



Appeal Decision

Site visit made on 28 May 2024

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 JUNE 2024

Appeal Ref: APP/Z5630/D/23/3335568

36 Willow Road, Kingston Upon Thames, New Malden, KT3 3RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Sindhuja Yadav against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 23/02272/HOU.
 - The development proposed is a single storey rear extension and two storey side extension to replace existing side garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of 38 Willow Road with regards to outlook and sense of enclosure.

Reasons

3. The appeal property comprises a two-storey end-of-terrace dwelling located within an established residential area. The neighbouring mid-terrace dwelling at 38 Willow Road sits within a very narrow plot and has a cramped rear patio area.
4. The proposed rear extension would feature a pitched roof with an approximate maximum height between 3.7m and 4m. As highlighted by the Council, I note there is a discrepancy between the plans with regards to the height of the rear extension. Even if the lower figure is correct, the extension would result in a substantial block of development with an overall height that would be a considerable margin above the height of the joint boundary fence. Given the narrow plot of No 38, the height of the proposed extension along the common boundary would be obtrusive and would unacceptably dominate the outlook from the neighbour's rear facing windows and rear garden patio area.
5. The Council's Residential Design Supplementary Planning Document (SPD) recommends that a pitched roof rear extension should not exceed 4m. Notwithstanding that guidance, in light of the individual circumstances of the site, the height of the extension would be excessive. It would have an overbearing impact and trigger an undue sense of enclosure. It would thus significantly alter and erode the outlook of the neighbouring occupants who

would be constrained between the proposed extension and the side wall of No 40.

6. Given the above, the development would harm the living conditions of the occupiers of 38 Willow Road with regards to their outlook and sense of enclosure. It would conflict with Policy D3 of the London Plan (2021), Policy DM10 of the Kingston Core Strategy (2012) and the SPD which, together, seek to ensure development proposals are well designed and have regard to the amenities of occupants and neighbours.
7. Whilst the proposal would conflict with Paragraph 135 of the National Planning Policy Framework (the Framework) (2023) which seeks to ensure development proposals provide a high standard of amenity, I do not find that Paragraph 124 of the Framework, which is specifically quoted in the decision notice, to be relevant to this main issue.

Conclusion

8. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
9. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR