



Appeal Decision

Site visit made on 18 October 2022

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal Ref: APP/Z5630/W/22/3294206

9A Brunswick Road, Kingston Upon Thames KT2 6SB

- 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 Mario Di Placido against the decision of The Royal Borough of Kingston Upon Thames.
 - The application Ref 21/01589/FUL, dated 10 May 2021, was refused by notice dated 10 December 2021.
 - The development proposed is the retention of an existing outbuilding with a raised platform on the roof (Retrospective Application)
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form does not include a description of development. For this reason, I have used the description of development from the Council's decision notice. This is also the description used by the appellant on the appeal form. I consider this to be an accurate description of the development and I have therefore considered the appeal on this basis.
3. From my visit and on the basis of the evidence before me, the outbuilding with raised platform is already in place and therefore the development is retrospective. However, the appellant states that works to the raised platform have not been completed on site as he is awaiting the outcome of this appeal. It currently features "eco-webbing" screening surrounding the raised platform which is described by the appellant as a temporary measure. However, as the "eco-webbing" which has been installed on site is shown on the submitted drawings I have assessed the appeal on this basis.
4. As the development is in a conservation area, I have paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the host property and surrounding area, with due regard to the location of the site in the Park Road Conservation Area (CA); and
 - the effect of the proposal on the living conditions of neighbouring occupiers with particular reference to loss of privacy and outlook.

Reasons

Character and appearance of the CA.

6. The site includes a two storey building, with additional roof level accommodation and front dormers. It has been sub-divided into self-contained flats. The appeal property is located on the ground floor of the building and includes a rear garden area. The surrounding area is residential and comprises groups of other semi-detached buildings, many of which have also been sub-divided into flats. The front elevation displays features characteristic of its period such as bay windows, a recessed front door and decorative lintels and stringcourses.
7. The character of this part of the CA and its significance stems from, amongst other aspects, the arrangement of generously sized red brick-faced houses, often with two storey bay windows and architectural detailing. To the rear of the properties there is a pleasing architectural symmetry and high level of uniformity between properties on this side of the street which is of importance in this part of the CA and as a whole. With its rich architectural detailing, bay windows and timber sash windows, the appeal building positively contributes to the character and appearance of the CA.
8. The outbuilding is described by the appellant as an existing air raid shelter, and both parties agree that it was in situ prior to the erection of the additional screening atop it. The introduction of the screening has created an unusual feature within the CA. The trellis and "eco-webbing" enclosing the raised terrace are at an elevated level atop the outbuilding, which, due to its opaque nature, creates the appearance of an additional storey above the outbuilding. Two storey outbuildings are not characteristic in the CA. Furthermore, the trellis and "eco-webbing" are materials which are incongruous within the wider CA and which do not visually relate to the host dwelling. The council refer to its Residential Design Supplementary Planning Document (2013) (SPD). The development does not follow the advice set out by Policy Guidance 41 within the SPD, which states that outbuildings should generally be built of similar materials to the existing dwelling.
9. At this elevated height the screening surrounding the platform is visible to the occupiers of surrounding buildings on Brunswick Road and to the rear of the property. It is also visible in public views from Brunswick Road, as it can be viewed through the gap between the appeal property and 7 Brunswick Road.
10. For the above reasons, I find the screening surrounding the raised platform is harmful to the character and appearance of the CA. Whilst the new planting on the raised platform is attractive, due to the opaque screening it is not visible from outside the site. Regardless, the planting alone does not overcome the harm I have identified.
11. During my site visit, I observed examples of other balconies and terraces within the local area and had regard to those identified within the appellant's evidence. However, these use more traditional materials, such as metal or timber balustrading, which are not opaque and have less visual impact. I saw the development to the rear of 10 and 12 Brunswick Road which, whilst visible from the public domain, is constructed using traditional facing materials. I also observed the trellising to the rear of 9-13 Brunswick Road. The trellising is erected as part of a shared boundary, and is transparent, allowing views

through it. Consequently, it has different impacts to the opaque screening which forms part of the appeal proposal. As they are constructed with traditional materials, and are not opaque, the local examples of balcony and terrace balustrading referred to by the appellant are not directly relevant to the appeal development.

12. The appellant states that the “eco-webbing” and trellis is a temporary solution, and that a new material for the raised platform screening could be secured via planning condition. I have been provided with very limited details about the type of material which could be used. The materials are fundamental in determining the acceptability of the development, given the impacts that the screening of the platform has on the character and appearance of the CA. Consequently, I cannot be certain that alternative materials would address the harm identified and thus the use of a planning condition would not be appropriate in this instance.
13. I conclude that the raised platform and screening, due to their design and incongruous materials, harm the character and appearance of the host property and the surrounding area and fail to preserve or enhance the character and appearance of the CA as a whole. I therefore find that it conflicts with Policies CS8, DM10 and DM12 of the Royal Borough of Kingston Upon Thames Core Strategy (2012) (CS) and Policies D3 and HC1 of the London Plan (2021) (LP) and the advice within the SPD. Amongst other aspects, these seek to ensure that the historic environment is safeguarded from harm, the value and significance of conservation areas are maintained and new development is of a high standard of design and respects local character.
14. In failing to preserve the character and appearance of the CA, I find that the proposed development, in the words of the National Planning Policy Framework (Framework), results in less than substantial harm to the significance of a designated heritage asset. In such circumstances, the Framework requires that the less than substantial harm should be weighed against the public benefits of the development.
15. Although the proposed development would provide improved and enlarged outdoor planting space, this would, given the nature of the appeal proposal, equate to a private rather than a public benefit. However, it has been put to me that the appeal proposal would also improve local biodiversity and ecology of the site, whilst countering the loss of trees locally and that this would equate to a public benefit. Be that as it may, based on the small scale and nature of the development, the public benefits relating to this would be modest. They do not therefore outweigh the harm I have identified to the CA and the great weight given to the conservation of designated heritage assets. The proposed development therefore conflicts with the provisions of the Framework in relation to conserving and enhancing the historic environment.

Living conditions of neighbouring occupiers

16. As a result of its elevated position, the platform’s screening is visible to the occupiers of the adjoining properties. However, due to its position away from the shared garden boundary and nearest windows of No. 11 Brunswick Road it would not cause harm to the level of outlook for these occupiers. Likewise, due to its position at the rear of the garden, away from the nearest residential windows of No.7 Brunswick Road it would not have an unacceptable impact on outlook for these occupiers. The neighbouring property to the rear of the

appeal site has a rear projection with windows directed to the rear of its garden rather than directly towards the appeal development. The shared boundary is tall, above the top of the neighbouring property's ground floor rear windows. Whilst the platform's rear screening projects above the shared boundary with the neighbouring property, as a result of the relatively oblique angle from the nearest windows, and the height of the existing wall, I do not find this has a significant impact on outlook from the ground floor windows.

17. Whilst the raised platform may not be currently used as a garden, involving relaxing and sitting out, I am mindful that future occupiers may choose to use the space in a different way which could lead to greater levels of overlooking. Notwithstanding this, during my site visit I stood within the raised terrace and found that the current screening surrounding the raised platform prevents a loss of privacy to neighbouring occupiers. The "eco-webbing" which was installed on the terrace's boundaries at the time of my visit was largely opaque and, as a result of its height, prevents views from the terrace towards neighbouring properties. Whilst I am satisfied with the screening in situ in respect of its impact on neighbouring occupiers' living conditions, there would nevertheless be harm in respect of its impact on the character and appearance of the CA.
18. The appellant states that the "eco webbing" screening is only a temporary measure, and that details of a new material to provide screening could be secured via planning condition. I have been provided with very limited detail in relation to the type of new material which could be proposed. However, it would need to be opaque to prevent direct views into the windows and gardens of neighbouring properties. Given the fundamental impact that the proposed materials would have on the character and appearance of the CA, the use of a planning condition would not be appropriate in this instance.
19. Consequently, the proposed development would not have an unacceptable impact on the living conditions of neighbouring occupiers. Therefore, in this respect, it would not be contrary to Policy DM10 of the CS and Policy D3 of the LP. These policies require, amongst other aspects, that new development should not result in harm to the living conditions of neighbouring occupiers.

Other Matters

20. I am sympathetic that the appellant did not realise that planning consent was required for the appeal development. However, I must determine the appeal scheme based on its planning merits.

Conclusion

21. The proposal would harm the character and appearance of the appeal property and the CA. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR