



Appeal Decision

Site visit made on 21 June 2022

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6TH July 2022

Appeal Ref: APP/Z5630/D/22/3295147

117 Tolworth Road, Tolworth, KT6 7SR

- 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 Kunal Kapur against the decision of the Royal Borough of Kingston Upon Thames.
 - The application Ref 21/03865/HOU, dated 3 December 2021, was refused by notice dated 10 February 2022.
 - The development proposed is for the demolition of existing garage and replaced with new two storey side extension. New openings, up-stand and roof light to existing single storey extension. New timber canopy to provide sun screening.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and replaced with new two storey side extension. New openings, up-stand and roof light to existing single storey extension. New timber canopy to provide sun screening at 117 Tolworth Road, Tolworth, KT6 7SR in accordance with the terms of the application, Ref 21/03865/HOU, dated 3 December 2021 and the plans submitted with it, subject to the following 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 and details: TDB-143-PL-00-A (Proposed), TDB-143-PL-00-A (Existing), TDB-143-PL-01-A, TDB-143-PL-10-A, TDB-143-20, TDB-143-EX-01, TDB-143-EX-10 and Flood Risk Assessment dated 28 October 2020.
 - 3) The materials to be used in the construction of the external surfaces of the side extension and alterations to the existing rear extension hereby permitted shall match those used in the existing dwelling.
 - 4) Prior to the commencement of any works above the slab level of the side extension hereby approved, full details for the secure cycle parking facilities to serve the development to which this permission relates shall be submitted to and approved in writing by the local planning authority. The approved cycle parking facilities shall be provided prior to the occupation of the side extension hereby approved and thereafter shall be permanently retained for that purpose and kept free from obstruction.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the street scene.

Reasons

3. Tolworth Road is primarily characterised by short terraces of uniformly designed two storey houses, interspersed with contrasting detached and pairs of semi-detached houses and bungalows. There are various sized gaps at the sides of each terrace, some of which have been filled with a range of single and two storey extensions. These extensions have blended in with the character and appearance of the host dwellings and the street scene with varying degrees of success. Opposite the appeal site the front elevation of the side extension at 122 Tolworth Road is very similar to the appeal proposal.
4. The appeal dwelling is located at the end of a terrace, which is set back slightly from the front building lines of the adjacent terraces. The appeal dwelling has a flat roofed attached garage, which fills the gap between the host dwelling and the side boundary of the property. The adjacent dwelling at No.115 similarly has an attached garage, with a taller red brick parapet roof and between the two garages is a pedestrian access which leads to the rear of the terraces. Both of the garages are utilitarian in appearance and the gaps over and between them provide views of a large commercial building and tall planting within the rear garden environment.
5. Collectively 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, to achieve a more attractive environment and respects, maintains or enhances local character and distinctiveness. It should relate well and connect to its surroundings. Paragraph 130 of the National Planning Policy Framework 2021 (The Framework) similarly seeks to ensure that new development is sympathetic to local character and history and maintains a strong sense of place.
6. The LDF Residential Design Supplementary Planning Document (SPD) is consistent with this. Policy Guidance 36 advises that two storey side extensions should be designed to be in harmony with the character and appearance of the area. Extensions should remain subordinate to and their roof and eaves line should reflect and relate well to the main house. Care should be taken to retain characteristic gaps between dwellings to prevent a terracing effect and the fenestration should relate to the host dwelling.
7. It further advises that with end of terrace dwellings side extensions should respect the building and should not exceed 50% the width of the host dwelling. It should be set in at least 1 metre from the side boundary to maintain the rhythm of the gaps between properties and the front building line and roof should be set in/down from that of the host dwelling.
8. The proposed two storey side extension would project to some 300mm from the side boundary of the site and would follow the ridge line and front building line of the host dwelling. In these respects, it would not comply with the advice in the SPD. However, by following the front building line and

continuation of the existing roof lines the extension would reflect and relate well to both the host dwelling and the terrace as a whole. The proposed fenestration would respect the vertical and horizontal lines of the host dwelling and the extension would be 50% the width of the dwelling.

9. The extension would not be set one metre in from the side boundary of the property. Notwithstanding this, there is a path to the side of the dwelling and the proposed extension would be some 1.8 metres from the side boundary of the adjacent property at 115 Tolworth Road, (No.115) and over four metres from its two storey flank wall. The resultant gap would reflect the width of the gap between 107 & 109 Tolworth Road and would be comparable to or wider than other gaps between dwellings throughout Tolworth Road. In addition, the host terrace is set slightly forward of the front building line of the adjacent terrace.
10. As a result of these factors the proposed side extension would respect the character and appearance of the host dwelling. It would not have a terracing effect; would maintain the rhythm of the gaps between buildings; and would be readily assimilated into the street scene. The side extension would comply with policy D3 of The London Plan, LDF Policies CS8 and DM10 and the objectives of the SPD. This would outweigh the identified conflict with part of the advice in the SPD. As stated in the SPD, it seeks to contribute to the Council's aim of preserving or enhancing the appearance and amenity of its residential areas. According it provides guidance to inform submissions; and encourages the use of architects and other professionals in order to improve the quality of design and presentation.
11. The proposed modifications to the existing rear extension and the proposed timber canopy would be modest in form and appearance and would respect the character and appearance of the rear garden environment. At the same time the proposed additions and changes would not have a material impact on the living conditions of the occupiers of the adjacent dwellings due to visual impact or loss of privacy, sunlight or daylight.
12. Finally, the council has suggested the imposition of conditions relating to the use of matching external materials; the provision of secure cycle storage; and adherence to the submitted drawings. I consider that these conditions are all necessary to ensure the side extension respects the host dwelling, to promote sustainable forms of travel and in the interests of certainty. However, there is no need for the materials condition to relate to the timber canopy, as the use of timber is clearly stated in the description for the development. In addition, it is unnecessary for the cycle storage condition to be a pre-commencement condition. Instead, a condition which requires details for the cycle storage to be submitted to and approved in writing by the LPA prior to any works above the slab level of the side extension, would achieve the same objective. This would ensure that the condition would not unnecessarily delay the commencement of the building works.
13. For these reasons I conclude that the proposal would respect the character and appearance of the host dwelling and the street scene. Accordingly, it would comply with policy D3 of The London Plan, LDF Policies CS8 and DM10, the objectives of the SPD and paragraph 130 of the Framework.

Elizabeth Lawrence

INSPECTOR