



Appeal Decision

Site visit made on 1 March 2023

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2023

Appeal Ref: APP/Z5630/D/22/3309336

21 Ellerton Road, Tolworth, Kingston Upon Thames KT6 7TY

- 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 Mrs Shuahra Rahman of Pride Road Sutton & Kingston against the decision of The Council of The Royal Borough of Kingston Upon Thames.
 - The application Ref 22/02229/HOU, dated 6 July 2022, was refused by notice dated 1 September 2022.
 - The development proposed is demolition of existing rear extensions and construction of a new single storey ground floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing rear extensions and construction of a new single storey ground floor extension at 21 Ellerton Road, Tolworth, Kingston Upon Thames KT6 7TY in accordance with the terms of the application, Ref 22/02229/HOU, dated 6 July 2022, and the plans submitted with it, 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 development hereby permitted shall be carried out in accordance with the approved drawings R004-07; R004-08; R004-09 and R004-10.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. R004-09.
 - 4) Prior to the construction of external surfaces of the extension hereby permitted, a Fire Safety Strategy demonstrating how the development will achieve the highest standards of fire safety shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Strategy and thereafter maintained.

Preliminary Matters

2. An accurate location and block plan has been submitted with the evidence provided by the Appellant and this reflects the situation I witnessed on my site visit.

Main Issue

3. The effect of the proposal on the living conditions of neighbouring occupiers having regard to outlook, daylight and sunlight.

Reasons

4. 21 Ellerton Road is a two storey semi-detached dwelling on a predominantly residential street. The property has fencing and some landscaping providing boundary treatments between neighbours in the rear garden. Both immediate neighbouring properties appear to have been extended at the rear.

Living Conditions of neighbouring occupiers

5. No. 23 is detached from no.21 and located on the south side of the property. The windows are located on the north elevations of no. 23, which are set away from the shared boundary of the two properties by a reasonable distance and face the existing extensions on the rear of no. 21 and intervening boundary treatments. A window is located at ground floor level on the rear elevation of no. 23.
6. Due to the presence of the existing single storey extensions, the separation distance from the shared boundary and the orientation of the properties, the proposed extension would not cause a significant harmful impact on the neighbouring occupiers of no. 23 by way of loss of daylight, sunlight or have an overbearing impact or loss of outlook.
7. The proposed extension would be located on the south side of no.19. The existing rear elevation of no. 19, the adjoining neighbour, has a single storey lean-to extension that is predominantly a brick structure with a clear roof, described in the supporting information as a conservatory, along with a brick single storey rear extension with a flat roof. The conservatory is proposed to be removed as shown on the plans in order to facilitate the proposed extension as it will form a new boundary wall, which the neighbour at no. 19 is in support of, as demonstrated in their representation.
8. Whilst the proposed extension would create overshadowing of the rear of no. 19 due to the height and depth of the extension at certain times of the day, the removal of the conservatory would allow for daylight to penetrate the main part of the dwelling at ground floor level.
9. In addition to this, the main garden serving number 19 is located to the side of their property away from the proposed development. Therefore, the proposed extension would not detrimentally affect the enjoyment of the garden for neighbouring occupiers. Although some overshadowing would likely occur during the day due to the orientation of the properties, it is not considered that this would have a significant detrimental effect on the daylight or sunlight to the neighbouring property or have an overbearing impact or cause a loss of outlook.
10. Accordingly, the proposal would not have material detrimental effect upon the living conditions of neighbouring occupiers having regard to outlook, daylight and sunlight. The extension would therefore be compliant with Policies CS 8 and DM10 of the Royal Borough of Kingston Upon Thames Local Development Framework Core Strategy Adopted April 2012 and Policy D3 of the London Plan Adopted March 2021 which between them seek to ensure good design that has regard to the living conditions of occupants and neighbours.

Other Matters

11. The site is located in Flood Zone 2. However, I note that the Council considered the proposal did not affect flood risk. Given that extension would be set no lower than existing levels and floodproofing of the proposed development has been incorporated into the scheme where appropriate, I am satisfied that the extension will not increase the risk of flooding to occupiers, nor the risk of flooding elsewhere.

Conditions

12. To meet legislative requirements, a condition shall be imposed to address the period for commencement. I shall also impose conditions for the following reasons.
13. A condition is necessary for materials to be in accordance with those set out on the approved drawings to maintain the character and appearance of the area.
14. In order to comply with the requirements of Policy D12 of The London Plan 2021 (March 2021) a condition is necessary for a Fire Safety Strategy to be provided to the Council for approval.

Conclusion

15. For the reasons set out having regard to the development plan as a whole and all other matters raised, the appeal is allowed.

N Duff

INSPECTOR