



Appeal Decision

Site visit made on 17 May 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2022

Appeal Ref: APP/Z5630/D/22/3293849

15 Pine Gardens, Surbiton KT5 8LJ

- 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 Anatoly Sorin against the decision of the Royal Borough of Kingston Upon Thames.
 - The application Ref 21/03283/HOU, dated 6 October 2021, was refused by notice dated 8 December 2021.
 - The development proposed is the removal of existing single-storey rear extension. Proposed new single-storey rear extension with first storey side extension over existing single storey area and loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of existing single-storey rear extension. Proposed new single-storey rear extension with first storey side extension over existing single storey area and loft conversion at 15 Pine Gardens, Surbiton KT5 8LJ in accordance with the terms of the application, Ref 21/03283/HOU, dated 6 October 2021, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on the i) character and appearance of the dwelling and surrounding area; and ii) living conditions of neighbouring occupants, with particular regard to sunlight/daylight and creating an overbearing presence.

Reasons

Character and Appearance

3. The appeal site is a two-storey semi-detached dwelling set within a well sized plot that has both front and rear gardens. The area is characterised by comparable properties which are similarly set back from their site frontages. Together with the grass verges, street trees and planting within individual plots and along frontages, the area has a spacious and verdant character to which the appeal site positively contributes.
4. There is variety in the design and appearance of houses along this part of Pine Gardens. A number of properties within the vicinity of the appeal site have also had extensions and alterations to their sides/fronts, including at first floor level. Although most appear to have retained a hipped roof design, these changes have generally assimilated into the street scene without causing undue harm to the overall character of the area.

5. The proposed first floor side extension would use a half-hip roof design that does not appear to have been used elsewhere in the vicinity and would not mirror the roof of the adjoining dwelling. However, given the variety within the street scene, the use of matching materials and that not all pairs of semi-detached houses present as a uniform pair, the overall effect of the proposal would be such that it would not cause harm to the character and appearance of the dwelling or wider street scene.
6. The single storey works to the rear, which introduces an asymmetrical roof design with an overall height of just under 4m, would extend across the full width of the dwelling and be of comparable depth to the rear extensions on No.13 Pine Gardens. The position and size of the proposed roof dormer would be similar to other examples in the area. However, the materials proposed for each element (timber cladding and metal cladding respectively) would be noticeably at odds with the existing building.
7. The cladding of the single storey extension is said to harmonise with the landscaped garden. I have also been referred to the National Planning Policy Framework, which supports good design and encourages innovation and change. Whilst I acknowledge the Framework's broad support, it is important that design demonstrates a sense of connection with the surrounding built form and context. Thus, whilst contrasting materials can sometimes be a positive aspect of a design, it can also sometimes be visually jarring and harmful. In this case the proposed finishes would have a contrast with the host building and with each other such that there would be an awkward juxtaposition of finishes. Accordingly, the proposal would fall into this latter category of being visually jarring and harmful.
8. The neighbour at No.11 Pine Gardens has a rear metal clad dormer. However, that example is significantly smaller and less prominent than the proposed dormer which is before me. Similarly, the rear extension at No. 13 Pine Gardens, whilst contemporary in its appearance, is largely glazed which creates a less intrusive and more sympathetic addition. Accordingly, the weight I could attach to these other extensions would be limited.
9. The appellant has indicated agreement to changing the proposed materials in order to produce a more unified appearance. I am therefore satisfied that a condition requiring the Council's approval of the finished materials of the works to the rear of the dwelling would resolve this issue.
10. Based on the above, the proposal would not cause harm to the character and appearance of the dwelling or surrounding area. Therefore, it would accord with Policy D3 of the London Plan (2021) and Policy DM10 of the Council's Core Strategy (2012) which, amongst other things, seek to ensure that development responds positively to its context and the character of the area, as well as respecting local detailing such as materials.

Living Conditions

11. The single storey rear extension would run alongside the rear additions at No.13 Pine Gardens, the latter part of which is glazed on all sides. Given the position and height of the proposed extension, it would be partially visible from the upper part of the side of the neighbour's glazed extension. However, the roof would be angled away from the neighbour so that the highest point would be well away from the shared boundary, thereby limiting its visible presence

from the neighbour's extension. Given its orientation there might be some shadow cast during the early part of the day but this will be of limited duration. Overall, the proposal would not be overbearing in relation to this neighbour or result in harm to the sunlight/daylight they receive.

12. The rear extension would be set in from the boundary with No.17 Pine Gardens. This neighbouring property is set in from this shared boundary by a similar distance and has a rear conservatory which is located more centrally on the rear elevation. The proposed extension would be visible from this neighbour's rear windows and conservatory, but the angle of viewing and distances involved together with the eaves height and roof pitch of the extension, would ensure that this would not be overbearing. For similar reasons, the effect on this neighbour's sunlight and daylight would be limited and acceptable.
13. The appellant has not produced a sunlight/daylight report but given my conclusions, I do not consider one to be necessary. I therefore find that the proposal would not harm the living conditions of neighbouring occupants, with particular regard to sunlight/daylight or creating an overbearing presence. Accordingly, the proposal would accord with Policy D3 of the London Plan (2021) and Policy DM10 of the Council's Core Strategy (2012) which, amongst other things, seek to protect the living conditions of neighbouring occupiers.

Conditions

14. In addition to the standard time limit condition, a condition is required in the interests of certainty that lists the approved plans. As I have indicated, in order to protect the character and appearance of the dwelling and wider area, a condition requiring the Council's approval of the external materials to be used in the dormer and single storey rear extension is also necessary.

Conclusion

15. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Stewart Glassar

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 approved plans listed below:
TDB-125-PL-00 – Proposed Site and Location Plan
TDB-125-PL-01 – Proposed Floor Plans
TDB-125-PL-10 – Proposed Elevations
- 3) Notwithstanding condition 2, no development above slab level shall take place until details of the finished materials to be used in the rear roof dormer and the single storey rear extension have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

END