



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: 17th April 2023

Appeal Ref: APP/Z5630/D/22/3312341

138 Rollesby Road, Chessington, Kingston Upon Thames, KT9 2BY

- 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 Toby and Siobhan James against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref: 22/02261/HOU dated 11 July 2022, was refused by notice dated 20 September 2022.
 - The development proposed is erection of part single, part two storey rear extension, following demolition of existing rear extension and conservatory.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of part single, part two storey rear extension, following demolition of existing rear extension and conservatory at 138 Rollesby Road, Chessington, Kingston Upon Thames, KT9 2BY in accordance with the terms of the application, Ref: 22/02261/HOU dated 11 July 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: FLU.1700.01; FLU.1700.02; FLU.1700.03; FLU.1700.04B; FLU.1700.05C; FLU.1700.06B.

Costs Decision

2. An application for costs was made by Toby and Siobhan James against the Council of the Royal Borough of Kingston Upon Thames. This application is the subject of a separate decision.

Main Issues

3. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the existing house and on the terrace of which it forms part, and

- b) The effect of the proposal on the living conditions of surrounding neighbours, with particular regard to loss of outlook and light.

Reasons

Issue a) Character and Appearance

4. The appeal property is a mid-terrace dwelling at the north eastern end of Rollesby Road and within a predominantly residential area. The terrace of 4 properties, including the appeal property, is sited at the cul de sac end of the road. The 4 properties in the terrace have each been altered and extended, particularly at the rear, including single storey rear extensions of differing depths and forms and a first floor extension at the neighbouring property at No 136.
5. The proposal would replace the existing kitchen and conservatory at the rear with a new flat roofed extension which would extend further to the rear than the existing. At first floor there would be a rear extension across part of the rear elevation, sited towards the neighbouring property at No 136, under a hipped roof.
6. The proposed extension at ground floor level would create an integrated rear extension which would replace the two existing rear extensions to the property. It would be of an appropriate scale and massing, including in terms of depth and height in relation to the form of the existing property and taking into account the varied rear extensions to neighbouring properties. It would therefore sit comfortably at the rear of the property, both in terms of its scale and design. In terms of the overall terrace, there is already a wide mix of rear single storey extensions of differing designs and depths. Given its relationship with the existing property and taking account of the range of extensions to the rest of the terrace, the proposal would not be out of place or visually over dominant in relation to the existing mix of rear extensions.
7. At first floor the proposed rear extension would be of modest dimensions and would appear subordinate to the main house and of a design that would respect the character and appearance of the existing property. It would respect the existing eaves line with a roof line set well down from the ridge of the main roof. A rear extension is already in existence at first floor level on the adjoining property at No 136 and it would not, therefore, be the only first floor extension in the terrace. As a result of these factors, the first floor extension would not appear out of place or visually over dominant in relation to the rest of the terrace.
8. Furthermore, the first floor extension would create a stepped appearance to the rear elevation and I consider that, taken altogether, the proposed extensions would appear as a unified composition and would sit comfortably with the scale and massing of the existing property and the overall terrace.
9. I am therefore satisfied that the proposed extensions would respect the character and appearance of the existing property as well as the terrace of which the appeal property forms part. There would be no conflict with Policies CS8 and DM10 of the Council's adopted LDF Core Strategy (Core Strategy) and the National Planning Policy Framework (Framework) and in particular Section 12, all of which, amongst other matters, seek a high quality of design which respects the local context.

Issue b) Living Conditions

10. The ground floor extension would be deeper than the existing extensions at the appeal property and would be an overall height of around 3m. For most of its depth it would sit alongside the existing rear extensions on either side. Although it would be deeper than the extension at No 140, the garden boundary is set at an angle and so the extension would be set in from the common boundary. In the context of the other extensions undertaken to the properties within the terrace, and taking into account its depth and its height, I do not consider that the ground floor extension would be overbearing to the living conditions of the adjoining neighbours.
11. The first floor extension would sit alongside the existing first floor rear extension to No 136. As a result, there would be no harm to the living conditions of those adjoining neighbours, in terms of outlook, overlooking and loss of privacy. The first floor extension would be set back from the boundary with the neighbouring property on the other side at No 140. The Council has provided no information to refute the Appellant's indication that the 45 degree line from the rear window at No 140 closest to the common boundary would be respected, and I have no reason to question it. Because of its siting closer to No 136, the first floor extension would not be over bearing or visually intrusive in relation to views out from the windows at the first floor rear of No 140. There would be no material loss of outlook for these neighbours.
12. There would be views of the rear extensions from the neighbouring gardens, but these views would be in the context of the extensions and alterations to the neighbouring properties and given the attention to design and relationship with the main house, the proposed extensions would not be over dominant or visually intrusive in such views. There is no information before me to amplify the Council's concerns regarding any loss of light to neighbouring properties, but given the scale of the proposed extensions at both ground and first floor and relationship with the adjoining properties, including orientation, I have no reason to consider that the living conditions of the immediate neighbours would be materially affected in this regard.
13. I am satisfied that the proposal would not materially affect the living conditions of the immediate neighbours, with particular regard to loss of outlook, overlooking or loss of privacy as well as loss of light. There would be no conflict with Policies CS8 and DM10 of the Core Strategy and the Framework and in particular paragraph 130, all of which, amongst other matters, seek a high standard of amenity for existing and future occupiers.

Conditions

14. In terms of conditions, 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

15. 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