



Appeal Decision

Site visit made on 21 June 2021

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6TH July 2022

Appeal Ref: APP/Z5630/D/22/3297763

5 Malvern Road, Kingston Upon Thames, KT6 7UH

- 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 Mark Ddumba against the decision of the Royal Borough of Kingston Upon Thames.
 - The application Ref 22/00288/HOU, dated 31 January 2022, was refused by notice dated 25 March 2022.
 - The development proposed is described as a proposed ground floor rear and side extension and first floor rear extension. (the rear ground floor extension already has planning permission under the properties permitted development rights for a larger home extension).
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Decision

1. The appeal is dismissed.

Main Issues

2. The first main issue is the effect of the proposal on the character and appearance of the host dwelling and the immediate surrounding area. The second main issue is the effect of the proposal on the living conditions of the occupiers of 7 Malvern Road (No.7), with particular regard to daylight and sunlight.

Reasons

Character and appearance

3. Malvern Road and Malvern Close are primarily characterised by detached, semi-detached and terraced two storey houses. The terraces and pairs of semi-detached houses are uniformly designed and together with their similar front building lines, this provides a sense of uniformity within the street scene. There are a few modern infill houses and a number of two storey side and roof extensions within the road, which have blended into the street scene with varying degrees of success, depending on their form and design.
4. The appeal dwelling is located in a prominent position within Malvern Road. It is adjacent to a bend in the road; the junction with Malvern Gardens; and sits immediately alongside a public footpath. The appeal dwelling comprises one of a pair of symmetrically designed semi-detached dwellings with hipped roofs and projecting front gables. Within the rear garden environment are a diverse range of rear extensions.

5. The proposal includes a single storey flat roofed side extension located towards the rear of the dwelling and a single storey flat roofed extension that stretches across the whole of the existing rear elevation. This rear extension projects four metres into the rear garden and has a flat canopied roof. Above the northern section of this extension is a 2.3 metre deep first floor extension with a flat roof that projects just above the existing eaves level of the host dwelling.
6. Together and amongst other things Policy D3 of the London Plan 2021 (The London Plan) and Policies CS8 & 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. Proposals should have regard to and provide appropriate living conditions for the occupiers of neighbouring properties, including outlook, sunlight and daylight.
7. The proposed single storey side and rear extensions would be visually uncluttered and would respect the proportions, form and appearance of the host dwelling. Where they could be seen from the street scene and the adjacent footpath they would blend in readily with the rear garden environment.
8. Conversely, whilst the size and siting of the proposed first floor extension would not be out of keeping with the host dwelling, its flat roof would appear utilitarian and totally out of keeping with the existing deep hipped roof. It would unacceptably detract from the character and appearance of the host dwelling and its setting, including the rear garden environment and the adjacent public footpath. This harm would outweigh the benefits for the appellant resulting from the additional accommodation and is not something that could be controlled through the imposition of a condition.
9. The appellant has stated that the character and appearance of the host dwelling will change when an approved hip to gable extension, rear dormer and permitted single storey extension are built. However, these additions do not form part of and are not tied to the appeal application in any way. Accordingly, the appeal scheme needs to be assessed having regard to the proposed elevation and other plans that form part of the appeal application.
10. I conclude on the first main issue that the proposal would materially and unacceptably harm the appearance of the host property and the street scene. Accordingly, it would conflict with Policy D3 of The London Plan and LDF policy DM10.

Living conditions

12. The proposed single storey rear extension would project up to the boundary with No.7 and four metres beyond the rear building line of the dwelling at No.7. The flank wall of the proposed extension would be materially taller than the existing boundary fence and this would be evident from the adjacent ground floor window and sitting out area at No.7. However, the appeal property is located to the north of No.7 and the outlook from the ground floor windows and patio at No.7 would continue to be into its long, open and west facing rear garden. Accordingly, the dwelling at No.7 would continue to benefit from good levels of daylight and sunlight.

13. Whilst each application should be assessed on its individual merits, I note that prior approval has been granted for a four metre deep, single storey rear extension in the same location. As a realistic fallback option for the appellant, this is a material consideration which weighs in favour of the proposal.
14. For these reasons, I conclude on the second main issue that the proposal would not have a materially harmful impact on the living conditions of the occupiers of No.7 due to loss of daylight/sunlight. Accordingly, the proposal complies with policy D3 of The London Plan and LDF Policy DM10.

Conclusion

15. Whilst I have found in favour of the appellant in relation to the second main issue, the conclusion on the first main issue amounts to a compelling reason for dismissing this appeal.

Elizabeth Lawrence

INSPECTOR