



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: 31ST December 2021

Appeal Ref: APP/Z5630/D/21/3275305

1 Chesham Road, Kingston Upon Thames KT1 3AG

- 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 M Kadhum against the decision of Royal Borough of Kingston Upon Thames Council.
 - The application Ref 21/00248/FUL, dated 22 January 2021, was refused by notice dated 7 May 2021.
 - The development proposed is 'Erection of first floor rear and side extension, in order to facilitate the conversion of the existing storage room into a two-bedroom self-contained flat. A piggy back roof extension similar to already approved schemes at neighbouring properties is also proposed'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was amended following submission of the application. The original description was '*First floor rear and side extension, in order to facilitate the conversion of the existing storage room into a two bedrooms flat. A piggy back roof extension similar to already approved schemes at neighbouring properties is also proposed*' (SIC). I have utilised the amended description.
3. Amended plans were submitted to the Council in April and May 2021, however, the Appellant refused to grant an extension of time for the plans to be considered. The application was determined upon the basis of the original plans. The amended plans have not been subject to any public consultation and the scheme would be so changed as to deprive those who should have been consulted the opportunity of such consultation. Therefore, determining the appeal on the amended plans would potentially prejudice the interests of interested parties¹.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the host building and surrounding area,

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 37].

- Whether the proposal would provide adequate living conditions for future occupiers of the development; and,
- Whether the proposal would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Reasons

Character and appearance

5. The appeal site is a detached two-storey dwelling situated on Chesham Road, a predominantly residential street. The narrow width of the dwelling, its detailing and its front gable pitched roof lend it a modest and attractive appearance. The other dwellings along Chesham Road are of a similar type, scale and design, which creates a strong sense of uniformity, and an attractive sense of place.
6. Several of the dwellings along Chesham Road have been extended at roof level via the same type of 'piggy back' roof which the appeal scheme proposes. These extensions are visible above the original roof pitch by only a small degree and they follow the plane of the roof so as to limit their prominence and dominance. Many are also architecturally detailed to match the host dwelling and, therefore, they appear as subservient, high-quality additions.
7. The grain of development along Chesham Road is relatively tight. In contrast to the other extended dwellings along Chesham Road, the flank elevation of the appeal site is visible within the streetscene by virtue of its position close to the junction with the A238 Coombe Road and a gap with the rear of the small parade of shops which fronts Coombe Road. Whilst the appeal site is viewed within the context of the simple massive additions at the rear of the shop which fronts Coombe Road and the rear elevations of properties fronting Station Road opposite, the appeal site marks a change in character from the more utilitarian design of surrounding roads to the attractive, modest and regular character of Chesham Road.
8. The appeal scheme would add significant mass, height and depth to the host dwelling, as well as regular fenestration which would emphasise that depth and height. This appearance of mass would appear disproportionate to, and overwhelm, the modest appearance of the host dwelling. The scheme would therefore create a dominant and incongruous addition to the host dwelling, which is out of keeping with the modest and attractive appearance of the Chesham Road streetscene.
9. For these reasons, the proposal would fail to respect the host dwelling and local character, contrary to policies D3 and D4 of the London Plan (LP), adopted 2021, and policies CS8 and DM10 of the Local Development Framework Core Strategy (CS), adopted 2012. These policies seek, amongst other things, high quality design which recognises distinctive local character.

Living conditions

10. Amongst other things, the LP and CS set out requirements in respect of gross internal area, room size, ceiling heights and outdoor amenity space to ensure accommodation meets the needs of Londoners and provides an adequate standard of living accommodation. The parties do not dispute that the scheme

would not meet those standards in respect of provision of outdoor amenity space and ceiling heights.

11. However, the Appellant submits that those policies are only relevant to 'new development' and not residential extensions to a pre-existing dwelling. However, this is not borne out by either the original or amended description of development, the floor plans; and Section 25 of the Application Form which notes a total number of 2 units are proposed. The creation of a separate residential unit is a material change of use of land within the meaning of development as set out in Section 55(3)(a) of the Town and Country Planning Act 1990 (as amended). Moreover, the policies clearly apply to the creation of any new residential units.
12. The Appellant has referred to a similar 'piggy back' roof scheme which has been granted planning permission. However, the living conditions within that scheme are notably different to that proposed under the appeal scheme.
13. Whilst the standards should not be applied inflexibly, they do provide helpful guidance as to what constitutes a minimum standard of accommodation to ensure adequate living conditions. The appeal scheme would not provide adequate living conditions for future occupiers and is therefore contrary to policies D4 and D6 of the LP and policy DM10 of the CS.

Highways

14. The Council considers that a legal agreement is required to secure vehicle on-street parking passes for future occupiers. The Appellant considers a planning condition would be sufficient. Whilst it is acknowledged that it may be necessary that parking provision is controlled within this area to prevent severe residual cumulative impacts on the wider highway network, as the appeal is dismissed for the reasons set out above, the provision of a legal agreement, or lack thereof, does not influence the outcome of the appeal.

Other considerations

15. The scheme would contribute an additional residential unit towards local need; a limited benefit of the scheme, to which I attach substantial weight. However, that unit would provide a poor standard of accommodation, and the limited benefit would not outweigh the harm identified above. In any case, I am not satisfied that such a benefit could not be achieved without resulting in harm to the character of the host dwelling and wider area.

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 appeal should be determined other than in accordance with the Development Plan. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR