



Appeal Decision

Site visit made on 21 February 2023

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 07 March 2023

Appeal Ref: APP/Z5630/D/22/3306462

4 Alfred Road, Kingston Upon Thames KT1 2UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Richard Templer against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref 22/01537/PAEXT, dated 6 May 2022, was refused by notice dated 13 June 2022.
 - The development proposed is demolition of existing extensions and erection of single storey rear extension that extends 6m, is less than 3.0m high at the eaves and 3.675m high at the highest point of the roof ridge.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for demolition of existing extensions and erection of single storey rear extension that extends 6m, is less than 3.0m high at the eaves and 3.675m high at the highest point of the roof ridge at 4 Alfred Road, Kingston Upon Thames KT1 2UA in accordance with the application Ref 22/01537/PAEXT made on 6 May 2022, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.3.

Application for costs

2. An application for costs was made by Mr Richard Templer against Royal Borough of Kingston Upon Thames. This is the subject of a separate decision.

Preliminary Matters

3. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.

5. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.

Main Issues

6. The main issues are:

- whether the proposed development would accord with condition (a) of paragraph A.3 of Article 3, Schedule 2, Part 1, Class A of the GPDO; and
- the impact of the proposed development on the amenity of adjoining premises with regard to light and outlook.

Reasons

Condition (a) of paragraph A.3

7. The submitted drawings clearly indicate that the materials on the existing building and materials proposed are both slate tiles, brick and render. As such, I consider that the materials used in any exterior work would be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
8. Details such as colour, tone and texture have not been submitted. However, since the same materials have been annotated on the drawings, I see no reason why the requirement of paragraph A.3 of the GPDO would not be met.
9. Therefore, the proposed development would accord with condition (a) of paragraph A.3 of Article 3, Schedule 2, Part 1, Class A of the GPDO.

Light and outlook

10. The height of the proposed level annotated as eaves height at the boundary with No 6 Alfred Road (No 6) would be similar to the eaves height of the existing building. However, the height of the proposal at the lowest part of the sloping roof near the boundary with No 6 would be noticeably higher than the eaves of the existing extension. In addition, the proposed roof would project a short distance further into the rear garden than the existing extension. As such, the proposal would be visible from the rear garden of No 6.
11. However, the difference in height and depth would be modest. In addition, there are few tall structures at the other boundaries of the garden of No 6. Therefore, the amount of sunlight and daylight reaching the rear garden would not unduly harm the living conditions of the occupiers of No 6 in terms of light. This is reflected in the conclusions of the Daylight and Sunlight Assessment submitted by the Appellant.
12. In terms of outlook, the modest increase in height and depth of the rear extension that would result from the proposal would have a small effect on the outlook from No 6. However, the rear garden of No 6 benefits from outlook in other directions. Therefore, the scheme would not result in undue harm to the outlook of these neighbouring occupiers.
13. Consequently, the proposed development would not harm the amenity of adjoining premises with regard to light and outlook.

Other Matters

14. I note the concerns of the occupier of No 6 regarding the effect of the proposal on a Wisteria tree in the rear garden. However, the Daylight and Sunlight Assessment indicates that the proposal would have a nominal effect on the level of sunlight reaching the rear garden of No 6. As such, it is unlikely that there would be undue harm in this respect.
15. The proposal would extend only a modest distance closer to the neighbouring properties along Bellevue Road than the existing rear extensions. The distance from the proposal to Nos 2 and 8 Alfred Road would also be significant and views screened by boundary treatment. Therefore, the proposal would not adversely affect the amenities of these surrounding occupiers.

Conditions

16. Paragraph A.3 of Article 3, Schedule 2, Part 1, Class A of the GPDO sets out conditions that development permitted by Class A are subject to. No other conditions are necessary in this case.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

R Sabu

INSPECTOR