



Appeal Decision

Site visit made on 2 November 2022 by M Long BA (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/Z5630/D/22/3303318

54 Amberwood Rise, New Malden, Kingston Upon Thames KT3 5JG

- 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 Farhi Marir against the decision of the Council of The Royal Borough of Kingston Upon Thames.
 - The application Ref 22/00992/HOU, dated 23 March 2022, was refused by notice dated 13 May 2022.
 - The development proposed is the erection of a hip to gable and rear dormer roof extension with installation of 2no rooflights and solar panels to front roof slope to facilitate loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a hip to gable and rear dormer roof extension with installation of 2no rooflights and solar panels to front roof slope to facilitate loft conversion at 54 Amberwood Rise, New Malden, Kingston Upon Thames KT3 5JG in accordance with the terms of the application Ref 22/00992/HOU, dated 23 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: 21.54AR.PL02, 21.54AR.PL.05 and 21.54AR.PL.06.
 - 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) No development shall take place until a Fire Safety Statement has been 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. The development shall be carried out in accordance with the approved Strategy and thereafter maintained.
 - 5) Details for the provision of at least three swift bricks or boxes shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in accordance with the approved details prior to the functional occupation of the development (the accommodation at roof level) hereby permitted and thereafter retained.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. I have included the description of development used within the decision notice because it more accurately describes the proposed development.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons for the Recommendation

5. The appeal site is a two-storey, end-of-terrace dwelling that forms part of a terrace of four properties on the northern side of Amberwood Rise. The dwelling has a complex roof shape formed by a front hipped element that continues the ridge line of the wider terrace and a lower hipped roof which is set back to the side and rear. No 48, at the other end of the terrace, has an existing hip to gable roof extension to the front and a large rear dormer to its side and rear. The surrounding area is characterised by a variety of housing types, including a number of short terraces. The majority of front roof slopes in this locality remain in their original form. However, No 62, an end-of-terrace property which lies a short distance to the west of the site, has a large flat-roofed roof extension that is visible from the streetscene. There are a number of dormer extensions that are visible from the rear of the appeal property.
6. The proposed development includes the erection of a hip to gable roof extension to the front element of the roof form, which would incorporate front-facing rooflights and solar panels. The proposal also includes the construction of a large, flat-roofed dormer to the side and rear hipped roof element. This dormer would be partly visible from the streetscene, it would not be set down from the ridgeline nor in from the sides or eaves.
7. The proposed development would be visible from the Amberwood Rise streetscene, where it would be seen in the wider context of the existing roof extension at No 48. The works to the roof at No 48 are recent additions that were approved in 2019¹. The nearby extension at No 62 also establishes large roof extensions as a small part of the character of this immediate area. While the proposal would add considerable bulk at roof level, in this specific instance, it would have a rebalancing effect on the terrace and would not appear as an incongruous addition in the wider streetscene. There would not be an unacceptable effect on the character and appearance of the area, which there otherwise may have been on an unaltered terrace.
8. The rear dormer would have a large size and would not be set down from the ridge line nor in from the eaves or sides, as advised by the Residential Design Supplementary Planning Document 2013 (SPD). Nevertheless, the SPD does not state this must be applied to all dormer window designs and the extension at No 48 has a similarly large size. Moreover, there are numerous other large dormer extensions visible from the rear of the terrace, including at No 50 and

¹ LPA Ref: 19/01595/HOU

on the adjacent terraces. In this specific context, the effect on the character and appearance of the dwelling would be acceptable. There would not be conflict with the general design principles for extensions outlined in the SPD, specifically that any extension should respect the character and appearance of the original building, group of buildings or the streetscene.

9. Overall, the proposed scheme would not unacceptably harm the character and appearance of the dwelling or the surrounding area. It would therefore accord with the Core Strategy, adopted April 2012, specifically Policy DM10 which seeks to ensure that development proposals respect the scale and roof forms that contribute to the character and local distinctiveness of an area. It would also accord with Policy CS8, which seeks to ensure that new development relates well and connects to its surroundings. The proposal would also accord with Policy D3 of The London Plan, adopted March 2021, which seeks to ensure development proposals respond to the existing character of a place.

Conditions

10. In addition to the standard time period for commencement and requiring that development be carried out in accordance with the approved plans, which is necessary for certainty, I recommend that matching external materials are used to preserve the character and appearance of the dwelling.
11. I recommend an amended version of the Council's fire safety condition which was submitted at the appeal stage. This is necessary to ensure compliance with Policy D12 of The London Plan which requires all development proposals to achieve the highest standards of fire safety. Such safety measures would need to be integrated into the building project and be considered in the internal building detailing. Given the nature of the proposed scheme, with no below ground works, a pre-commencement condition would be necessary.
12. A consultation response has raised matters regarding the local swift population. The main parties were asked to comment on this matter and the Council provided a condition concerning the use of three swift bricks or boxes that it considers would adequately deal with the issue. I consider this condition necessary to protect and promote biodiversity and to aim to secure net biodiversity gain.

Conclusion and Recommendation

13. The proposed development would accord with the development plan, when considered as a whole. Based on the above, and having regard to all matters raised, I recommend that the appeal should be allowed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

K Taylor

INSPECTOR