
Appeal Decision

Site visit made on 11 May 2023

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

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023.

Appeal Ref: APP/Z5630/D/23/3317500

164 Grand Avenue, Surbiton KT5 9JA

- 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 B Subban against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application, Ref. 22/03902/HOU, dated 18 December 2022 was refused by notice dated 13 February 2023.
 - The development proposed is a double storey side and single storey rear extension with a flat roof and parapet walls plus the minor raising of the roof parapet.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling; Nos. 164 & 162 as a semi-detached pair, and the street scene of Grand Avenue, which forms part of the Grand Avenue / Elmbridge Avenue Local Area of Special Character ('LASC'). A single storey extension was approved in 2021 and the appeal scheme seeks to add a first floor along the side of the property to this approval. It is this part of the proposal to which the Council objects.

Reasons

3. The appeal building is one half of a pair with No. 162 and although there are some differences in their front elevations the two houses have a pleasing symmetry as part of the original period design which epitomises the special character of Grand Avenue. This design quality applies in particular to Nos. 146-168 Grand Avenue, which in the Council's view have a 'Group Value' that makes a positive contribution to the LASC. I agree with this assessment and consider this significantly informs my appraisal of the proposed alterations and extension to the building that would be seen from the road.
 4. In this regard, the effect of the appeal scheme on the principal elevation of the building would be as a result of the widening of the building frontage, the reduction in the size of the existing balcony and the raising of the parapet wall. In my view each of these proposals would be harmful to the character and appearance of the existing building. There would also be further harm caused by the loss of symmetry with the adjoining No. 162 and to the afore-mentioned group of Nos. 146-168.
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5. In forming this view I have taken into account the requirement of Government policy in paragraph 203 of the National Planning Policy Framework 2021 ('the Framework') to make a balanced judgement on the significance of the LASC as a non-designated heritage asset and the effect of the proposed development on this. However, I have concluded that the retention of the buildings in their original form, including many of the details associated with the 'Art Moderne' architectural style, gives the LASC a high degree of significance and that a permission in this case would cause incremental harm that, if allowed, would encourage its further loss.
6. The grounds of appeal have drawn my attention to other examples in the area of two storey side extensions, reduction in balcony size and raising of the parapet. However, in one case in particular the example very clearly illustrates the harm that would be caused by a side extension to No. 164. In other cases the immediate settings of the building are different and / or there is insufficient clarity. And as far as I am aware none of these developments cause a significant loss of symmetry within an LASC, which is the harmful effect at No. 164 Grand Avenue.
7. Overall on this issue, I conclude that although the already approved single storey wraparound extension under reference 21/02517/HOU changes the appearance of the building, the addition of another floor at the side would cause harm. As such it would conflict with Policies CS8, DM10 & DM12 of the Council's LDF Core Strategy 2012; Policies D3 & HC1 of the London Plan 2021, and Sections 12 & 16 of the Framework.

Other Matter

8. The Council's Notice of Refusal includes a reference to the absence of a Fire Safety Statement as part of the application to demonstrate that the extended building would achieve the highest standards of fire safety as required by Policy D12 of the London Plan 2021.
9. However, if the appeal had been allowed on the first issue and permission granted I would have been able to impose the condition suggested by the Council in the Appeal Questionnaire for the submission of a Fire Strategy for the Council's approval. In the event, this would have been in the form already submitted as part of the appeal, and subject to the Council's approval (with amendments if necessary) it would have satisfactorily addressed the provisions of Policy D12.

Conclusion

10. For the reasons explained and my finding of an unacceptably harmful effect as regards the main issue in this appeal, the appeal is dismissed.

Martin Andrews

INSPECTOR