



Appeal Decision

Site visit made on 23 January 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/Z5630/D/23/3331453

6 Pine Walk, Surbiton, KT5 8NJ

- 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 & Mrs David McCullough against the decision of The Royal Borough of Kingston Upon Thames Council.
 - The application Ref. 23/01785/HOU, dated 3 July 2023, was refused by notice dated 24 August 2023.
 - The development proposed is loft conversion with side and rear dormers.
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Decision

1. The appeal is allowed and planning permission is granted for loft conversion with side and rear dormers at 6 Pine Walk, Surbiton, KT5 8NJ, in accordance with the terms of the application Ref. 23/01785/HOU dated 3 July 2023, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 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 or otherwise be in accordance with those shown on the application form.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (dated 03 Jul 2023); pinw-6-0; pinw-6-1; pinw-6-3.
 - 4) The two windows on the side (east) elevation dormer, and the Velux window and single window on the side (west) elevation dormer, on the second floor of the loft extension hereby permitted, as shown on drawing No. pinw-6-3, shall be obscure glazed over the whole extent of the glazing to each window and no part of the windows that are less than 1.7 metres above the finished floor of the room in which they are installed shall be capable of being opened. The windows shall be retained as such thereafter.

Preliminary Matters

2. Whilst the Council revised the description of development, I have adopted the description used in the original application.

3. A revised version of the National Planning Policy Framework (Framework) was published in December 2023, after the appeal was lodged. Even so, the relevant design and amenity policies of the Framework remain unchanged, albeit some of the paragraph numbering is different.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area.

Reasons

5. The Council have referred to policies CS8 and DM10 of the Kingston Core Strategy (April 2012) (KCS). These policies seek, amongst other requirements, to ensure that new development recognises and responds to distinctive local features and character, incorporates the principles of good design and has regard to local character in terms of consideration of the developments scale, layout, height, form (including roof form) and massing.
6. A broadly similar approach is set out in paragraph 135 (previously paragraph 130) of the Framework, but it also states that being sympathetic to local character should not prevent or discourage appropriate innovation or change. The National Design Guide (NDG) (January 2021) reinforces the Framework, for example, at paragraph 44 by emphasising that well designed places do not need to copy their surroundings and that it is appropriate for new development to include innovation and change to reflect how we live today.
7. The Council have also referred to its Residential Design Supplementary Planning Document (July 2013) (SPD). Although the Council's Delegated Report (CDR) states that the proposed extensions "*do not fully follow the guiding principles*" of the SPD, no further explanation is given of this and there is no reference to any relevant parts of the SPD. I have assumed, therefore, that this is a reference to paragraph 4.26 of the SPD 'Dormer Windows' and Policy Guidance 39 (PG39). Although this SPD predates both the Framework and the NDG, paragraphs 4.24 – 4.25 state that roof extensions come in many shapes and sizes, that the appropriate form of roof extension will depend on the style and character of the host property and that such works can have a significant impact on the character of the streetscene particularly "*where they are visually prominent within the street*".
8. Whilst the proposed dormers would result in an increase in the bulk and massing of the main roof to the host property, this increase would not be significant or harmful to the host or to the streetscene. As I observed on site, a number of properties in the area have been extended at roof level and there are various examples of large rear and side roof dormers, as well as other forms of extensions with flat roofs and vertical sides, mostly tile hung. A number of these examples, referred to in the Appellant's Grounds of Appeal, appear to benefit from planning permissions that post-date the adoption of the KCS and SPD. There is no evidence before me to suggest that those additions have harmed the character and appearance of their hosts or the surrounding area, and that finding reflects my observations on site.
9. The proposed dormers would be sympathetic to the existing design of the host property, with roof tiles and other detailing to match existing. Due to their modest size, they would also integrate well with the local character of the area

without being visually intrusive. They would also incorporate a number of the design principles set out in PG39 of the SPD, in that they would sit below the existing ridge and above the existing eaves, as well as being set in from the sides of the main roof. I accept that in some instances the distances involved would be small, but overall a large element of the main roof form would remain as existing and as the new dormers would be set back from the principal street elevation of the host, they would not appear unduly prominent or incongruous.

10. I accept that there would be a material change to the appearance of the side and rear slopes of the main roof, but, even so, the proposed dormers would, in my view, be modest in scale and thus subordinate and proportional to the host property and in keeping with similar extensions on surrounding properties. In relation to other principles of PG39 to the SPD, the new dormers would not be located on the front slope of the roof and would not represent a mansard roof design. Also, in line with paragraph 4.26 of the SPD, the proposed dormers would not be overbearing or cumulatively result in any harmful visual clutter.
11. As I observed on site, views from the Pine Walk would primarily be of the tiled vertical face and roof to the proposed side dormers, which would be set back from the front elevation and modest in terms of their projection from the main roof. The proposed rear dormer would only be visible from the rear gardens of the properties that back onto the host. There would, therefore, be limited, if any, public views of the rear dormer. Overall, I am satisfied that the impact of the appeal proposal on the streetscene would be limited and that the proposed dormers would sit reasonably comfortably on the main roof to the host.
12. Accordingly, the appeal proposal would not result in any harm to the character and appearance of the host property or the surrounding area, and would thus be broadly in accord with the main principles of PG39 and the general guidance of the SPD. The appeal proposal would also be compliant with policies CS8 and DM10 of the KCS, as well as the corresponding policies of the Framework and NDG.

Conditions

13. I have considered the Council's suggested conditions against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. Conditions requiring materials to match existing or otherwise be in accord with those shown on the application form and for compliance with the approved plans, are necessary and reasonable to secure a high-quality development. I have added a list of approved plans for clarity.
14. I have also added a condition which requires the new second floor side dormer and Velux windows to be obscure glazed and fixed shut above a certain height. This would reflect the details shown on the approved plans and is necessary in the interests of protecting the living conditions of neighbouring occupiers.

Conclusion

15. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR