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# Appeal Decision

Site visit made on 14 February 2024

**by B Pattison BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 February 2024**

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**Appeal Ref: APP/Z5630/D/23/3334348**

**19 The Mount, New Malden, Kingston Upon Thames KT3 4HU**

- 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 Jane Raynesford against the decision of the Royal Borough of Kingston Upon Thames.
  - The application Ref 23/01239/HOU, dated 9 May 2023, was refused by notice dated 11 September 2023.
  - The development proposed is First floor rear extension
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issues is the effect of the proposal on the living conditions of neighbouring occupiers of 17 The Mount and occupiers of properties on Park View, with particular reference to outlook, privacy, natural light, light spill, and whether the proposal would prejudice future development of 17 The Mount.

## Reasons

3. The appeal property is a two storey semi-detached house located at the end of a suburban residential street. The appeal property's eastern boundary adjoins the rear gardens of 77, 79 and 81 Park View, which are two storey semi-detached properties. Its western boundary is shared with 17 The Mount, a detached two storey house.
  - *Privacy*
4. The proposal would involve the installation of a new side facing window to serve an existing bedroom. This would allow views towards the rear elevations and gardens of 77 and 79 Park View. Due to the orientation and proximity to the shared boundary, views from this window would enable a level of overlooking which would significantly diminish the privacy of 77 and 79's rear gardens and within the nearest habitable rooms.
5. The window in question would be the sole window to the bedroom. A condition requiring obscure glazing to be used for this window would not be appropriate in this instance as it would remove any outlook from the room. This would have a harmful impact on the future occupiers of the proposal.
6. In coming to this conclusion, I have noted these properties already experience a degree of mutual overlooking, and indeed have windows which currently look towards the appeal property. However, the new side facing window would

introduce overlooking towards the Park View properties from a direction from which they are not currently overlooked. This would be harmful to the neighbouring occupiers' living conditions.

- *Daylight, sunlight and light spill.*

7. The proposed extension would be sited in close proximity to the shared boundary with 17 The Mount, which has a conservatory constructed up to the boundary.
8. The proposed extension would project from the host property in close proximity to the boundary with No. 17. The presence of an extension of this depth, height and with limited separation from No. 17 would be likely to overshadow the neighbouring property's conservatory during the morning period, and potentially for longer periods during the winter months.
9. Overall, in the absence of substantive evidence to demonstrate otherwise, I find that the extension, due to its height, depth and proximity, would reduce the amount of daylight and sunlight reaching the neighbouring accommodation. This would have a harmful effect on the living conditions of neighbouring occupiers.
10. I have had regard to the Council's Residential Design Supplementary Planning Document (2013) (SPD) which requires that adequate daylighting and sun lighting of neighbouring properties should be maintained.
11. Given the proposal's location to the rear of the gardens of properties on Park View, combined with its separation from this shared boundary, I do not find that it would have a harmful impact on the levels of daylight and sunlight within these properties.
12. The Council has also raised light spill to the neighbouring occupiers as part of the reason for refusal. As the proposal would not involve particularly large areas of glazing, I find it unlikely that light spill within this suburban area, which is illuminated with streetlights, would be harmful to the living conditions of the occupiers of the adjacent properties.

- *Outlook*

13. Views of the proposal would be possible from the rear windows and gardens of 77, 79 and 81 Park View. However, the proposal would have a hipped roof and would be set back away from the boundary with these properties. Furthermore, the existing vegetation on the shared boundary with No. 77 is likely to filter some views of the proposal. Consequently, the proposed development, as a result of its siting and relationship with the neighbouring properties' rear gardens, would not have an adverse impact on the living conditions of neighbouring occupiers of 77, 79 and 81 Park View in particular reference to outlook.

- *Future development*

14. The Council are concerned that the new window to bedroom 2 would face the blank side elevation of 17 The Mount, and would prejudice future development at this property. The window in question would be set in several metres from the shared boundary with The Mount. There is no evidence of any pending applications for development at that site, or others nearby. On the basis of the evidence before me in relation to this appeal, I find that there are insufficient

grounds to conclude that the proposal would unreasonably prejudice future development.

15. However, that does not alter my other concerns regarding the development, as set out above, and I conclude that the proposed extension would harm the living conditions of the occupiers of 17 The Mount with particular reference to loss of daylight and sunlight, and the occupiers of 77 and 79 Park View with particular reference to privacy. It would therefore conflict with Policies CS8 and DM10 of the Local Development Framework Core Strategy (2012). Amongst other aspects, these policies seek to protect the living conditions of occupiers of neighbouring properties from a loss of natural light and privacy.
16. As set out above, the design would also conflict with the SPD guidance in relation to the design of first floor rear extensions.

### **Other Matters**

17. It has been put to me that other extensions to properties within the local area have set a precedent for small extensions to properties. However, during my site visit I did not observe any first floor extensions which were similar to the appeal proposal. In any event, this proposal has been assessed on its own merits.
18. Concern has been raised in relation to the Council's handling of the planning application. This is a matter that, if necessary, should be raised with the Council away from this appeal. In any event, this concern would not lead me to alter my findings.

### **Conclusion**

19. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

*B Pattison*

INSPECTOR