



Appeal Decision

Site visit made on 21 March 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Appeal Ref: APP/Z5630/D/23/3314899
33 Merritt Gardens, Chessington KT9 2GJ

- 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 & Mrs Mark and Emily Nash against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref: 22/02791/HOU dated 2 September 2022, was refused by notice dated 27 October 2022.
 - The development proposed is loft conversion with rear dormer and 3 rooflights on front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for loft conversion with rear dormer and 3 rooflights on front elevation at 33 Merritt Gardens, Chessington KT9 2GJ in accordance with the terms of the application, Ref: 22/02791/HOU dated 2 September 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan; block/site plan; merg-3-1; merg-33-0; merg-33-2; merg-33-4.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the existing property and of the local area.

Reasons

3. The appeal property is a detached dwelling on the north side of Merritt Gardens, within a development of detached, semi-detached and terraced dwellings dating from the 1990s, with a number of different house styles. A condition was imposed on the original permission for the overall development removing permitted development rights, so that any extensions to the individual dwellings would require planning permission.

4. The proposal would add a rear dormer and three rooflights to the front roof slope. Policy Guidance 39 of the Council's Residential Design SPD (SPD) seeks for rear dormers to be set down from the ridge line and up from the eaves line, both by at least 500mm. The dormer would be set in from the roof margins, including being set down from the ridge line and above the roof eaves, albeit by a lesser extent than set out in the SPD.
5. The proposed rear dormer would not extend across the full roof slope but would sit within the existing roof form and would be seen as a subordinate element to the existing house, with its windows lined up to continue and reflect the fenestration pattern at first floor level. As a result, I consider that it would not appear over dominant or as a disproportionate addition to the main dwelling.
6. The rear dormer would not be seen from the front of the dwelling. There would be glimpsed views of parts when passing along the street and in between some of the dwellings, but these views would be restricted, and the rear dormer would not be visually discordant in street scene views. I am therefore satisfied that there would be no harmful impact on the character and appearance of the local area.
7. The proposed roof lights on the front roof slope, given their small scale and relationship with the roof plane, would be readily assimilated into the street scene and would not detract from the character and appearance of the existing property.
8. The Appellant has drawn my attention to other rear dormers built within the overall development, which I saw on my site visit. However, each proposal must be assessed on its individual merits, as I have done in this case.
9. I therefore conclude that the proposed extension would respect the character and appearance of the existing dwelling and of the local area. There would be no conflict with Policy D3 of the London Plan 2021, Policy DM10 of the Council LDF Core Strategy 2012 and the National Planning Policy Framework and in particular Section 12, all of which, amongst other matters, seek a high quality of design which respects the local context. As set out above, the proposal would not meet all the policy guidance of the Council's SPD. However, in the particular circumstances of this case and given my findings above, I consider that the smaller setbacks than recommended would not be sufficient, on their own, to justify a refusal of planning permission.

Conditions

10. In terms of conditions, I agree with the Council that the materials should match the existing to respect the character and appearance of the existing property and the approved plans should be listed for the avoidance of doubt and in the interests of good planning.

Conclusion

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

L J Evans

INSPECTOR