



Appeal Decision

Site visit made on 21 February 2023

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2023

Appeal Ref: APP/Z5630/D/22/3308511

11 Pine Walk, Kingston upon Thames, KT5 8NJ.

- 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 and Mrs Staniforth-Whitfield against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 22/01826/HOU, dated 1 June 2022, was refused by notice dated 27 July 2022.
 - The development proposed is for a single storey rear extension and first floor balcony.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and first floor balcony at 11 Pine Walk, Kingston upon Thames, KT5 8NJ in accordance with the terms of the application, Ref 22/01826/HOU, dated 1 June 2022, and the plans submitted with it, subject to the following conditions listed in the schedule at the end of this letter.

Main Issues

2. I consider the main issues to be:
 - a) the effect of the proposed development on the architectural integrity of the host property and the character and appearance of neighbouring properties and thereby the surrounding area;
 - b) the effect of the development on the living conditions of the occupiers of neighbouring properties in terms of a potential to result in overlooking and loss of privacy, and;
 - c) whether the proposal has demonstrated compliance with Policy D12 of the London Plan (2021).

Reasons

Character and appearance

3. The appeal property, 11 Pine Walk is a two-storey detached dwelling located in a wider residential area. The neighbouring properties have been extended and altered over time, such that the design solutions adopted for the various rear additions are of an eclectic mix of architectural styles and designs. Although not a common feature in the road I noted that there is a balcony to the rear of number 13 Pine Walk.

4. The appellants propose a single storey rear extension, first floor balcony along with alterations to the existing fenestration.
5. The proposed extension would be of a contemporary flat roof design that would, in my judgement, in this context appear as a simple well-mannered addition that would not detract from either the character and appearance of the host property or neighbouring dwellings.
6. Having regard to the overall design of the proposed addition I do not consider that the proposed balcony, enclosed on the three open sides by simple glass screens, would cause harm to the architectural integrity of the host property as extended.
7. Accordingly, I am therefore not persuaded, based on the limited evidence provided, contrary that advanced by the Council, the proposed balcony would not relate well to the existing dwelling and would be at odds with the character and appearance of neighbouring properties in the immediate surrounding area. The proposal would therefore accord with the aims of Policy D3 of the London Plan 2021 (Adopted March 2021) and Policies CS8, DM10 and DM11 of the of the Royal Borough of Kingston upon Thames Local Development Framework- *Core Strategy* (Adopted April 2012) (CS) as they relate to, amongst other things, quality of design and the need to respect the character and appearance of the original building and enhance the local context.

Living conditions

8. The Council are concerned that given the height of the privacy screen to the western end of the proposed balcony facing towards the rear of number 9 Pine Walk of 1.0 metre this could give rise to overlooking resulting in a loss of privacy.
9. The proposed balcony would be relatively narrow and would be set well back from the common boundary between numbers 9 and 11 Pine Walk. Having regard to current overlooking from the existing first floor windows to the rear of number 11, the set back from the boundary to number 9 and the narrowness of the balcony I do not consider that the small potential increase in overlooking of the rear garden of number 9 Pine Walk would result in such a significant increase in loss of privacy as to cause harm to the living conditions of the neighbouring residential occupiers.
10. I therefore conclude in respect of the second main issue that the proposed development would not result in harm to residential occupiers of number 9 Pine Walk contrary to the objectives of Policy D3 of the London Plan 2021 and Policies CS8 and DM10 of the LDF Core Strategy April 2012 as they seek to protect residential living conditions.

Fire Safety

11. Fire safety is covered by Part B of the building Regulations. Nevertheless, as set out in the guidance notes to Policy D12 of the London Plan 2021 it is necessary to ensure that development proposals achieve the highest standards of fire safety and therefore applicants should consider issues of fire safety before the building control application stage.
12. The appellant has not submitted any evidence to show that the matters, as set out in part A of the policy were considered at the initial design stage.

However, in this case, given the overall scale of the project I consider that this is a matter, that if I were minded to allow the appeal could be addressed by a suitably worded condition.

13. I therefore conclude in respect of the second main issue, that subject to the imposition of a condition the objectives of Policy D12 of the London Plan 2021 can be met in this case to ensure that the highest standards of fire safety could be achieved.

Conditions

14. The conditions follow from those suggested by the Council. To ensure a high quality development, I shall include a condition about the materials to be used in the construction of the external surfaces of the building.
15. To protect neighbours' living conditions, I shall restrict, by condition, the use of the flat roof, beyond the balcony, to maintenance or emergency purposes only and remove permitted development rights in respect of the formation of new openings in the western elevation of the extension. Further, I shall require the screens to the sides of the balcony to be obscure glazed.
16. In order to ensure the highest standards of fire safety I shall also require a fire safety strategy for the development to be submitted to and approved by the Council prior to commencement of the Building Regulation stage of the development or any demolition or construction works.
17. In the interests of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

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

Philip Willmer

INSPECTOR

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those specified on the approved drawings and the planning application form unless otherwise agreed in writing by the local planning authority.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: 21132-BP-02-11A, 21132-MS-02-01A, 02-02A, 10-01A, OS-02-11A, 21132-PA-02-11A, 02-12A, 10-11A and 21132-SE-01.

- 4) Access to the flat roof over the extension hereby approved shall be for maintenance purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 (or any order revoking, re-enacting or modifying that Order), no windows or other openings other than those expressly authorised by this permission shall be constructed on the western elevation of the proposed extension.
- 6) The balcony hereby permitted shall not be brought into use until the side screens to the east and west elevations have been fitted with obscured glazing to a minimum of level 3 on the standard scale. Any film used to achieve the required obscurity level shall be non-perishable, tamper proof and once installed the obscured glazing shall be retained thereafter at level 3 standard.
- 7) Prior to Building Regulation stage or commencement of the development hereby permitted Fire Safety information (a strategy) shall be submitted to and approved in writing by the local planning authority. The strategy shall, by addressing the criteria set out in Policy D12 of the London Plan 2021 demonstrate how the development would achieve the highest standards of fire safety.