
Appeal Decision

Site visit made on 24 August 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2023

Appeal Ref: APP/Z5630/D/23/3322979

42 Rollesby Road, Chessington KT9 2BZ

- 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 Ian Fowler against the decision of the Council of the Royal London Borough of Kingston Upon Thames.
 - The application Ref 23/00002/HOU, dated 2 January 2023, was refused by notice dated 3 March 2023.
 - The proposed development is for the construction of a two storey rear extension, built using existing ground floor extension not exceeding 4 metres & erection of single storey conservatory.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development having regard to a) the character and appearance of the existing dwelling and the surrounding area; and b) the living conditions of the occupants of neighbouring properties in respect of light, outlook and privacy.

Reasons

Character and appearance

3. The appeal site comprises a two-storey, mid-terrace house with off-street parking on the driveway to the front. The local neighbourhood is predominantly residential in nature.
 4. The ridge line of the development before me would be set below that of the host dwelling, thus creating a sense of subservience. The eaves level would be commensurate with the main house, and as such the scheme would not look contrived. The conservatory is low level and of a standard design. Overall, in my view the additions would visually connect with the general appearance of the host dwelling, without dominating it, and respond to the original design characteristics.
 5. I conclude on this matter that the proposed development would not be harmful to the character and appearance of the existing building and the surrounding area. It would be in accordance with Policies CS8 and DM10 of the Royal Borough of Kingston upon Thames Core Strategy 2012 (CS) and Policy D3 of the London Plan 2021 (LP) which seek to ensure new development of acceptable scale and design.
-

6. The scheme would also be consistent with the advice in the National Planning Policy Framework, which states that good design is a key aspect of sustainable development,

Living conditions

7. To either side of the appeal site, nos. 40 and 44 Rollesby Road have first floor rear windows serving bedrooms. These openings currently benefit from views in a broadly southerly direction over the roof of the ground floor rear element of the appeal house towards the rear garden scene of other local residences and the woodland beyond. Whilst I observed that there were net curtains over the glazing, the windows would appear to be the sole source of outlook from the bedrooms, which are deemed to be habitable areas. Due to the height and close proximity of the appeal proposal relative to the windows closest to the common boundary, these views would be impeded by a blank side wall immediately adjacent, and projecting 4 metres to the rear. This would result in an oppressive environment for the occupants of the rooms, and have a harmful impact upon their living conditions.
8. The Council is also concerned that the scheme would result in a loss of light to the adjoining dwellings. No robust information, for example in the form of sunlight projections using Building Research Establishment guidelines, has been provided as part of the appeal. Given the depth of the development and its proximity of the to the neighbouring first floor windows, in the absence of any cogent evidence to the contrary, I consider that the loss of daylight or sunlight to the first floor rear-facing windows of the adjacent dwellings. This would be harmful to the living conditions of the occupants therein.
9. The appeal site forms part of a close-knit terrace where there currently exists a degree of mutual overlooking between dwellings at the rear. To my mind the appeal scheme would not exacerbate this situation above and over that which is presently experienced.
10. I appreciate that there may be other instances of first floor rear extensions to other properties in the local area. Nevertheless, development at other houses would be neutral considerations in any balance against planning harm, and I am mindful that each case must be assessed on its own merits.
11. Although the proposal would not result in harm to the living conditions of the occupants of 40 and 44 Rollesby Road in respect of privacy, the scheme would cause a loss of outlook and light. It would contravene policy DM10 of the CS and policy D3 of the LP, which seek to ensure that development does not harm the amenity of occupiers of nearby properties.

Conclusion

12. Having regard to all matters raised and given the preceding arguments, the appeal is dismissed.

C Hall

INSPECTOR