



---

## Appeal Decision

Site visit made on 21 June 2022

**by Elizabeth Lawrence BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5<sup>TH</sup> July 2022**

---

**Appeal Ref: APP/Z5630/D/22/3294172**

**27 Hunters Road, Chessington, KT9 1RX**

- 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 Singarajah Selvakumar against the decision of the Royal Borough of Kingston Upon Thames.
  - The application Ref 21/03574/HOU, dated 9 November 2021, was refused by notice dated 22 February 2022.
  - The development proposed is for the erection of two storey side extension and single storey rear extension.
- 

### Decision

1. The appeal is dismissed.

### Preliminary matter

2. In its decision the council has used the appellant's description for the development although, as indicated in the council's report, the council does not agree with it. In particular, the appellant considers that the front elevation is that with the entrance door in it and the rear elevation is on the opposite side of the dwelling. Conversely the council considers that the front elevation is that which faces the highway and that the rear elevation faces into the back garden environment. I agree with the council. This is because in most cases the principal elevation of a dwelling will be the part of the house that fronts onto a highway. It will usually contain features such as main bay windows or a porch serving the main entrance.
3. In this instance the elevation which faces the street and the front garden contains the main bay window and two good sized bedroom windows. The elevation facing into the rear garden of the property similarly contains good sized main habitable room windows. Conversely, although the elevations facing the side boundaries of the site include the main entrance door, it is not unusual for dwellings to be served by side entrances. Also, other than the entrance door these flank elevations contain just one small first floor window which serves a bathroom. Accordingly, for the avoidance of any doubt I confirm that although the description in the appeal heading is that provided by the appellant, in the decision set out below the front elevation is that which faces the street and the rear elevation is that which faces into the rear garden.

## **Main Issues**

4. The first main issue is the effect of the proposal on the character and appearance of the area. The second main issue is the effect of the proposal on the living conditions of the occupiers of 25 & 29 Hunters Road (No.25 & No.29), with particular regard to daylight and sunlight.

## **Reasons**

### *Character and appearance*

5. The appeal site is located within a mixed residential area where the soft planting within the front gardens and the grass verges and trees within the highway contribute to its spacious suburban character and appearance. The appeal dwelling is located within a row of similarly designed pairs of semi-detached houses with hipped roofs and a combination of projecting gables and bay windows. The appeal dwelling is one of two detached dwellings within this row that have steeply pitched roofs with full width gables facing the street and the rear garden.
6. The appeal dwelling is similar in depth to the adjacent dwellings at No.25 and No.29, although they have staggered building lines. The appeal dwelling has three side/rear extensions with a combinations of depths and roof styles. Their varied depths, heights and roof forms result in the rear elevation of the appeal dwelling appearing cluttered and poorly proportioned. Collectively they detract from the character and appearance of the host dwelling and the rear garden environment.
7. With the proposal the existing side/rear extension would be extended along the full length of the side elevation of the host dwelling and would have a shallow mono-pitched tiled roof. The two rear extensions would be replaced by a two storey extension, which would follow the rear building and eaves height of the original house, although its roof pitch would be shallower. As stated by the council, this extension would project beyond the original rear wall of the dwelling by 3.8 metres.
8. Together and amongst other things Policy D3 of the London Plan 2021 (The London Plan) and Policy DM10 of the Royal Borough of Kingston Upon Thames Local Development Framework Core Strategy 2012 (LDF), seek to ensure that new development is designed to a high standard and respects, maintains or enhances local character and distinctiveness. It should also have regard to the living conditions of the occupiers of neighbouring properties, including outlook, sunlight and daylight.
9. The proposed side extension would be modest in height and form. Its fenestration would respect the vertical lines and proportions of the existing windows and the external materials would match those of the host dwelling. As a consequence, the proposed side extension would respect and be visually subordinate to the host dwelling and where visible from the public realm it would be readily assimilated into the street scene.
10. The proposed rear extension would be visually uncluttered; would respect the form and design of the host dwelling; and would be constructed from matching external materials. Although the two storey extension would increase the depth of the host building, this would not appear out of keeping within the street scene or the rear garden environment. This is because the existing

building lines along this part of Hunters Road are varied. In particular, the dwelling at No.25 projects materially further into the rear garden environment and the dwelling at No.29 projects forward of the appeal dwelling along the street frontage.

11. For these reasons the proposed two storey side extension would de-clutter and respect the character and appearance of the host dwelling and the rear garden environment.
12. I conclude on the first main issue that the proposal would respect the character and appearance of the host dwelling and the area. Accordingly, in these respects it would comply with Policy D3 of The London Plan and LDF policy DM10.

#### *Living conditions*

13. The proposed two storey extension would be sited two metres from the side boundary fences and at least three metres from the main flank walls of the adjacent dwellings at No.25 and No.29. It would project a similar distance into the back garden environment as the original two storey dwelling at No.25. The roof of the proposed extensions would be hipped away from the side boundaries of the site and its ridge height would be lower than that of the host dwelling.
14. Notwithstanding this, due to its combined height and depth the flank wall of the proposed extension would dominate the outlook and result in a material loss of daylight and sunlight through the existing side window and glazed door at No.25. They serve the rear section of a combined kitchen and utility room which receives limited direct daylight and sunlight from the windows within the kitchen extension.

Similarly due to its combined height and depth the proposed extension would dominate the outlook and reduce the level of daylight and sunlight received through the side facing first floor study window at No.25. Whilst the first floor study has a second window facing into the rear garden of No.25, it is small and has a north-easterly aspect. The extension would also reduce the level of natural daylight and sunlight received through the obscure glazed stairwell window.

Collectively the loss of daylight and sunlight within these three areas of the dwelling would have a materially adverse impact on the living conditions of the occupiers of No.25 and this impact would be exacerbated by the loss of outlook. This harm would outweigh the benefits for the appellant and their family that would result from the proposed additional living space and is not something that could be satisfactorily addressed through the imposition of conditions.

16. Conversely the proposed extension would be sited to the northwest of the dwelling at No.29 and it would not project directly in front of any windows in the flank elevation of No.29. The proposed extension would be visible from the adjacent rear windows at No.29, however, the main aspect from these windows is into the deep rear garden to that property.
17. For these reasons the proposal would not have a materially adverse impact on the living conditions of the occupiers of No.29 due to the loss of daylight or sunlight.

18. I conclude on the second main issue that, although the proposal would not materially harm the living conditions of the occupiers of No.29, it would unacceptably harm the living conditions of the occupiers of No.25 due to loss of daylight and sunlight and associated sense of enclosure. Accordingly, the proposal would conflict with policy D3 of The London Plan and LDF Policy DM10.

### **Conclusion**

19. Whilst I have found in favour of the appellant in relation to the first main issue and on various other matters, the overall conclusion on the second main issue amounts to a compelling reason for dismissing this appeal.

*Elizabeth Lawrence*

INSPECTOR