



Appeal Decision

Site visit made on 13 November 2024

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Ref: APP/Z5630/W/24/3348554

1 Vale Crescent, Kingston Vale, Kingston Upon Thames, SW15 3PJ

- 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 Rennie against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref is 24/00562/FUL.
 - The development proposed is erection of a single storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the living conditions of the occupiers of the neighbouring property at No. 5 Vale Crescent with particular regard to outlook.

Reasons

3. The appeal property is a ground floor flat forming part of a two-storey, semi-detached building on Vale Crescent, close to its junction with Robin Hood Way. The building is brick-built, with bay windows, mock-Tudor detailing and a tiled, hipped roof.
4. At the rear the property has a two-storey projection and a bay window on the inset elevation. Similarly, the neighbouring property has a mirror image rear projection and a bay window. The overall effect is to create a pair of properties in an almost horseshoe shape.
5. The proposal is for a single storey rear extension which would significantly infill the gap created by the existing outriggers. The proposed extension would be flush with the side boundary of the appeal property, abutting the boundary with No.5, and would project around 3.45m and thus be set back slightly from the rear elevation of the outrigger.
6. The proposed extension would have a height of around 2.4m at the boundary with No. 5 but would rise steeply to a flat roof just below first floor window height. Though the height of the proposed extension would be markedly lower immediately adjacent to the boundary fence, it would, nevertheless, sit above the existing fence level. Furthermore, the lowest roof height would only be in place for a very small proportion of the overall structure. As such, a substantial proportion of the proposed extension, which would be close to, and

visible from, the property at No. 5 would sit significantly above the height of the existing fence.

7. At the time of my site visit I noted that the area to the rear of No. 5, immediately outside of the property and within the gap between the outriggers, contained chairs and appeared to be in use as an area for the occupiers of the property to sit out. Furthermore, a ground floor window and French doors are situated in the rear elevation of No. 5, very close to the shared boundary. The window, in fact, looks directly towards the boundary fence.
8. Due to its design and proximity, the proposed extension would enclose the rear of No. 5, creating a tunnelling effect. When viewed from No. 5 the proposed extension would appear as a highly prominent, large, solid and featureless structure. Consequently, in my view, the proposal would create an oppressive outlook and a harmful sense of enclosure. The proposal would, therefore, cause unacceptable harm to the living conditions of the occupiers of the neighbouring property at No. 5 Vale Crescent with particular regard to outlook.
9. I accept that the rear of No. 5 is already close to the appeal property and that the outlook from No. 5 is already towards a constrained area between the two-storey rear projections at Nos. 1 and 5. However, the proposal would unacceptably worsen the existing situation to such a degree that it would have an unduly detrimental effect on the living conditions of the occupiers of No 5.
10. For these reasons the proposal would conflict with Policy D3 of the London Plan, adopted 2021 and Policies CS8 and DM10 of the Royal Borough of Kingston Upon Thames Core Strategy, adopted April 2012. Amongst other things, these policies seek to ensure proposals are well-designed and have regard to the amenities of occupants and neighbours, including in terms of outlook, daylight, and avoidance of visual intrusion.
11. I note that the proposal would broadly accord with the dimensions set out within the Council's Residential Design Supplementary Planning Document, July 2013 (SPD). However, these dimensions are contained within a guidance document which is also clear that proposals will be appraised depending on the individual circumstances of the site. In this instance, the fact that the principles contained within the SPD would be generally met would not overcome the harm I have identified.

Other Matters

12. I note that the appellant has made changes to a previously refused scheme with the aim of overcoming the harm which was identified. However, in my view, the revised scheme would, nevertheless, cause harm to the living conditions of neighbouring residents.
13. The appellant suggests that permission has been granted for other similar extensions in the area. However, each case must be determined on its own merits based on the specific circumstances at each site. These circumstances will rarely, if ever, be identical.

14. The appellant has drawn my attention to a scheme at 30 Vale Crescent¹ and another at 81 Vale Crescent². I accept that these schemes are similar to that which is before me; they are not, however, identical and I do not have the full information regarding the precise separation distances or the arrangements of windows or living spaces on site to draw any detailed conclusions in this regard. Moreover, the acceptability of such schemes is a matter of planning judgement, and the existence of other examples is not sufficient justification to warrant the grant of planning permission in instances where I have found harm.
15. I note the appellant's statement that conventional permitted development rights allow extensions of a similar size without requiring planning permission. However, such permitted development rights do not apply to flats. As such, this does not form a legitimate fallback position and does not add weight in favour of allowing the appeal.
16. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusion I have reached that the proposal would cause harm to the living conditions of the occupiers of No. 5 Vale Crescent.

Conclusion

17. For the reasons set out above, the proposal is contrary to the development plan. There are no material considerations that indicate that permission should be granted. Therefore, taking all other matters raised into account, the appeal is dismissed.

L J O'Brien

INSPECTOR

¹ Reference 23/00179/FUL as cited in the Appellant's Statement

² Reference 22/00159/FUL as cited in the Appellant's Statement