



Appeal Decision

Site visit made on 31 August 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 5th September 2022

Appeal Ref: APP/Z5630/D/22/3296081 66 Elmdene, Tolworth KT5 9PW

- 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 P Pearce against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref: 21/03943/HOU dated 9 December 2021, was refused by notice dated 7 February 2022.
 - The development proposed is single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey side extension at 66 Elmdene, Tolworth KT5 9PW in accordance with the terms of the application, Ref: 21/03943/HOU dated 9 December 2021, 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: site location plan; block plan; 21159/01; 21159/02; 21159/03 and 21159/04.
 - 3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing dwelling.

Main Issues

2. The main issues in this appeal are:
 - a) Whether the proposal would provide satisfactory living conditions for existing and future occupants, with particular regard to the provision of amenity space, and
 - b) The effect of the proposal on the living conditions of the neighbours at No 80 Southwood Drive, with particular regard to outlook.

Reasons

Issue a) Living Conditions – Occupants of Appeal Property

3. The appeal property is a modern, infill detached single storey property which fronts onto Elmdene, and is situated to the rear of properties in Southwood

Drive, within a predominantly residential area. I am advised that the existing dwelling was permitted by the Council in 2013 under Ref 12/16138/FUL as garden development related to No 80 Southwood Drive.

4. The proposal would seek to extend out to the side to create a dining room leading off the existing living space with a solid wall adjoining the boundary with No 80 Southwood Drive. This would remove an existing area of hard and soft landscaping but the principal private amenity area for the property lies further to the front and side of the dwelling, accommodating a small grassed area as well as a seating area and soft planting. This principal area of private amenity space would be unaffected by the proposed extension. There would be doors leading out of the proposed extension to this amenity space.
5. I have had regard to the Council's Residential Design SPD 2013 (SPD). Although the proposal before me would be a side extension rather than a rear extension, the SPD specifically refers to effect on gardens under rear extensions. The Council indicates that 50% of the rear garden should remain although extensions to houses with very small gardens will be assessed on their individual merits. Given the individual nature of the existing house and the size of its plot, and that the principal amenity space is to the front and side, it is my view that this proposal should be judged on its individual merits. I am satisfied that the principal area of amenity space would not be affected by the proposed extension and that the replacement of the part of the side passage with built development would not materially affect the balance between built development and amenity space. The amenity space would remain usable for a number of different functions and would relate well to the layout of the house, as proposed to be extended.
6. I am therefore satisfied that the proposal would provide satisfactory living conditions for future occupants, with particular regard to the provision of amenity space. There would be no conflict with Policy D3 of the London Plan 2021, Policies CS8 and DM10 of the LDF Core Strategy 2012 and the SPD, as well as the National Planning Policy Framework (Framework) and in particular Paragraph 130 f) all of which, amongst other things, seek a high quality of design with a high standard of amenity for existing and future occupants.

Issue b) Living Conditions – Neighbours

7. The proposed extension would have a modest eaves height of 2500mm leading to a ridge height of 3000mm where it joins the main roof of the property. There would be no windows in the side elevation. Given the distance to the rear of No 80 Southwood Drive, and taking into account the proposed height and design of the extension along the common boundary, I do not consider that the extension would be overbearing for the occupiers of No 80 Southwood Drive, either from rear facing rooms or in their rear garden. I have also taken into account the existing boundary treatment of a wall with trellis above, and there would be little material difference in height between the existing and the proposed, along the common boundary.
8. I am therefore satisfied that the proposed extension would not materially harm the living conditions of the neighbours at No 80 Southwood Drive, with particular regard to outlook. There would be no conflict with Policy D3 of the London Plan 2021, Policies CS8 and DM10 of the LDF Core Strategy 2012 and the SPD, as well as the Framework and in particular Paragraph 130 f) all of

which, amongst other things, seek a high quality of design with a high standard of amenity for existing and future occupants.

Conditions and Conclusion

9. In terms of conditions, materials should match those used on the existing property in order to respect the character and appearance of the existing building. A condition should be imposed to list the approved plans for the avoidance of doubt and in the interests of proper planning.
10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR