



Appeal Decision

Site visit made on 13 June 2022

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2022

Appeal Ref: APP/Z5630/W/22/3290208

81 Vale Crescent, Kingston Vale, London SW15 3PL

- 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 and Mrs David & Victoria Gatenby against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref 21/03431/FUL, dated 26 October 2021, was refused by notice dated 22 December 2021.
 - The development proposed is a single storey rear extension and associated fenestration alteration.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of No 77 Vale Crescent, having particular regard to outlook and light.

Reasons

3. The appeal unit is part of a two-storey semi-detached property split into separate apartments on each floor, neighboured by properties of similar layout design and scale. The property has a two-storey rear projection, mirrored by its (ground floor) attached neighbour, No 77, set away from the common boundary.
4. Next to the boundary for both properties is a bay comprised of a glazed door and two adjoining windows. It is unclear as to what room this neighbouring bay serves, however it appears, like at the appeal property, that it serves a lounge. The outlook from this bay is at present compromised by the rear projections, however, the deliberate gap between these projections, characteristic of the surrounding dwellings, serves to allow some feeling of open space and view towards the rear.
5. The proposed extension would infill this space next to the boundary. The plans show that it would extend some distance along the boundary sitting above the existing fence. The proposed extension would be sited to the south of this neighbour. However, given the scale of the bay window, the single storey nature of the proposed extension and its siting next to the two-storey rear projection, light levels entering the rear of No 77 would not be reduced substantially and would therefore not lead to harm to living conditions with respect to light.

6. However, given its height and depth, the extension would be visually dominant when viewed from the bay window of No 77. The Supplementary Planning Document 'Residential Design Guide' (2013) sets out that the need to maintain a reasonable outlook for neighbouring properties should be carefully considered. The occupants of this property would be faced with a blank elevation above the boundary fence in close proximity which would restrict the existing outlook to a degree greater than present and lead to a sense of enclosure. The development would adversely affect the quality of living conditions available to users of the room served by the bay as a result.
7. The appellant points to similar development elsewhere along Vale Crescent, particularly at Nos 33¹ and 125. Some details are provided however is unclear as to whether there is a similar layout to the adjoining neighbours. However, it does appear that the plans shown as approved are for similarly scaled and sited extensions, if slightly lower in eaves height in the case of No 125, and lower in total height, if not immediately next to the boundary, in the case of No 33. Nevertheless, each case is considered on its own merits and similar previously approved extensions would not provide justification for the harm identified to the outlook of the occupiers of No 77 in this case. Application reference 18/14541/HOU is also mentioned, however no details are given.
8. The proposed development would harm the living conditions of occupants of No 77 Vale Crescent, in respect to outlook, for the reasons I have given. Accordingly, it would conflict with Policies CS8 and DM10 of the Royal Borough of Kingston-upon-Thames Council Local Development Framework Core Strategy (2012), which, amongst other matters and along with the London Plan (2021), seek to ensure good design that has regard to the amenities of neighbours.

Conclusion

9. Although I have found that the proposed extension would not harm the living conditions of No 77 with regards to light, this would be a neutral matter which would not, by definition, be sufficient against the harm identified with regards to outlook. This would result in conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

B Phillips

INSPECTOR

¹ Application reference 17/14922/Ful & 20/03094/FUL respectively.