

Appeal Decision

Site visit made on 12 February 2024

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2024

Appeal Ref: APP/Z5630/D/23/3332898

2 Lord Chancellor Walk, Kingston upon Thames KT2 7HG

- 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 Dr Sumit Dutta against the decision of the Royal Borough of Kingston upon Thames Council.
 - The application Ref. 23/01692/HOU, dated 23 June 2023, was refused by notice dated 18 August 2023.
 - The development proposed is for the erection of a two storey side extension, together with alterations to the front & rear fenestrations & associated internal reconfigurations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework was published in December 2023, but there are no material changes relevant to the substance of the appeal.

Main Issue

3. The main issue is the effect of the proposal upon the living conditions of the occupants of 3 Lord Chancellor Walk, with specific reference to outlook.

Reasons

4. 2 Lord Chancellor Walk is a mono-pitched detached dwelling of a modernist architectural bent, with a two storey flat roof element located along its north eastern elevation. Like the majority of other dwellings within the street, it is set within a fairly generous plot although it is set much further back than its adjacent neighbour 3 Lord Chancellor Walk, the rear elevation of which is broadly in alignment with the principal elevation of the appeal dwelling.
5. I note that the scheme before me is a revision of a previously refused planning application whereby the proposed eaves height has been lowered, such that it would be no greater than that existing on that side of the dwelling. No3 has habitable room windows in close proximity to the proposed extension, set within a single storey element to its south western side; and whilst views from this and from within the neighbouring rear garden itself would be partially screened by existing vegetation, the proposal would bring two storey built form within

close proximity of the shared boundary to quite a significant depth of 12.5m with an overall height of 6m.

6. The garden of no3 is already partially enclosed by the south western flank elevation of 4 Lord Chancellor Walk and the appeal proposal would accentuate the sense of enclosure upon the living conditions of the occupants of the neighbouring dwelling.
7. I accept that the flat roof would be set significantly below the main ridge height of no2, but I cannot agree that this would lead to a positive effect of reducing the overall increase and mass of the property because quite clearly, as it stands, the built form is approximately 3.5m further away than is proposed; and existing vegetation within the garden of no2 would not provide a comprehensive screen for the proposal.
8. The outlook from the closest habitable room and patio to the neighbouring dwelling would be harmed by the proposed extension and its occupants general enjoyment of their garden would be curtailed by the proposal. I consider, therefore, due to its excessive depth, height and proximity to the shared boundary, that the scheme would cause an unacceptable sense of enclosure to 3 Lord Chancellor Walk and would conflict with Policy DM10 of the Council's Core Strategy adopted April 2012 which requires development proposals to incorporate principles of good design whilst, amongst other things, having regard to the amenities of occupants and neighbours, including in terms of outlook and the avoidance of visual intrusion.

Conclusion

9. Having regard to the above and all other matters raised by the appellant, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR