



Appeal Decision

Site visit made on 15 November 2022

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2022

Appeal Ref: APP/Z5630/D/22/3306063
74 Tolworth Road, Tolworth, KT6 7SZ

- 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 Ms Tatiana Preobrazhenskaya against the decision of the Council of The Royal Borough of Kingston Upon Thames.
 - The application Ref 22/01268/HOU, dated 14 April 2022, was refused by notice dated 9 June 2022.
 - The development proposed is described as 'proposed side extension with associated new windows and doors. Proposed roof extension with two dormer windows to rear'.
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Decision

1. The appeal is allowed and planning permission is granted for proposed side extension with associated new windows and doors. Proposed roof extension with two dormer windows to rear at 74 Tolworth Road, Tolworth, KT6 7SZ in accordance with the terms of the application, Ref 22/01268/HOU, dated 14 April 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 accordance with the following approved plans: 2107(EX)01 P2; 2107(EX)10 P2; 2107(EX)30 P2; 2107(PL)01 P3; 2107(PL)10 P3; 2107(PL)11 P3; 2107(PL)30 P3.
 - 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 building.
 - 4) Prior to the occupation of the development hereby approved, a Fire Safety Strategy shall be submitted to and approved in writing by the local planning authority. The Fire Safety Strategy shall demonstrate how the development will achieve the highest standards of fire safety and shall include the following details: 1) suitably positioned outside space for fire appliances /an evacuation assembly point; 2) appropriate fire alarm systems; 3) passive and active fire safety measures; 4) appropriate construction details to minimise the risk of fire spread; 5) provision of suitable and convenient means of escape/ an evacuation strategy; 6) provision of suitable access and equipment for fire fighting which is appropriate for the size and use of the development. The Fire Safety Strategy shall include a statement of competence. The development shall

be carried out in accordance with the approved Strategy and thereafter maintained.

Main Issues

2. The main issues are:

- The effect of the proposed development on the character and appearance of the host dwelling and surrounding area;
- The effect of the proposal on the demand for parking in the surrounding area and on traffic congestion and highway safety; and
- Whether the proposal would provide an acceptable standard of fire safety.

Reasons

Character and appearance

3. Tolworth Road is mixed in character and appearance, comprising of detached, semi-detached and short rows of terraced housing, of varying ages and designs. It is relatively dense in character and there is considerable variation in terms of both plot width and the frontage width of the dwellings.
4. The appeal property is a detached two storey dwelling with narrow gables on its front and rear elevations. There is a single storey projection to the side containing the front entrance to the property which is set back from the main front elevation of the dwelling. There is also a modest single storey extension to the rear. The dwelling is unusual in that it is located on the left-hand side of its relatively wide plot, alongside the boundary with 76 Tolworth Road.
5. The main parties have highlighted that the appeal proposal follows the refusal of a previous application on the site for a similar development which was dismissed on appeal¹ in July 2022. This appeal decision (the previous appeal) is therefore an important material consideration.
6. The current proposal is for a two storey side extension with a shallow single storey element to the rear. The ridge height of the dwelling would be raised to facilitate a loft conversion, with two dormer windows proposed on the rear elevation.
7. The proposed two storey side extension would be slightly wider than the existing dwelling. However, given the width of the plot and the variety of built form along Tolworth Road I do not consider that it would appear out of keeping in the street scene as a result on its increased width. Furthermore, the extension would be set back from the main front elevation of the host dwelling by 2.6 metres and accordingly, I am satisfied that it would appear sufficiently subordinate, and the existing front gable would continue to be the most prominent feature of the property. I also find that the design and fenestration of the proposed extension would reflect and respect that of the host dwelling.
8. A distance of about 1 metre would be retained between the proposed extension and the side boundary with 72 Tolworth Road which is generally consistent with

¹ Appeal ref. APP/Z5630/D/22/3297096

the spacing of dwellings along Tolworth Road. I am therefore satisfied that the proposal would not be harmful to the spatial characteristics of the area.

9. The proposal also involves raising the ridge height of the dwelling and a hipped crown roof would facilitate a loft conversion, along with two dormer windows on the rear elevation.
10. I acknowledge that the crown roof design was of particular concern to the previous appeal² Inspector. However, amendments to the scheme include a reduction in the depth of the extension and the provision of a 1 metre gap between the proposed extension and the side boundary with No 72, resulting in a small overall reduction in the area of the crown roof. The new roof would be over the extended part of the dwelling and as such would be set back a considerable distance from the road frontage. The crown roof structure would not therefore be unduly prominent and would be partly screened by the dwellings on either side of it.
11. Whilst No 72 has a hipped roof, a gap of about 2 metres would be retained between the two dwellings which would allow for visual distinction between the two properties and would ensure that the appeal proposal would not appear cramped. Furthermore, the overall height of the roof would not be dissimilar to neighbouring dwellings. There are other examples of crown roof structures in the local area, most notably at 80 Tolworth Road and the proposed roof form would not be at odds with the mixed character and appearance of the area. The dormers on the rear elevation would be relatively large, however I do not consider that they would look out of place within the rear garden environment.
12. I conclude that the proposal would not have a harmful effect on the character and appearance of the host dwelling and surrounding area. It would therefore comply with Policy D3 of the London Plan (2021) (LP) and Policies CS8 and DM10 of the Council's LDF Core Strategy (2012) (CS). These policies seek amongst other matters to ensure that new development is of a high quality design which recognises distinctive local features and character.

Parking provision and highway safety

13. Policy T6.1 of the LP states that residential development should not exceed the maximum parking standards set out in Table 10.3. The maximum parking standard for a five bedroom dwelling in outer London with a PTAL score of 2 equates to one space. Policies DM9 and DM10 of the CS similarly require proposals to comply with the parking standards, implement parking management schemes; and to ensure that local traffic conditions and highway safety are not adversely affected. Paragraph 111 of the National Planning Policy Framework (2021) states that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on road networks would be severe.
14. The appeal proposal would make provision for one parking space measuring 2.4m x 4.8m. The Council do not object to the proposed level of parking provision or the dimensions of the parking space which would comply with the minimum size set out in the Kingston Upon Thames Sustainable Transport Supplementary Planning Document 2013.

² Appeal ref. APP/Z5630/D/22/3297096

15. The Council's objection is that the parking space could not be accommodated whilst allowing the existing entrance gates to open inwards. However, I note that the proposed layout shows the entrance gates to be removed and accordingly, the use of the parking space would not be impeded by gates. This leads me to conclude that the proposal would be unlikely to result in indiscriminate parking on local roads or lead to traffic congestion or highway safety issues. The proposal would therefore comply with Policy T6 of the LP, Policies DM9 and DM10 of the CS and paragraph 111 of the Framework.

Fire Safety

16. Policy D12 A of the London Plan (2021) states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety.
17. The appeal proposal would add considerable additional living space, including rooms within the roof space of the dwelling. Therefore, in my view, the proposed development would alter the fire safety of the building. Whilst I acknowledge that fire safety was not a refusal reason in relation to the previous application on the site, I nonetheless consider it appropriate for the scheme to demonstrate that adequate fire safety measures would be in place for the safety of all building users, in accordance with Policy D12. However, due to the small scale and nature of the proposed development, as I am minded to allow the appeal, I consider that this matter can be dealt with by an appropriately worded planning condition.

Conditions

18. In addition to the standard implementation condition, the approved plans condition is imposed for certainty. A condition requiring the use of matching materials is necessary to protect the character and appearance of the dwelling and the local area. In the interests of fire safety and in the interest of all building users, I have imposed a condition which requires a fire safety strategy to the submitted, approved, implemented and maintained.

Conclusion

19. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

J Davis

INSPECTOR