

Appeal Decision

Site visit made on 20 August 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 OCTOBER 2024

Appeal Ref: APP/Z5630/W/24/3341640

Flat 2, Tyne House, Samuel Gray Gardens, Kingston Upon Thames KT2 5UZ

- 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 Robin Webb against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 23/02907/FUL.
 - The development proposed is a proposed balcony extension and all associated works at Flat 2, Tyne House Samuel Gray Gardens KT2 5UZ.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and the Thames-Side Strategic Area of Special Character; and
 - the living conditions of the occupiers of neighbouring properties in respect of outlook and privacy.

Reasons

Character and appearance

3. The appeal site is a flat over two floors within a four-storey residential apartment building (Tyne House). At ground floor, the appeal site has a balcony facing the River Thames. The site lies within the Thames-Side Strategic Area of Special Character, a Non-Designated Heritage Asset (NDHA). Part of the significance of the NDHA derives from the cohesive nature of the large brick built symmetrical apartment blocks, that look out over the landscaped gardens and river.
4. Tyne House sits between Avon and Clyde House, which are slightly larger residential apartment blocks. Despite differences in scale, the buildings have similar features such as central recessed sections with two storey projecting bays either side, and open balconies.

5. Paragraph 209 of the National Planning Policy Framework (The Framework) confirms that the effect on the significance of a NDHA should be taken into account in determining an application. A balanced judgement will be required having regard to the scale of the harm or loss of the significance of the heritage asset.
6. Despite the proposed balcony being modest in size, the enclosure of the ground floor balcony, would be at odds with the prevailing character of open balconies on these buildings, and would therefore harmfully erode the sense of cohesion between buildings within the Thames-Side Strategic Area of Special Character.
7. Whilst there are first floor balconies on the adjacent building and variations in balcony design, these tend to be limited to differences in railing design and there are no examples of balconies being enclosed. Despite matching materials, the proposed matching roof form and it not protruding beyond the rear elevation of the building, the proposed development would result in the loss of the central recessed section which is a positive design feature of these buildings. As a result, the proposed development would appear particularly stark and visually harmful when viewed from the towpath and adjacent footpath.
8. A local amenity group have indicated that the appeal site is within the Riverside North Conservation Area (CA) and that the proposal would harm its character and appearance. However, the Council appraisal document for that designation clearly shows that the site is outside the CA. Notwithstanding the concerns raised, the Council did not raise objections on this ground, therefore I have not considered the matter further.
9. For the reasons identified above, I conclude that the proposed development would have an unacceptable effect on the character and appearance of the host property and the Thames–Side Strategic Area of Special Character. The development would therefore be contrary to Policies CS8, DM10 and D12 of the Royal Borough of Kingston Upon Thames Core Strategy (RBKTCS)¹ and Policy HC1 of the London Plan 2021. These policies require development to preserve or enhance heritage assets, positively respond to local distinctiveness and respect the design detailing of elevations.

Living conditions

10. The proposed balcony would be positioned within the central recessed section of the building, behind the furthest rear facing elevation. The projecting bay windows on the protruding wings, are centrally positioned and set in from the outer edge.
11. Given the position of the proposed balcony, views of it from neighbouring habitable rooms would be both limited and oblique. The Proposed 3D view in Appendix 3.9 of the appellant's statement, illustrates that views from the habitable room would be limited to a small section of the roof and railings of the balcony, at an angle. This would not result in a sense of enclosure or negatively impact on the outlook of those neighbouring properties.

¹ Adopted April 2012

12. With reference to the privacy of the neighbouring occupiers, when stood on the outermost edge of the balcony an oblique view of the side window of the projecting bay would be visible, therefore, it would be difficult to obtain direct views into the room. This is especially true given that the angle of the window permits views of an internal wall rather than views into the room, as illustrated in the appellant's statement. In addition, the balcony's recessed position would make even angled views into the neighbouring room difficult. Accordingly, the proposal would not result in any harmful overlooking to neighbouring occupiers.
13. For the reasons identified above, I conclude that the proposed development would have an acceptable effect on the outlook and privacy of the occupiers of neighbouring properties. The development would therefore be compliant with Policy DM10 and Policy CS8 of the RBKTCS in respect of requiring development to relate well to its surroundings and having regard to the amenities of occupants and neighbours including in terms of privacy and outlook.

Other Matters

14. The Freehold company that owns the property has no objection in principle to the proposed development, but this does not overcome the harm to the character and appearance of the host property and the Thames-Side Strategic Area of Special Character identified.
15. The proposal would provide a high-quality private amenity space for the appeal site, whilst this is a benefit of the scheme, the flat has an existing balcony. Therefore, the benefit of an increase in private amenity area would attract limited weight.
16. Reference has been made to the potential for the proposed cantilever design to negatively affect the structure of the building. There is no evidence before me regarding structural stability and in any event, this would be a matter for a structural engineer.

Conclusion

17. For the reasons given above, the proposed development conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

V Goldberg

INSPECTOR