



Appeal Decision

Site visit made on 25 May 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2022

Appeal Ref: APP/Z5630/W/21/3288448

15 Beverley Cottages, Kingston Vale, London SW15 3RR

- 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 Ms Meredith Earl against the Council of the Royal Borough of Kingston Upon Thames.
- The application Ref 21/02606/HOU, is dated 11 August 2021.
- The development proposed is the demolition of existing conservatory and replace with rear ground floor extension.

Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. I note that the Council have, since the submission of the appeal, provided an officer report and decision notice. I am dealing with this case as an appeal against the Council's failure to give notice within the prescribed period of a decision on an application for planning permission, as set out above, and not as a refusal of planning permission which has since been made. Nevertheless, I have used the Council's purported refusal reasons as the main issues in the case.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property and surrounding area, including whether the development would preserve or enhance the character or appearance of the Kingston Vale Conservation Area; and
 - the effect of the proposed development on the living conditions of the occupiers of the neighbouring residential properties at 10, 11 and 12 Beverley Cottages, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site comprises a detached residential property situated adjacent to the southern boundary of Richmond Park and located within Kingston Vale Conservation Area (the CA). A range of residential properties surround the site to the east, south and west.

5. The proposed development would be positioned to the rear of the property's historic outrigger, in place of an existing single-storey conservatory extension. The proposed development would be significantly larger than the existing conservatory by reason of its projection into the garden, together with the infilling of the currently undeveloped side return. The angled roof profile, although of a colour to match the existing roof, would be unusual, excessively tall relative to the original dwelling, and would dominate the appeal property.
6. Taken as a whole, the proposed development would fail to form a subordinate or proportionate addition to the original property, appearing incongruous in its context. It would have an unacceptable impact upon the character and appearance of the host property and surrounding area.
7. As the appeal site falls within the CA, statute¹ places a duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA lies in its character of an early Victorian village, made up of an eclectic mix of mainly small-scale housing and community uses. Beverley Cottages form a strong linear band along the A308, with the appeal site sitting behind, and next to a key route into Richmond Park. The position of the proposed development, confined to the rear of the property, is such that it would have little appreciable effect on the street scene. However, glimpses of the extension would be visible from the highway and the development would be highly visible from public vantage points and within several neighbouring properties.
8. The proposed development, by reason of its detailed design, scale and height, would form an insensitive addition to the host building and CA, which would fail to reflect or respect the local context. It would have a harmful impact upon the character and appearance of the CA, neither preserving nor enhancing it. Whilst harmful, I consider the proposed development to give rise to 'less than substantial' harm. In line with the requirements of paragraph 202 of the National Planning Policy Framework (the Framework), this harm must be weighed against any public benefits.
9. I note the appellant's proposed use of sustainable materials and objectives to improve energy efficiency, and the benefits of these. However, these public benefits are limited. The proposed development would be of largely private benefit to the appellant, and the limited public benefits apparent would not outweigh the harm I have identified.
10. Consequently, I conclude that the proposed development would harm the character and appearance of the host building and surrounding area and fails to preserve or enhance the character or appearance of the CA. The development would therefore be contrary to the relevant provisions of Policies HC1 and D3 of the London Plan (2021) and Policies CS8, DM10 and DM12 of the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy (CS) (2012) and the Royal Borough of Kingston upon Thames Residential Design Guide Supplementary Planning Document (2013). These policies, amongst other things, seek to ensure high quality design in development and to protect the character and appearance of the historic built environment. This is consistent with the objectives of the National Planning Policy Framework insofar as good design and the historic environment is concerned.

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Living Conditions

11. The proposed extension, at an increased height and width compared with the existing, would be large. It would project much further into the plot than both the existing extension and historic outrigger, at a closer proximity to the shared boundary with Nos 10, 11 and 12.
12. The main direction of outlook from the rear facing windows of these adjoining properties, is down through their short gardens and towards the side elevation of the appeal property and existing shared boundary. Mature landscaping within the appeal site and beyond, within Richmond Park, is also visible.
13. The separation distance between the appeal site and neighbouring properties is limited, although a sense of relief is maintained through the current setback of the appeal property's outrigger and existing extension from the shared boundary. A slatted trellis fence also exists above the brick boundary wall, allowing a certain level of transparency between sites.
14. Despite being of single storey and although the angled roof design of the proposed extension would slope away from the shared boundary, it would be highly prominent, extending significantly beyond the height of the existing intervening boundary treatment. The extension, infilling the side return, and running along the shared boundaries with Nos 10, 11 and 12, would change the relationship between properties, creating a visually intrusive, dominant feature. The proposed extension would have an overbearing effect on the outlook from the rear of these properties and their gardens, resulting in an unacceptable sense of enclosure.
15. Consequently, I conclude that the proposed development would have an unacceptable impact on the living conditions of the occupants of Nos 10, 11 and 12, with particular regard to outlook, contrary to the relevant provisions of CS Policies CS8 and DM10. These policies, in summary, seek to protect the amenities of neighbouring properties.

Other Matters

16. I note the appellant's comments with regard to the lack of communication by the Council and the period of time taken to determine the application. However, this has had no bearing on my consideration of the planning merits of the proposal.
17. I note the appellant's reference to several other planning permissions at Beverley Cottages², namely at Nos 7, 9 and 12. Whilst situated close to the application site, the context of these extensions is not directly comparable in respect of the position of extensions, the orientation of plots or their detailed design. I have considered the proposed development based on the evidence before me and my observations on site.

Conclusion

18. For the reasons given above, having taken account of the development plan as a whole, the approach in the National Planning Policy Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

² 07/15006/LDP, 17/14927/HOU, 12/14020/HOU

A Price
INSPECTOR