



Appeal Decision

Site visit made on 24 July 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16/08/2023

Appeal Ref: APP/Z5630/D/23/3318732

15 Beverley Cottages, Kingston Vale, Kingston upon Thames, London SW15 3RR

- 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 Meredith Earl against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref 22/03645/HOU, dated 18 November 2022, was refused by notice dated 16 January 2023.
 - The development proposed is the erection of a ground-floor extension to replace the existing conservatory at the rear of a detached house; new metal gate and brick wall to replace the existing fence and gate at the front, replace existing flat roof to first-floor outrigger with pitched roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, including the Kingston Vale Conservation Area, and upon the living conditions of neighbouring occupiers at 10, 11 and 12 Beverley Cottages, with particular regard to outlook.

Reasons

Character and Appearance

3. The appeal property is a two-storey, detached dwelling that alone faces a short stretch of road leading to the Robin Hood Gate entrance into Richmond Park, which is immediately adjacent to, and north of, the appeal site. Immediately to the south is a terrace of two storey dwellings at Nos 2-14 Beverley Cottages facing the A308. The site lies within the Kingston Vale Conservation Area (CA), effectively a linear space along the A308. The significance of the CA is derived from its character as an early Victorian village comprising an eclectic mix of mainly small-scale housing and community uses along the London to Portsmouth road (A308) at the Robin Hood Gate entrance to Richmond Park and Wimbledon Common. Beverley Cottages, including No 15, are typical examples of the period architecture within the CA and make a positive contribution to it.

4. The proposal comprises three separate elements. The Council has no objection to the replacement of an existing picket fence to the front boundary with a part dwarf wall with brick piers and metal railings and pedestrian gate to the front of the house, and a matching sliding metal gate and railings across the driveway frontage to the side. This configuration would partly reflect some broadly similar front boundary enclosures to other properties at Beverley Cottages and would not appear out of keeping with the other enclosures along the road leading to Robin Hood Gate. I have no reason to disagree with the Council's findings on this aspect of the proposal.
5. The appeal property has an original, two-storey outrigger to the rear. This projects as a continuation of the dwelling's north side elevation, with a void to the side adjacent to the southern boundary. Part of the proposal would change the flat roof over the outrigger to a dual-pitched gable ended roof. This modified form would complement the roof profile of the main dwelling and would appear as an appropriate and sympathetic change. I share the Council's view that this part of the proposal would be acceptable.
6. An existing conservatory to the rear of the outrigger would be replaced with a single-storey extension to a greater depth and which would wrap around the outrigger, virtually filling the void adjacent to the plot's south side boundary. The extension would project 5m beyond the rear wall of the outrigger and 8m beyond the rear wall of the main part of the dwelling, running along the side boundary for most of its depth but offset from it by around 300mm at its end due to the boundary's splayed alignment.
7. A previous proposal for a single-storey rear extension (Ref 21/02606/HOU) was refused and a subsequent appeal (Ref APP/Z5630/W/21/3288448) was dismissed in July 2022. The current proposal has a lower overall height, is shorter in depth, and materially different in appearance compared with the previous. Consistent with the previous Inspector's findings, I agree that the rear setting of the extension would prevent it from having any visual impact of significance upon the street scene.
8. The extension's gabled, pitched roof form, albeit asymmetrical, would be glimpsed from public vantage points around the appeal site and seen in the outlook from the rear of adjacent properties at Beverley Cottages. Nevertheless, in isolation it would be domestic in scale, form and appearance, with roof tiles to match the existing. The use of timber cladding and extensive glazing to the end gable and north-west facing wall would be contemporary in style, differentiating it from the original fabric of the building. I can identify no particular fault with this approach and, when combined with the low-level presence of these elements and their enclosed rear garden setting, I am satisfied that there would be no visual impact of any significance beyond the confines of the appeal site that would harm the character or appearance of the appeal property or the wider locality. It follows that the character and appearance of the CA would be preserved. As such, I find no conflict with Policies D3 and HC1 of The London Plan 2021 (LP), or with Policies CS8, DM10 and DM12 of the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy (CS) (2012) which between them, amongst other things, seek to ensure high quality design in development and to protect the character and appearance of the historic built environment.

Living Conditions

9. The appeal site's southern boundary is shared in common with the rear garden boundaries of Nos 8-14 Beverley Cottages and is demarcated by a brick wall of conventional domestic height with a horizontally slatted timber trellis above. The rear gardens to Nos 8-10 adjoin the open rear garden at No 15. The rear gardens to Nos 11 and 12 mostly adjoin the void to the flank of the outrigger. No 13 adjoins the two-storey flank wall of the appeal property and No 14 principally adjoins the appeal property's shallow front garden. The rear gardens of the neighbouring properties are considerably shorter than the rear garden at No 15. The previous appeal Inspector noted that the separation distances between the appeal site and neighbouring properties is limited, but with some relief provided by the setback of the appeal property's outrigger and conservatory extension from the boundary, and a degree of transparency between the sites due to the trellis. I saw this for myself during my visit, and despite some tall pot-planted bamboo along the appeal site side of the boundary, I saw that the tight confines of the neighbouring gardens at Nos 10, 11 and 12 in particular benefitted from the existing arrangement.
10. Whilst smaller than the previously proposed extension, the current proposal would still be reasonably large and undeniably taller, wider and deeper than the existing conservatory. By principally filling the void to the side of the outrigger it would bring the built form at No 15 immediately adjacent, or else in very close proximity to, the shared boundary with Nos 10, 11 and 12.
11. The proposed plans show that the eaves height of the extension would approximately match the height of the trellis on top of the wall, at 2.5m. Nevertheless, its solid form would remove the relief offered by the permeability of the trellis, particularly in the outlook and from the short gardens at Nos 11 and 12. Furthermore, although the extension's roof would pitch away from the boundary, it would rise to a ridge height of 3.7m, adding some considerable visual bulk beyond the depth of the outrigger. This would be perceived most in the direct outlooks, and from the gardens, of Nos 11 and 12 where, in my assessment, the single-storey rear extension would impose itself at close quarters as a prominent and visually intrusive addition, and which would contribute to an increased and unacceptable sense of enclosure. The height and bulk of the roof would be seen from the outlook and rear garden of No 10 but at an angle of sight, and with some relief maintained by the open aspect beyond the extension. As such I am not persuaded that it would have any impact upon the outlook from No 10 that would be significant.
12. I recognise the efforts made by the appellant to address previous concerns, and particularly through the choice of proposed materials to the south-east elevation to match the existing dwelling. However, my impression overall is that, due to its height and depth, the proposed rear extension would be harmful to the living conditions at 11 and 12 Beverley Cottages with regard to outlook. As such, there would be conflict with LP Policy D3 and CS Policies CS8 and DM10 as far as they seek to secure quality in design that relates well to its surroundings and protects the amenities of neighbouring occupiers.

Other Matters

13. The appellant has drawn my attention to wrap-around extensions that have been approved to other properties at Beverley Cottages and where the void to the side of original outriggers has been filled. However, these relate to dwellings orientated side by side and where the outlook from a property

neighbouring an extension is principally down the length of the garden and not directed towards the new development. The relationship between No 15 and neighbouring occupiers is fundamentally different. These other examples do not alter my conclusions as they relate to the second main issue in this appeal.

14. The appellant has referenced the potential for extensions and outbuildings to be built at the appeal site as permitted development. Regardless, I have been presented with no substantive evidence to demonstrate that any meaningful alternative development is a realistic option, or that it would have an equivalent impact upon the living conditions of neighbouring occupiers. I accept that some permitted development options exist for the appellant, but these do not alter my findings as they relate to the specific proposal that is before me.

Conclusions

15. Notwithstanding my findings as they relate to the effect of the proposals overall upon the character and appearance of the area, including the Kingston Vale Conservation Area, for the reasons given, I find that there would be harm to the living conditions at 11 and 12 Beverley Cottages from the single-storey extension. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR