



Appeal Decision

Site visit made on 28 November 2023

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 20.12.2023

Appeal Ref: APP/Z5630/D/23/3327698

125 Somerset Avenue, Chessington, KT9 1PS.

- 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 Suhail Al-Issa–Spectra Property Management against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 23/00796/HOU, dated 24 March 2023, was refused by notice dated 19 May 2023.
 - The development proposed is erection of single storey rear conservatory extension and alterations to patio.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey rear conservatory extension and alterations to patio at 125 Somerset Avenue, Chessington, KT9 1PS in accordance with the terms of the application, Ref 23/00796/HOU, dated 24 March 2023, and the plans submitted with it, subject to the conditions set out at the end of this decision letter:

Main Issue

2. I consider the main issue to be the effect of the proposed development on the living conditions of occupiers of 123 Somerset Avenue in terms of its potential to result in a sense of enclosure, have an overbearing impact and cause loss of outlook.

Reasons

3. The appeal property, 125 Somerset Avenue is a semi-detached two storey dwelling.
4. The appellant proposes a single storey full width, flat roof rear conservatory extension together with alterations to the patio. It would project between some 3.6 to 4.0 metres from the rear wall of the host property and roof level would be about 3.0 above the original ground level.
5. The Council do not consider, due to the existing rear extension at Number 127 Somerset Avenue that the proposed development would impact on the living conditions of neighbouring occupiers at number 127. From what I have seen and read I would not disagree.
6. In respect of number 123 the Council is concerned that, despite complying with the standard 25 and 45 degree rules, due to the depth and height of the

conservatory it would result in an increase sense of enclosure, loss of outlook and appear overbearing for the occupiers of that property.

7. I note that number 123 has a narrow rear outshot with French doors and windows facing the common boundary to number 125. It is located on the north-east corner of the property and therefore is some distance from the boundary to number 125. Accordingly, I do not consider that the proposed conservatory would have any significant harmful impact in the terms identified by the Council or the third-party objector to the proposal.
8. The rear garden of number 123 is relatively long and faces south-east. The conservatory would only be about a metre or so taller than a typical close boarded garden boundary fence. In addition, the appeal site is located in an existing built-up suburban area. For all these reasons I do not consider that the proposal would appear so overbearing, result in such an increased sense of enclosure or have a significant harmful impact on outlook as to cause harm to the living conditions of the occupiers of number 123.
9. I therefore conclude in respect of the main issue that the proposed development would not cause significant harm to the living conditions of the neighbouring occupiers. It would therefore accord with the aims D3 of the London Plan 2021 and Policies CS8 and DM10 of the Royal Borough of Kingston upon Thames Local Development Framework–*Core Strategy* (Adopted April 2012).

Conditions

10. The conditions follow from those suggested by the Council. To ensure a high quality development, I shall include a condition about the materials to be used in the construction of the external surfaces of the building.
11. To ensure the privacy of the occupiers of number 123 I shall require privacy screens to be erected along the north-east boundary. Furthermore, for the occupiers of both neighbouring dwellings I will control the insertion of any additional windows in the side elevations of the conservatory.
12. To mitigate the risk of flooding I shall control the finished floor level of the proposed addition.
13. In the interests of fire safety, I will require a Fire Safety Strategy to be submitted to the local planning authority and approved before the first occupation of the development hereby approved.
14. In the interests of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR

Schedule of Conditions Appeal Ref: APP/Z5630/D/23/3327698

- 1) The development hereby permitted shall begin not later than 3 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 be those specified on the approved plans and application form unless otherwise agreed in writing by the local planning authority.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: UA-KIN-08, 09, 10, 11, 12, 13, 14, 15, 16 and UN-125-LAM-03.
- 4) The extension hereby permitted shall not be occupied until details of privacy screening at a height of 1.7 metres (as measured from the finished level of the raised patio hereby approved to the top of the screen) along the north-east elevation of the raised patio has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and once installed the screen/s shall be retained thereafter.
- 5) Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no window shall be inserted, nor any other openings formed (other than those expressly authorised by this permission) at ground floor level in the side elevations of the conservatory hereby approved unless otherwise agreed in writing by the local planning authority.
- 6) The finished floor level(s) of the conservatory hereby permitted shall be no lower than those of the existing building(s) and any electrical sockets or other electrical fittings within the conservatory shall be installed no lower than 750mm above finished floor level.
- 7) The building hereby permitted shall not be occupied until a Fire Safety Strategy (FSS) shall have been submitted to and approved in writing by the local planning authority. The FSS shall demonstrate how the development will achieve the highest standards of fire safety and shall include the following details:
 - 1) identify a suitable outside space for fire appliances and an evacuation assembly point;
 - 2) design and layout of a suitable fire alarm system, where appropriate;
 - 3) as appropriate passive and active fire safety measures;
 - 4) construction details and finishes to minimise the risk of fire spread;
 - 5) an evacuation strategy incorporating a suitable and convenient means of escape, and;
 - 6) provision of suitable access for and equipment for firefighting appropriate for the size and use of the conservatory.

End of Schedule