



Appeal Decision

Site visit made on 7 February 2022

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2022

Appeal Ref: APP/Z5630/D/21/3290002

31 Tudor Road, Kingston Upon Thames KT2 6AS

- 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 Mrs Johanna Drew against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref 21/03295/HOU, dated 13 October 2021, was refused by notice dated 9 December 2021.
 - The development proposed is single storey, 4m deep rear extension including external and internal alterations to ground floor layout.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey, 4m deep rear extension including external and internal alterations to ground floor layout at 31 Tudor Road, Kingston Upon Thames KT2 6AS in accordance with the terms of the application, Ref 21/03295/HOU, dated 13 October 2021, subject to the conditions set out in the schedule below

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that given on the decision notice, no confirmation that a change was agreed has been provided.

Main Issues

3. The main issues of the appeal are:
 - whether the proposed development would preserve or enhance the character or appearance of the Liverpool Road Conservation Area (CA); and
 - the effect of the proposed development on the living conditions of the occupiers of the application site and 29 Tudor Road, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal site is located within the CA. As such, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.

5. The significance of the CA lies, in part, in verdant tree lined streets and of individually designed detached and semi-detached houses dating from the 1850s.
6. The appeal property, as most on this side of the road have done, has retained many of its historic features and detailing to the front. It forms part of an attractive, although diverse streetscene. To the rear, there is far less consistency in the appearance of nearby properties, even within the same row. There is considerable variation in terms of the height, depth and roof form of rear projections. While the property currently contributes positively to the significance of the CA due to the retention of its overall proportions and design to the front elevation, the existing lean to at the rear of the appeal property makes a neutral one.
7. Even if I were to agree that the property was attached to the adjacent one, while the extension would exceed the depth guidance in the SPD¹, it states that if the neighbouring property has a different rear building line then the depth of the extension could be increased. In this instance, the proposed extension would not be more than the projections at the dwellings either side. Furthermore, its depth would not be significantly greater than the existing lean to.
8. Although taller than the SPD advises, the height would relate to the detailing and features of the existing property including the bay window, that also has a flat roof appearance and the existing proportions of the ground floor at the property. Furthermore, the proposed extension would give a coherence to the rear elevation in terms of materials and be comparable to projections nearby that it would be seen with.
9. I did not see examples of arched ground floor windows on rear projections in the area. Nonetheless, although the proposed ones would be larger and more pronounced, there are arched windows and doorways in nearby streets. The front entrance of the appeal property also has an archway. In addition, the existing lean-to windows do not match those at first floor level or the front elevation of the appeal property. The proposed windows would draw on a feature found in the CA and given the surrounding boundary treatments and vegetation would only be seen in limited views from nearby dwellings.
10. Therefore, the proposed development would preserve the character and appearance of the CA. It would accord with the design and heritage protection aims of Policies HC1 and D3 of the London Plan and Policies CS8, DM10 and DM12 of the Core Strategy². While there would be a technical breach of the SPD, the scheme would align with the desire to prevent any significant impact on the character and appearance of the existing house or wider street scene. Furthermore, the scheme would comply with the historic environment policies contained within the National Planning Policy Framework (Framework).

Living conditions

11. Some mutual overlooking is inevitable and tolerable in residential areas. This already occurs from existing ground floor side elevation windows at the appeal site and 29 Tudor Road.

¹ Royal Borough of Kingston upon Thames Residential Design Guide SPD

² Royal Borough of Kingston Upon Thames Core Strategy

12. The proposed tall window on the side elevation of the extension would allow some views between the appeal property and 29 Tudor Road. Nonetheless, there is a boundary fence and vegetation that would partly obscure views. The remaining views would be of the upper part of the windows only and not result in any significant overlooking.
13. As such, the proposed development would not unacceptably harm the living conditions of the occupiers of the appeal site and 29 Tudor Road with regard to privacy. It would comply with Policy D3 of the London Plan, Policy DM10 of the Core Strategy and the SPD where they seek to retain acceptable levels of amenity for existing residents. It would also accord with the Framework where it seeks to ensure a high standard of amenity for existing and future users.

Conditions

14. In addition to the standard time limit condition, I have imposed one requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. To protect the character and appearance of the area a condition regarding the external materials is imposed.

Conclusion

15. For the reasons given, and having considered all matters raised, I conclude that the appeal should be allowed, subject to the conditions below.

Stuart Willis

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 00272_31TR_PL01.1; Site Block Plan 00272_31TR_PL01.2; Existing and Proposed Site Plans 00272_31TR_PL01.3; Existing Elevations 00272_31TR_PL03.1; Existing Loft and Roof Plans 00272_31TR_PL02.2; Existing Ground and Floor Plans 00272_31TR_PL02.1; Proposed Loft and Roof Plans 00272_31TR_PL05.2; Proposed Ground and First Floor Plans 00272_31TR_PL05.1; Existing Sections X-X + Y-Y 00272_31TR_PL04.1; Proposed Elevations and Section 00272_31TR_PL06.1; and Proposed Sections X-X + Y-Y 00272_31TR_PL07.1
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.