



Appeal Decision

Site visit made on 7th July 2022

by Megan Thomas Q.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 22ND July 2022

Appeal Ref: APP/Z5630/D/22/3299902

8 Dutch Gardens, Kingston Upon Thames KT2 7TT

- 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 Wright against the decision of the Royal Borough of Kingston Upon Thames.
 - The application Ref.22/00656/HOU, dated 27 February 2022, was refused by notice dated 27 April 2022.
 - The development proposed is the replacement of the garage with a side extension including rear dormer and rooflights, changes to all windows, doors and porch.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of the garage with a side extension including rear dormer and rooflights, changes to all windows, doors and porch at 8 Dutch Gardens, Kingston Upon Thames KT2 7TT in accordance with the terms of the application, Ref.22/00656/HOU, dated 27 February 2022, 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 strict accordance with the following approved plans and documents:
 - PL1-P100 Rev B Floor Plans – Proposed (roof plan added)
 - PL1-P100 Rev A Floor Plans – Proposed, with mark up
 - PL1-P200 Rev A Elevations – Proposed, with mark up
 - PL1-P201 Rev A Elevations#2 - Proposed
 - PL1-P202 Rev A Elevations#3 – Proposed
 - PL-E001 Location Plan
 - PL-E002 Block Plan - Existing
 - PL-E002 Block Plan – Existing showing Shaded Proposed Development
 - P-P099 Rev A Site Plan - Proposed
 - PL1-E200 Elevations – Existing
 - PL1-E201 Elevations#2 - Existing
 - PL1-E202 Elevations#3 - Existing
 - PL1-P100 Floor Plans – Existing
 - Tree Survey Impact Assessment
 - Basement Impact Assessment
 - Design & Access Statement

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

Main Issues

2. The main issues in the appeal are the effect of the proposal on the character and appearance of the host dwelling and streetscene, the setting of the Liverpool Road Conservation Area and the effect on the Kingston Hill/Coombe Hill Strategic Area of Special Character.

Reasons

3. The appeal site is a two storey dwelling situated on Dutch Gardens, which is a cul-de-sac made up of similar dwellings. The topography of Dutch Gardens rises quite steeply from its junction with Liverpool Road. No. 8 is a corner property which is located at right angles to no.7 and is only glimpsed from Dutch Gardens. No.8 has a single storey attached garage and some off road parking. Its rear garden is on a lower level to the main house and it backs onto Richmond Park and the rear of dwellings in Heatherdale Close. It is directly adjacent to the Liverpool Street Conservation Area. It is within the Kingston Hill/Coombe Hill Strategic Area of Special Character which is a non-designated asset.
4. The proposal is to demolish the existing garage and construct a basement level element with 3 storeys on top of it, one of which would be a roof dormer storey.
5. Whilst the bulk of the proposal is large at four storeys, the scheme makes effective use of the available land and topography. The basement storey would utilize part of the lower garden without detrimentally impacting on the amenities of neighbours and leaving sufficient private amenity space for the occupants of the appeal site.
6. The side extension would not extend wider than the existing garage and its additional bulk and massing would be visually balanced with the existing northern element of the dwelling. Whilst the proposed roof would have a hip which would not be matched at the northern end of the building, the hip would be shallow, would be visually concealed from most public vantage points and would reduce the impact of built development from Heatherdale Close. The rear dormer would be well-designed, having a pitched roof and being aligned with fenestration on the 3 levels below it.
7. The insertion of roof lights and changes in fenestration would not cause loss of amenities to neighbours and would be in keeping with the character of the property.
8. The proposed increased bulk and massing would be designed so as to sustain rather than overwhelm the original character of the property. The resulting development would be in a modestly larger footprint than the existing dwelling. Owing to the topography of the site, the orientation of the host dwelling and its semi-concealed position in Dutch Gardens, it would not be visually unacceptable either to the host dwelling itself or to the character or appearance of the streetscene. There would be no measurable impact on the setting of the Liverpool Road Conservation Area or on the Kingston Hill/Coombe Hill Strategic Area of Special Character.

9. Overall, I conclude that the proposal would not result in harm to the character or appearance of the host dwelling, the streetscene, the setting of the Liverpool Road Conservation Area or the Kingston Hill/Coombe Hill Strategic Area of Special Character. The proposal would accord with policies CS8 and DM10 of the Council's adopted LDF Core Strategy (adopted 2012).

Conditions

10. I have considered the imposition of planning conditions in the light of advice in National Planning Practice Guidance. The Council suggested 3 conditions in the event that the appeal was successful. A condition which ties the built development to the approved plans is necessary in the interests of certainty. In order to protect the character and appearance of the host dwelling and its surroundings a condition requiring the extension to match the existing materials of the dwelling is necessary.

Conclusion

11. Having taken into account all representations made, for the reasons given above, I allow the appeal and grant planning permission subject to conditions.

Megan Thomas Q.C.

INSPECTOR