



Appeal Decision

Site visit made on 27 August 2024

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2024

Appeal Ref: APP/Z5630/D/24/3342512

64 Worthington Road, Tolworth, Kingston Upon Thames, KT6 7RX

- 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 A Woolman against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 23/03535/HOU.
 - The development proposed is demolition of single storey rear extension and conservatory and erection of single storey rear and part first floor rear extensions. Changes to side fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of single storey rear extension and conservatory and erection of single storey rear and part first floor rear extensions. Changes to side fenestration at 64 Worthington Road, Tolworth, Kingston Upon Thames, KT6 7RX in accordance with the terms of the application, Ref 23/03535/HOU subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; WR/112; WR/113 and WR/114.
 - 2) The development to which this permission relates shall be carried out in accordance with the materials specified on the application forms unless otherwise agreed in writing by the local planning authority.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no windows shall be inserted nor any other openings formed (other than those expressly authorised by this permission) at first floor level in the proposed side (north) elevation of the first floor rear extension unless otherwise agreed in writing by the local planning authority.
 - 4) The flat roof areas of the development to which this permission relates shall not be used as a roof garden, balcony, eating area or other similar amenity area, and shall not be accessed except for the purpose of maintenance or in the case of emergency.

- 5) The development must be carried out in accordance with the provisions of the Fire Safety Strategy submitted on 25 December 2023 unless otherwise approved in writing by the local planning authority.

Preliminary Matters

2. I have used the Council's description of development in the above banner heading as it clearly describes the proposed development.
3. At the time of my site visit the single storey extension was largely complete having been granted planning permission under a previous consent.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the existing dwelling and surrounding area; and
 - the effect of the proposed development on the living conditions of the occupiers of 62 Worthington Road with particular reference to outlook and light.

Reasons

Character and appearance

5. The appeal concerns a two-storey, semi-detached dwelling. It has previously been extended through recently constructed ground floor extension and a loft conversion with dormer windows. There is also an older part-width, flat roof, first floor rear extension which sits on the boundary with the adjoining semi, 66 Worthington Road. The surrounding area comprises detached and semi-detached dwellings, many of which have also been altered and extended.
6. Whilst included in the description of development, I am advised that the ground floor extension that has recently been constructed benefits from an earlier planning permission (LPA ref. 23/02322/HOU). The Council raise no objection to this element of the proposal which I agree is of an acceptable scale, design and appearance.
7. The proposed first floor extension would be of the same width as the existing extension at first floor level but would add a further 2.75m in depth. As with the existing extension it would have a flat roof design and would sit below the eaves of the adjoining dwelling. The proposed extension would align with the first floor closet wing of 66 Worthington Road and would not extend beyond it. The proposed extension would be of a similar scale to those on the adjoining dwelling and I also observed on my site visit that many other dwellings in the immediate area have also been significantly extended. Within this context, I find the scale and bulk of the proposed development to be acceptable. Furthermore, its flat roof design and limited width would ensure that the extension would be subordinate in appearance to the existing dwellinghouse.
8. Whilst the Council's Residential Design Supplementary Planning Document (2013) (SPD) advises that extensions on the boundary of a semi-detached property are generally unacceptable and should be avoided, in this case the existing first floor extension is on the boundary and the proposed extension would align with the first floor wing of No 66. I therefore find the extension

acceptable in this respect. The SPD also generally seeks to avoid flat roofs at two storey level however the existing dwelling already has a flat roof first floor extension and I therefore have no objection to the proposed flat roof design.

9. Despite some conflict with the SPD, having regard to the above considerations I conclude that the proposal would not have a harmful effect on the character and appearance of the existing dwelling and the surrounding area. It would comply with Policy D3 of the London Plan (2021) (LP) and Policies CS8 and DM10 of the Kingston Upon Thames Core Strategy (2012) (CS) which, amongst other matters, require development proposals to enhance local context and to ensure that the character and local distinctiveness of a street or area is respected, maintained or enhanced.

Living conditions

10. The Council's concern is that the proposed development would have an adverse effect on the living conditions of the occupiers of 62 Worthington Road by reason of overbearing appearance and loss of daylight to a ground floor habitable room window.
11. There are several windows and other openings on the flank elevation of the outrigger to 62 Worthington Road. The outrigger is set in from the boundary with the appeal property and given the separation distance between the two properties and the low height and design of the ground floor extension, I am satisfied that it has not resulted in any significant harm to the outlook from the side facing habitable room window.
12. The proposed first floor extension would not extend across the full width of the dwelling and would therefore be set about a further 2.2m from the flank wall of the outrigger to No 62. Having regard to the overall separation distance and its low, flat roof design, I also find that the proposed first floor extension would not result in any significant overbearing effects and thus would not be harmful to the living conditions of the occupiers of No 62 in this regard.
13. The proposal was accompanied by a Daylight and Sunlight Assessment (the assessment). This assessment considers the impact the proposed development may have on the daylight and sunlight levels in the neighbouring building, 62 Worthington Road, in accordance with the guidance set out in the *BRE Report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice, Third Edition, 2022* (BR 209).
14. In terms of Vertical Sky Component (VSC), the assessment demonstrates that the proposal would have an imperceptible impact on daylight levels to all windows assessed, complying with BRE 209 guidance. An assessment of the annual probable sunlight hours (APSH) and the APSH in the winter months (WPSH) was also carried out. The assessment concludes that the proposal would not significantly impact all windows assessed during APSH and WPSH, complying with BRE 209 guidance.
15. The Council has not provided any substantive evidence to the contrary and based on my own observations on the site, I have no reason to disagree with the findings of the assessment.
16. Accordingly, I find that the proposal would not have a harmful effect on the living conditions of the occupiers of 62 Worthington Road with particular reference to outlook and light. It would comply with Policy D3 of the LP, Policies

CS8 and DM10 of the CS and paragraph 135 of the National Planning Policy Framework 2023 insofar as these policies collectively and amongst other things, seek to protect the amenity of existing and future users.

17. The Council also refer to Policy DM12 of the CS. However, as this policy relates to heritage assets it does not appear to be relevant in this case.

Conditions

18. The Council has suggested a list of planning conditions in the event that this appeal was to be allowed. I have incorporated most of the suggested conditions, with some adjustments for clarity.
19. The standard implementation condition is not required as the development has commenced. The approved plans condition is imposed for certainty. The condition controlling materials is necessary to protect the character and appearance of the dwelling and the local area.
20. I have imposed conditions to control the insertion of additional windows and other openings and to control the use of the flat roof areas of the extensions in order to protect the living conditions of surrounding occupants.
21. Finally, I have imposed a condition relating to Fire Safety as recommended by the Council to ensure the future safety of all building users, in accordance with Policy D12 of the LP.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

J Davis

INSPECTOR