
Appeal Decision

Site visits made on 12 May & 6 June 2023

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 June 2023

Appeal Ref: APP/Z5630/D/23/3317125

9 Milner Road, Kingston Upon Thames, KT1 2AU

- 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 Manoj Damodar against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref 22/03183/HOU, dated 6 October 2022, was refused by notice dated 1 December 2022.
 - The development proposed is the erection of first floor front extension and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of first floor front extension and single storey rear extension at 9 Milner Road, Kingston Upon Thames, KT1 2AU in accordance with the terms of the application, Ref 22/03183/HOU, dated 6 October 2022, subject to the conditions set out in the attached Schedule.

Preliminary and procedural matters

2. Since it more accurately describes the proposed development, the description provided in the Council's decision notice has been utilized in preference to that used in the application form.
3. The original site visit had been arranged on an unaccompanied basis with no access required. Since the rear of the dwelling could not be seen from a public vantage point a second visit was arranged so that I could complete my assessment. The next-door property, No 7, was vacant and its garden unkempt and overgrown when I visited.

Main issues

4. The main issue is the effect of the proposed development on: (a) the character and appearance of the host property and surrounding area, and (b) the living conditions of the residents of 7 Milner Road with reference to daylight, sunlight and visual impact.

Reasons

Character and appearance

5. Extensions are proposed to the front and rear of the house. The Council does not object to the design of the rear extension in terms of its appearance, and I

- have no reason to disagree. The Council's design concerns therefore relate to the proposed front extension alone.
6. Milner Road's eastern frontage is largely occupied and dominated by a large vacant, former office building. Between the former offices and Milner Road's junction with Woodbines Avenue is a modest number of detached and semi-detached dwellings. In terms of their scale and appearance these display a visual unity, but on closer examination most of the properties show different design features.
 7. The appeal property is a detached dwelling. Part of its white-painted rendered front elevation projects over a bay window on the ground floor and is topped with a prominent gable feature. The intention is to continue the projection at the same level over the front door, albeit that the front of the extension would be slightly forward of the existing protrusion. A small gable would be inserted above the extension alongside the main gable.
 8. The Council consider that the proposal, if built, would appear excessive in scale, visually dominant, and would not relate well to the host property resulting in what it regards as '*..an incongruous appearance within the streetscene.*'
 9. As already described, the principal and dominant feature on the eastern frontage of the street is the large vacant office buildings. The dwellings at the southern end of Milner Road on this side of the street play a secondary role in the local scene. Nevertheless, they are attractive dwellings in their own right. I have noted the Council's concerns, but I consider the proposed extension to be modest, proportionate in respect of the dwelling's scale and well-designed, adding to and contributing positively to the design diversity seen in this small row of dwellings. Consequently, I take the view that the Council has somewhat exaggerated what it sees as the shortcomings and impact of the proposal.
 10. I conclude that the proposals would not materially or harmfully affect the character and appearance of the host property or its surroundings. Accordingly, I find no conflict with the aims of the Council's Core Strategy policies CS8 & DM10, requiring the character and local distinctiveness of a street or area to be respected, maintained or enhanced when new development is proposed.

Living conditions

11. Judging from the content of the officer report one could possibly be forgiven for mistaking that the rear extension was treated by the Council as an entirely new form of development. However, the proposal involves what I saw would be a lengthening of an existing extension.
12. A lean-to separates No 7 from the boundary with the appeal property. The main glazed openings on the ground floor of No 7's rear elevation are located well away from the proposed extension - far enough not to be affected by it. A smaller ground floor window is placed closer to the boundary, but this is already affected by No 9's existing extension in terms of reduced daylight and sunlight - the proposed lengthening of the extension would not make matters materially worse.
13. That part of No 7's garden closest to the house is already overshadowed to an extent at certain times of the day, and the outlook southwards from this part of

the garden is towards the wall of the appeal property's existing extension. In these circumstances, the modest increase in the length of the extension proposed would not materially impact on future owners of No 7 by increased overshadowing or loss of outlook, and the additional visual impact experienced would not be at an unacceptable level.

14. I conclude that the proposed lengthening of the existing extension would not materially or harmfully affect the living conditions of any future occupants of No 7 Milner Road by reason of unacceptable loss of daylight, sunlight or visual impact. Accordingly, I find no conflict with the aims of the Council's Core Strategy policy DM10, requiring the design of new development proposals, including house extensions, to have regard to the amenities of neighbours, including in terms of privacy, outlook, sunlight/daylight and avoidance of visual intrusion.

Conditions

15. The Council's suggested condition regarding materials shall be imposed in the interests of visual amenity, albeit in a modified form.
16. It is necessary in the interests of certainty that the development should be carried out in accordance with the approved plans.
17. To secure neighbouring privacy a condition is imposed to ensure that the proposed window on the side elevation is obscurely glazed.
18. As suggested by the Council, a Fire Strategy condition shall be imposed, albeit in a modified form reflecting the small scale of the development, to ensure compliance with Policy D12 of the London Plan.

Other matters

19. The appellant has referred to a redevelopment proposal affecting the office buildings in Milner Road, No 7 and land to the rear of the appeal property. I have insufficient detail on these proposals to take them into account, and I have therefore treated the appeal proposals on their specific merits.
20. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three 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: MRKT.001 Rev B & MRKT.002 Rev E

4. Prior to beneficial occupation of the development hereby permitted, the proposed window on the first floor, southern elevation shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with and permanently retained in obscure glazing to a minimum of level 3 on the Pilkington scale.
5. Prior to any above ground works a Fire Safety Strategy appropriate to the size and use of the development shall be submitted to the local planning authority for its' approval, which shall be obtained in writing. The Fire Safety Strategy shall demonstrate how the development will achieve the highest standards of fire safety and shall include the following details: i) suitably positioned outside space for fire appliances and an evacuation assembly point; ii) fire alarm systems; iii) Passive and active fire safety measures; iv) construction details which shall minimise the risk of fire spread; v) provision of suitable and convenient means of escape and an evacuation strategy; vi) provision of suitable access and equipment for firefighting. The Fire Safety Strategy shall include a statement of competence. The development shall be carried out in accordance with the approved Strategy and thereafter all approved elements shall be retained.