



Appeal Decision

Site visit made on 18 April 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/Z5630/W/22/3309692

27 Top Flat, Church Road, Kingston Upon Thames KT1 3DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Andrew Foster against the decision of the Royal Borough of Kingston Upon Thames.
 - The application Ref 22/02195/FUL, dated 30 June 2022, was refused by notice dated 2 September 2022.
 - The development proposed is described as the "erection of rear and side projecting dormer roof extension and installation of 1no. front roof light to facilitate loft conversion".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has confirmed that they are not the owner of the ground floor flat and certificate A was completed in error. Notwithstanding this, the appellant has confirmed that the correct notice was served on the owners of the ground floor flat and certificate B has now been completed. I therefore proceed on the basis that this is a valid appeal.
3. The appellant has submitted information relating to fire safety as part of this appeal, within their appeal statement. As this statement does not physically alter the proposed scheme and both the Council and any third parties have opportunity as part of the standard appeal timetable to comment on this information, the Council and any third parties would not be prejudiced by my acceptance and consideration of this information.

Main Issues

4. The main issues are:
 - the effect of the development upon the character and appearance of the host property and area, and
 - whether the development would achieve the highest standards of fire safety.

Reasons

Character and Appearance

5. Church Road is a predominately residential street, with a mix of property types and styles, including two storey semi-detached properties, set back from the

main road, behind modest front gardens. Each semi-detached pair has a largely symmetrical appearance, with largely unaltered pitched roofs and either front or side gables. 27 Top Flat, Church Road is a first floor flat located within a two storey semi-detached property, with rear two storey outrigger. Nos. 27 and 29 are prominent due to their height and proximity to Church Road. It is the symmetry, prominence and largely unaltered roofs of nos. 27 and 29 that contribute towards the character and appearance of the area.

6. The overall height of no. 27 would not be increased. However, the proposed development would considerably extend and alter the existing roof form of no. 27. As such, the simplicity of the existing roof would be lost. Although the side roof extension is set back from the front of no. 27, the roof extensions, by virtue of their siting and massing, would dominate the roofline of no. 27. The proposed development, due to its siting, massing and design, would result in a dominant and visually prominent form of development, that is not subservient to the main property. The dominance and visual prominence of the proposed extensions would be exacerbated by the height and prominence of no. 27.
7. I observed during my site visit that the side roof serving no. 29 remains unaltered. As a result of the siting and massing of the proposed development to the side of no. 27, the development would unbalance and erode the symmetry of nos. 27 and 29.
8. During my site visit I observed that no. 27 is higher and sited closer to Church Road than neighbouring properties, including no. 25. Due to the height and prominence of no. 27, the proposed development would therefore be visible from wider views along Church Road.
9. Moreover, while I note the claim that the guidance regarding dormer windows in the Residential Design Supplementary Planning Document (SPD) would be difficult to achieve in this instance, there is no evidence before me that demonstrates the guidance in the SPD cannot be met or that any SPD compliant development would not achieve good design.
10. My attention has been drawn to the dormer extension on the rear outrigger at no. 29. I observed during my site visit that the main roof of no. 29 remains largely intact, as the dormer window is contained to the rear of the property and not attached to its main roof. As a result, this neighbouring dormer extension maintains the symmetry of nos. 27 and 29 and does not appear visually prominent when viewed from Church Road.
11. The submitted plans include 3D views of the proposed extension, which seek to demonstrate that the proposal will not be a prominent addition. I observed during my site visit that no. 27 is higher and sited closer to Church Road than neighbouring properties, including no. 25. Due to the height and prominence of no. 27, the proposed development would therefore be visible from wider views along Church Road.
12. Two similar developments have been drawn to my attention. Based on the information submitted, the cases are not directly comparable due to their design, layout and character of surrounding properties and area. In any case, I have had regard to this appeal based on its own merits.
13. For the reasons outlined above, I conclude that the erection of rear and side projecting dormer roof extension and installation of 1no. front roof light to

facilitate loft conversion would result in harm to the character and appearance of the host property and area. As such, it would be contrary to Policies CS8 and DM10 of the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy (CS), Policy D3 of the London Plan 2021 (LP) and guidance within the National Planning Policy Framework (the Framework). These policies seek, amongst other matters, to ensure new development recognises distinctive local features and character, that the character and local distinctiveness of a street is respected, positively respond to local distinctiveness and are well designed and visually attractive.

Fire Safety

14. Information relating to fire safety, as required by Policy D12(A) of the LP, was not available to the Council during the determination of the original application. The appellant has submitted a Fire Safety Statement dated October 2022 with this appeal. The Statement addresses the criteria listed in Policy D12(A) of the LP and I am therefore satisfied that it has been demonstrated that the proposal would achieve the highest standards of fire safety. Compliance with the Fire Safety Statement could be secured by a suitably worded condition.
15. For the reasons given above, I find that the erection of rear and side projecting dormer roof extension and installation of 1no. front roof light to facilitate loft conversion would comply with Policy D12(A) of the LP, which seeks to ensure that proposals achieve the highest standards of fire safety.

Other Matters

16. The appellant states that no. 27 Top Flat is not large enough to meet their and their family's needs. I understand that the proposed development would make a meaningful difference to the appellant's quality of life and, if unable to extend, they will have to move. I have had regard to these matters, but they do not carry sufficient weight to overcome the harm I have identified.
17. The appellant states they followed pre-application advice that the Council gave and made amendments accordingly, namely the removal of a hip-to-gable roof extension. I understand that the proposed rear dormer is designed to mimic the dormer at no. 29, as recommended in the pre-application advice. The rear dormer is attached to the main roof, which the appellant contends would not be readily visible. The development extends beyond the side roof slope, which the appellant contends would be difficult to discern from the street, due to its modest size and scale and sympathetic roof form. These amendments are noted but do not change my conclusion that the proposal would be harmful in terms of its effect on the character and appearance of the area.

Conclusion

18. For the above reasons I conclude that, while the proposal would achieve the highest standards of fire safety, the harm I have identified to the character and appearance of the area is determinative. Therefore, the appeal proposal would conflict with the development plan as a whole. There are no material considerations that indicate I should conclude other than in accordance with it. Consequently, the appeal is dismissed.

S Pearce INSPECTOR