
Appeal Decision

Site visit made on 24 January 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2022

Appeal Ref: APP/Z5630/W/21/3274649

Lazerbeam Fire & Security, 96 Tolworth Broadway, Surbiton KT6 7HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Hamid Nejad against the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref 21/00023/FUL, is dated 5 January 2021.
 - The development proposed is erection of second storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the host property and the area; and
 - the living conditions of the existing occupiers of nearby residential properties in Tolworth Broadway, with regard to outlook and natural light, and to the rear of Broad Oaks, with respect to outlook.

Reasons

Character and appearance

3. At the front, the ground floor of the host property faces Tolworth Broadway and is in commercial use. It is part of a terraced, three-storey row of buildings in a local shopping parade. At the rear, the ground floor juts out in-depth, initially under a flat roof which forms a common rear wing to this part of the terrace. The host property has been further extended and ends with a taller first floor part, next to Broad Oaks, which is a service road.
4. Some upper parts of the rear elevation of the terrace have been extended and some parking areas or storage compounds have been redeveloped with single storey extensions in a similar manner as at the host property, including some at a first floor level. Notwithstanding the varied and mainly functional nature of built-form and uses in this rear service area, the prevailing scale and massing of buildings is broadly single storey. This results in an appreciable sense of spaciousness between the taller rear elevation of the terrace and Broad Oaks.
5. The proposed second floor would significantly increase (by about a third) the vertical elevations and height of this part of the host building on most of three sides. It would also occupy the entire footprint over the first floor. Despite a

flat roof, it would therefore have substantial scale and massing. Taken in its immediate context, this step-up in built form in this position would result in an overly dominant addition to the host property. In addition, three storeys would be out of keeping with the general pattern of single or two-storey built form. While the flat roof would be comparable in height to the eaves level of the terrace building, it would be well-separated from it and, consequently, its isolated siting would be unduly prominent and conspicuous in public views from Broad Oaks.

6. I accept that the large shed and screened compound for external plant and machinery on top of the first floor flat roof (and similar features at other properties nearby) are somewhat incongruous in this streetscene. However, these are not permanent structures and, in any event, have appreciably less scale or massing compared to the proposed second floor.
7. There are two-storey houses to the rear of Broad Oaks, in Hamilton Avenue and Oakleigh Avenue. However, due to intervening evergreen trees, the overlapping siting of these houses, and the significant separation distance, the proposal would only be glimpsed in public views from very limited places in these roads.
8. Considering the above, I find that the development would cause appreciable harm to the character and appearance of the host property and the area. It would not comply with Policies CS8 or DM10 of the Council's Core Strategy, April 2012 (the 'CS'). These policies include that development should respect, maintain or enhance distinctive local features and character and relate well to its surroundings having regard to scale, layout, height, form, massing and spacing between buildings. It would also conflict with the National Planning Policy Framework (the 'Framework') which, amongst other things, seeks to ensure that development adds to the overall quality of an area and is sympathetic to local character, including the surrounding built environment.

Living conditions

9. The flat roof of the common rear wing provides rear access to the two-storey part of the terrace building, which above the ground floor of the host property is a maisonette (No 96A). In this particular section of the terrace, either side of No 96A, are other maisonettes (or flats) addressed as 94, 94A, 98A and 98B. These have rear facing habitable room windows over two floors and some use the flat roof as an outdoor amenity space.
10. The siting and form of the closest end and side elevations of the first floor part of the host property already exerts an adverse influence on the living conditions of the occupiers of these properties. However, the increased height, scale and massing and close proximity of the second floor would in itself be manifestly overbearing. The proposal would, therefore, unduly restrict views from these rooms. Furthermore, being south west facing, and in the absence of any objective evidence to the contrary, it would have an inordinate effect on light levels received into these rooms for significant parts of the day. These adverse impacts would be compounded in relation to the lower windows due to the even closer single storey part of the proposed extension.
11. Due to the intervening trees, long rear gardens and significant separation distances, the proposal would not have any appreciable adverse effect on the

living conditions of the occupiers of nearby houses in Hamilton Avenue or Oakleigh Avenue.

12. Considering the above, I find that the development would cause harm to the living conditions of these residential properties in Tolworth Broadway, with regard to outlook and natural light. It would not comply with CS Policy DM10. This policy includes that development should have regard to the amenities of neighbours, including in terms of outlook, sunlight/daylight and visual intrusion. It would also conflict with the Framework which seeks to ensure well-being and a high standard of amenity for existing users.

Other Matters

13. The appeal site is not in a Conservation Area and the host property is not a listed building. These are therefore neutral factors in my decision. I acknowledge that the proposal would support the operation of the 'Lazerbeam Fire & Security' business. However, this consideration does not outweigh or overcome the harm that I have identified in the main issues above. I also appreciate that the proposal is a resubmission following a previous refused application, but I have considered the appeal on its individual planning merits.

Conclusion

14. For the reasons given above, I therefore conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR