



Appeal Decision

Site visit made on 18 December 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

Appeal Ref: APP/Z5630/D/23/3329804

55 Kenley Road, Kingston Upon Thames KT1 3RP

- 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 Rehan Benson against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref: 23/01494/HOU dated 5 June 2023, was refused by notice dated 31 July 2023.
 - The development proposed is single storey rear extension, single storey front extension incorporating a covered porch, first floor side extension, loft conversion with associated windows, dormers and rooflights.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (Framework) was revised in December 2023. Although some of the paragraph numbering has changed, I do not consider that there are any material changes in the Framework, pertinent to this appeal proposal. It is not therefore necessary to seek the views of the Appellant or the Council on the revised Framework.

Main Issues

3. The main issues in this appeal are:
 - a) The effect of the proposed development, with particular regard to the first floor side and side dormer extensions on the character and appearance of the existing building and the local area;
 - b) The effect of the proposal, with particular regard to the single storey rear extension, on the living conditions of residents of neighbouring properties, with particular regard to loss of outlook and loss of light.

Reasons

Issue a) Character and Appearance

4. The appeal property is a semi-detached residential dwelling on the south west side of Kenley Road. The surrounding area is predominantly residential with mainly pairs of semi-detached properties. The original dwellings are characterised by their cat slide roofs over integral garages, but many of the

properties have been extended in a variety of ways, including with first floor side extensions.

5. The proposal comprises a number of different elements, including a single storey flat roofed extension across most of the rear of the property, single storey front extension, incorporating a porch, a first floor side extension and loft conversion with a rear dormer, side dormer and front roof lights.
6. I have noted the concerns of the Council that the proposed side extension would not be subordinate to the main house in that the existing ridge would be extended at the same level. A number of similar extensions to houses in the immediate locality do adopt a more subordinate approach where the side extension is both set back from the front elevation and set down from the ridge level of the original dwelling, and therefore also retaining the original cat slide roof, when viewed from the street.
7. However, and as seen at my site visit, the character and appearance of the local area now reflects a very wide variety of design approaches to these side additions, including several similar approaches to the one proposed in the appeal before me. Although I agree with the Council that it would not be subordinate to the main dwelling, I consider that extending the existing ridge line to accommodate the roof accommodation would not result in an overly dominant or top-heavy roof form in relation to the existing property and would not detract from the character or appearance of the existing dwelling. It would also reflect the approach of other properties in respect of similar extensions in the vicinity and would therefore be assimilated into the street scene.
8. Notwithstanding the above, the addition of the side dormer to the extended roof form would appear as an incongruous addition in relation both to the form of the roof and the dwelling and the street scene. The combined effect of the roof form when taken together with the side dormer would result in a top heavy and over extended roof addition which would detract from the proportions and scale of the existing dwelling. It would also be overly prominent and visually intrusive in the street scene.
9. I therefore conclude that the proposed extensions, with particular regard to the side dormer extension when taken together with the first floor side extension would detract from the character and appearance of the existing dwelling as well as of the local area. This would conflict with Policies CS8 and DM10 of the Council's adopted LDF Core Strategy (Core Strategy) and the Council's adopted Residential Design SPD (Residential Design Guide) as well as the Framework, and in particular Section 12, all of which amongst other matters seek a high quality of design which respects the local context.
10. The Appellant has drawn my attention to a number of extensions in the local area, to support his contention that the side extension and the side dormer would be acceptable. Each proposal must be considered on its individual merits, but in so far as the information has been provided to me, I have taken these other examples into account. I agree that there are a range of designs in the immediate locality in relation to side extensions. However, in respect of the side dormer, the example at 66 Kenley Road relates to a new detached house which does not follow the same pattern of development of much of the local area. There are other examples where a side dormer has been incorporated into the cat slide roof, but I am not persuaded that these compare with the proposal before and do not lead me to a different decision.

11. The Officer's report also raises concerns with the ground floor rear extension in respect of its harm to the character and appearance of the existing building, but it is not specifically referenced in the first reason for refusal. I consider that the principal concern with this element relates to its effect on the living conditions of the neighbours which I address in my second main issue.

Issue b) Living Conditions

12. The appeal property and its semi-detached neighbour at No 57 have projecting rear bays at ground and first floor level, with windows around the rear and sides of the bay. The single storey extension would extend some 4m from the rear wall and would be higher than the ground floor bay windows at the neighbouring property. I have taken into account the existing boundary fence and planting between the two properties, but the solid wall would rise above this. Given the depth and height of the solid wall of the extension immediately adjacent the common boundary, I consider that it would have an overly intrusive and enclosing effect on the outlook for the neighbours from their rear facing ground floor rooms as well as the rear garden closest to the house. This would materially harm their living conditions.
13. The Council has also raised loss of light to the neighbours as a reason for refusal, although it is not entirely clear whether this concern is specific to the single storey extension and in respect of which neighbours. There is no technical evidence before me on this matter. However, I agree with the Council that, given the depth and height of the single storey extension there would be some adverse effect on the light to the section of the bay window at No 57 facing towards the common boundary. However, given the orientation of the properties to each other and the remaining windows serving the same room, I am not persuaded that the loss of light would be sufficient to harm materially the living conditions of the neighbours at No 57.
14. Given the existing extensions at No 53 to the rear and to the side, I do not consider that there would be any adverse impact in terms of light as a result of the proposal on these neighbours.
15. However, my findings in respect of the loss of light do not outweigh my findings in respect of the loss of outlook to the neighbours at No 57. This would materially harm their living conditions and conflict with policies CS8 and DM10 of the Core Strategy and the Residential Design Guide as well as the Framework and in particular Paragraph 135 f), all of which amongst other matters seek a high quality of design which respects the amenities of existing and future occupiers.

Other Considerations

16. The neighbours have raised a concern regarding overlooking from the proposed rear dormer windows. In most suburban situations there is some degree of mutual overlooking from rear facing windows. Although at a higher level than the existing windows I do not consider that the existing situation in terms of overlooking would materially change as a result of the proposed rear dormer extension.

Conclusion

17. The proposal would not accord with the development plan and there are no other material considerations to override this finding. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR