



Appeal Decision

Site visit made on 2 September 2024 by T Morris BA (Hons) MSc

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/Z5630/D/24/3343389

279 Malden Road, New Malden KT3 6AH

- 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 Dr M Gnanakumar against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref is 23/03332/HOU.
 - The development proposed is described as 'proposed single storey front porch, with a part single part two storey side extension, with a part single storey part two storey rear extension, with demolition removal of the existing shed'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of occupiers of No 277 Malden Road, with particular regard to outlook.

Reasons for the Recommendation

4. No 279 Malden Road (No 279) is a semi-detached dwelling located within a residential area. The dwelling is setback from the highway and has an off-street parking area to the front. There is a gap between the side elevation of No 279 and the side elevation of the adjacent property 277 Malden Road (No 277). The main entrances to these dwellings are located on their side elevations. On my site visit, I noted that the gap between the side elevation on No 277 and the side boundary fence with No 279 is narrow. Even so, the gap between these dwellings provides for a suitable appreciation of space and outlook alongside the main entrance door and pedestrian thoroughfare serving No 277.
5. However, the considerable depth and mass of the side elevation of the two-storey side extension together with its alignment and very close proximity to the side of No 277, would have an enclosing and dominant relationship with the narrow pedestrian thoroughfare to the side of this neighbouring property. Occupiers of No 277 and their visitors would routinely experience the oppressive effect of the proposal, when accessing and egressing the main entrance to No 277.

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6. In addition, No 277 has a first-floor side window facing the appeal property. I am not aware of which room this window serves. Even so, the wide proportions of the window and the existing set away position of No 279 ensures that the aspect from that window is suitably open. In contrast, the very close position of the two-storey side extension to this window would likely have an unacceptable enclosing effect and this compounds the harm already identified.
 7. The outlook to the rear of No 277 towards its rear garden, together with the relative alignment of the proposed development to the conservatory, rear elevation windows and the patio area serving this neighbouring dwelling, would ensure the proposal would not be overbearing in those particular respects. However, this does not overcome my concerns in relation to the effect on outlook from the main entrance and side window at No 277. Furthermore, the absence of objections from existing neighbouring occupiers in this instance does not justify the harm identified and my duty to protect living conditions for existing and future occupiers of No 277.
 8. I have seen that a single storey side extension with a similar footprint to the appeal proposal was granted planning permission in February 2022 (LPA Ref 21/04048/HOU) and that this remains extant. However, its side elevation is not comparable to the mass of the appeal proposal.
 9. I conclude, the proposal would have an unacceptable effect on the living conditions of occupiers of No 277 Malden Road, with particular regard to outlook. The proposal would therefore conflict with Policy D3 (Optimising site capacity through the design-led approach) of the London Plan (2021) and Policy DM10 (Design requirements for new developments (including house extensions)) of the Royal Borough of Kingston Upon Thames Core Strategy (2012) (CS), which require that development proposals have regard to the amenities of occupants and neighbours and deliver appropriate outlook.
 10. For the same reasons, the proposal would conflict with Paragraph 135 of the National Planning Policy Framework, which states amongst other things that developments should function well and provide a high standard of amenity for existing and future users.
 11. The Council's refusal reason also refers to Policy CS8 (Character, Design and Heritage) of the CS. However, this policy does not relate to living conditions and has not been decisive in my finding on the main issue.

Conclusion and Recommendation

12. For the reasons given above, I recommend that the appeal should be dismissed since it would conflict with the development plan.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell INSPECTOR