



Appeal Decision

Site visit made on 4 July 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2024

Appeal Ref: APP/Z5630/W/23/3330061

203 Kingston Road, Kingston Upon Thames, New Malden KT3 3SS

- 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 Mr Joga Singh against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 23/01448/FUL.
 - The development proposed is the erection of ground floor extension and erection of loft space.
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Decision

1. The appeal is dismissed insofar as it relates to the rear dormer roof extension. The appeal is allowed insofar as it relates to the single storey rear extension and installation of 3nos. front roof lights and planning permission is granted for the single storey rear extension and installation of 3nos. front roof lights to facilitate loft conversion at 203 Kingston Road, Kingston Upon Thames, New Malden KT3 3SS in accordance with the terms of the application, Ref 23/01448/FUL, and the plans titled Location Plan and Block Plan, Proposed Floor Plans and Proposed Section and Elevations (all numbered 2305-161-Rev A) so far as relevant to that part of the development hereby permitted.

Preliminary Matters

2. I have taken the description of development above from the planning application form however a more accurate version is provided in the decision notice and appeal form as 'Erection of a single storey rear extension, rear dormer roof extension and installation of 3nos. front roof lights to facilitate loft conversion'. I have used this in the formal decision above.
3. At the time of my site visit the development had already been carried out and it appeared to reflect the development as shown on the submitted plans. I have proceeded accordingly.

Main Issues

4. The effect of the roof extensions on a) the character and appearance of the area, and b) the living conditions of occupiers at 201 Kingston Road, with particular regard to daylight and outlook.

Reasons

Character and appearance

5. This appeal concerns a two storey end of terrace property. The development which has been carried out and for which permission is sought includes a

section of dormer window across the rear roof slope which then projects onto a former flat roof of a two storey outrigger.

6. The resultant effect is, in part, a three storey flat roof outrigger which dominates the two storey host property. Together, the rear roof alterations are of an excessive mass and bulk and not proportionate to the property. This poor design, which also results in a very prominent side gable, is readily apparent from public vantage points given its location adjacent to a supermarket carpark.
7. Furthermore, the dormer section to the main roof lacks a discernible set down from the ridge line and a set in from the sides and eaves as encouraged by Policy Guidance 39 of the Residential Design SPD (July 2013) (the SPD). Whilst I acknowledge this is guidance only and some flexibility may be applied, the overarching aim of this guidance is to ensure good design which respects the character of the building. The development fails to achieve this as it is not subordinate or complementary to the form of the roof and the rear of the property.
8. I acknowledge that dormers may be established features in the locality. Regardless, the examples I observed were not similar to the appeal development as they were solely on the rear roof slopes and did not extend across a rear projection.
9. The adjacent carpark, differing architectural qualities of adjoining properties and presence of more recent developments of increased height and density do not justify development that is harmful to the appeal property.
10. Accordingly, the roof extensions harm the character and appearance of the area and thus conflict with Policy D3 of The London Plan: The Spatial Development Strategy for Greater London (March 2021) (the London Plan) and Policy DM10 of the Core Strategy, Royal Borough of Kingston Upon Thames (April 2012) (the CS). Together with the SPD, these policies aim for developments to be of a high quality which responds positively to and respects local character.
11. Whilst the National Planning Policy Framework (the Framework) and the London Plan encourages increasing the use and efficiency of existing buildings and developed land, they also require development to be of a high quality. For the reasons given the development does not accord with this aim.

Living conditions

12. As noted above, the development reads as a three storey flat roof outrigger to a two storey property. It is an imposing and dominant feature within very close proximity to a habitable room window on the first floor of No 201. This relationship along with the north facing orientation of the window would result in low levels of daylight reaching the room.
13. Whilst the relationship between this window and the side elevation of the former two storey outrigger would have previously existed there is no planning history for the two storey outrigger. Nevertheless, the additional massing resulting from the roof addition would further exacerbate the gloomy living conditions.

14. Although the rear garden of No 201 is of a modest size, the roof additions result in very considerable bulk and mass such that they are overbearing to occupiers of No 201 when seen from their outdoor space. A single dormer to the main roof slope is unlikely to have the same harmful effect.
15. Consequently, the roof extensions harm the living conditions of neighbouring occupiers. The development conflicts with Policy D3 of the London Plan and Policy DM10 of the CS which, along with paragraph 135 of the Framework (formerly paragraph 130), seek to ensure developments have regard to and ensure a high standard of amenity for neighbours. A lack of objections from neighbouring occupiers does not overcome the harm I have identified.

Other Matters

16. The appellant has requested the issuing of a split decision in so far as the proposal relates to the ground floor extension and front rooflights. The Council did not raise any concerns with these elements. Given the limited size of the rear ground floor extension and its set off from the shared boundary with No 201, and the small scale and positioning of the rooflights, I also find no harm in this regard. These parts of the appeal proposal are clearly physically and functionally severable from the rear roof alterations, thus I am able to issue a split decision.
17. As the development has already been carried out no conditions would be necessary, although I have referred to the plans in the effective part of the decision above in the interests of certainty.

Conclusion

18. For the above reasons, I dismiss the appeal in respect of the rear dormer roof extension and allow the appeal in respect of the single storey rear extension and installation of 3nos. front roof lights.

H Ellison
INSPECTOR