

# Appeal Decision

Site visit made on 17 April 2023

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 May 2023**

---

## **Appeal Ref: APP/Z5630/D/23/3316469**

### **5 Queens Road, New Malden KT3 6BY**

- 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 Raymond Tebay against the decision of the Council of the Royal Borough of Kingston Upon Thames.
  - The application, Ref. 22/03471/HOU, dated 30 October 2022 was refused by notice dated 13 January 2023.
  - The development proposed is a ground floor rear extension.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for a ground floor rear extension at 5 Queens Road, New Malden in accordance with the terms of the application, Ref. 22/03471/HOU, dated 30 October 2022 and subject to the conditions in the attached Schedule.

### **Preliminary Matter**

2. The grounds of appeal comprise a copy of a letter sent by the applicant (now appellant) to the Council's Planning Department following the refusal of permission. I consider that this letter adequately explains the case for the appellant.

### **Main Issues**

3. The main issues are (i) the effect of the proposed extension on the living conditions for the occupiers of No. 3 Queens Road as regards outlook, and (ii) whether the building would meet the requisite standards for fire safety.

### **Reasons**

4. On the first issue, I saw on my visit that both the appeal property and its neighbour at No. 3 have already had rear extensions, but in both cases leaving a gap to the shared boundary. The proposed addition at No. 5 would be built to this boundary and thereby further restrict the outlook from the ground floor living room window in the main rear wall of No. 3. The existing extension at No. 3 appears to accommodate a kitchen and the outlook over the garden from the window in its rear wall would be unaffected by the development.
  5. Whilst the existing outlook from the main rear wall window at No. 3 is already constrained by the boundary fence and the flank wall of No. 5's existing extension, the appeal scheme with its higher wall on the boundary would have a
-

'tunnelling effect' and increase the sense of enclosure for the neighbour. In principle this is a sufficient basis for a rejection of the scheme under the Council's policies.

6. With that said, the neighbour has not objected to the proposal. And with the existing poor outlook of a wooden fence, a featureless yard and the existing extension set back by just a couple of metres, there is a reasonable case to be made that an outlook of a white painted rendered wall of a new building with its brighter appearance and 'clean lines' is preferable, notwithstanding its greater proximity.
7. The grounds of appeal also refer to the same form of development already having been carried out in the case of at least five houses of the same design further along Queens Road, these being Nos. 9, 23, 31, 35 & 37, with photographs of No. 9 and its effect on No. 7 also provided. From my visit to Queens Road it appears likely that these houses have essentially the same relationship with their neighbour as the appeal dwelling. These examples of similar developments close to the appeal dwelling must therefore carry at least some weight in my Decision.
8. Given all the above and in particular the absence of an objection from the occupiers of No. 3, with future residents of that house able to first decide whether the impact as regards outlook would be acceptable, I do not consider that there would be a harmful conflict with Policies CS8 & DM10 of the Royal Borough of Kingston Upon Thames LDF Core Strategy 2012 and Policy D3 of the London Plan 2021.
9. Turning to the second issue, the absence of a Fire Safety Statement, the grounds of appeal summarise the fire protection / mitigation measures for the extension. From this it appears that the appellant, although fully cognisant of the requirements, may not have been aware of the need to submit a Fire Safety Statement as part of the application.
10. Be that as it may, I consider that the measures outlined in combination with the submitted plans indicate the high probability of compliance as regards fire protection and means of escape. In these circumstances I consider there would be no harmful conflict with the London Plan Policy D12 and that this issue can be dealt with by the requirements of the Building Regulations and their associated inspections.
11. I shall therefore allow the appeal and grant planning permission, subject to conditions to ensure the development is carried out in accordance with the approved plans and using external materials first approved by the Council.

*Martin Andrews*

INSPECTOR

### **Schedule of Conditions**

- 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
- 2) The development shall be carried out in accordance with the following approved plans: OS Based Site Location Plan; Existing and Proposed Plans: Elevation and Section; Proposed Plans: Elevation and Block Plan.
- 3) The development shall be carried out using external materials with their details first submitted to and agreed in writing by the Local Planning Authority.