Development Plan. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR