



Appeal Decision

Site visit made on 21 January 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2025

Appeal Ref: APP/Z5630/D/24/3349990

163 Beresford Avenue, Tolworth, Kingston Upon Thames KT5 9LR

- 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 & Mrs Amit & Punam Vassa against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 24/01163/HOU.
 - The development proposed is described as 'Erection of single storey side/rear extension. Fenestration change to anthracite grey aluminium frames on existing house and to porch entrance. Application of smooth render to all external walls.'
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Decision

1. The appeal is allowed and planning permission is granted for erection of a single storey side/rear extension; fenestration change to anthracite grey aluminium frames on existing house and to porch entrance, and application of smooth render to all external walls at 163 Beresford Avenue, Tolworth, Kingston Upon Thames KT5 9LR in accordance with the terms of the application, Ref 24/01163/HOU, subject to the conditions set out in the schedule below.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of occupants of no.161 Beresford Avenue, with particular regard to outlook.

Reasons

3. The northern side of Beresford Avenue comprises predominantly two storey semi detached properties with a slightly staggered building line and the ground levels fall gently from west to east. No.161 adjoins the appeal site to the south west. It has a single storey side extension which runs along the boundary with no.163 and has a window in its rear elevation close to the boundary. Although there is not evidence before me to suggest the use of the room which that window serves, I have no strong reason to believe that it does not serve a habitable room, and contributes to the outlook enjoyed by its occupants. That window has outlook over the rear garden of no.161 and is enclosed to the east by the existing closeboard timber fence which runs between the two properties. There is also a change in ground level either side of the boundary, which the appellant reports to be approximately 40cm lower on the side of no.163.
4. The proposed extension would project alongside the boundary with no.161 and beyond its rear elevation. It would have an eaves level of 2.45m and a relatively shallow pitched roof which would slope away from the shared boundary. As such, part of the new flank wall and roof of the proposed extension would be likely to be

visible from the nearest window of no.161 and it would enclose the eastern side of part of its garden. However, given the height of the proposal against the boundary, taken together with the effects of the existing boundary treatment and change in ground levels, its effect on the outlook from no.161 would not be overbearing.

5. Overall, the proposal would not cause harm to the living conditions of occupants of no.161 in terms of outlook. The proposal would comply with Policy DM10 of the Council's Core Strategy 2012 which requires, among other things, that developments have regard to the amenities of occupants and neighbours, including in terms of outlook, and with Policy D3 of the London Plan 2021 insofar as it requires appropriate outlook, privacy and amenity.

Other Matters

6. The proposal includes other alterations to the property to which the Council have raised no objection. This would include rendering over the existing brickwork at the front ground floor level which is a traditional characteristic of the street and matches the attached property. Nonetheless, having regard to the character and appearance of the street more generally, which includes a number of alterations and extensions to properties, overall the other alterations proposed are acceptable.

Conditions

7. The Council have set out conditions which it considers would be appropriate in the event that the appeal were allowed. I have considered these in light of the advice in the Planning Practice Guidance. In addition to the standard time limit condition, a condition is necessary to list the approved drawings to provide certainty to the parties. Given the provisions of London Plan Policy D12 and given the fire statement submitted with the appeal is in draft, a condition is necessary to secure details of final fire safety provisions. As materials are annotated on the approved plans it is not necessary to condition them further.

Conclusion

8. The proposal would comply with the development plan and the appeal is allowed.

C Shearing

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 'Location Plan', P.M.400 Rev.A, P.M.500 Rev.A, and P.M.600 Rev.A.
- 3) Prior to the commencement of development above the damp-proof course of the extension hereby approved, a Fire Safety Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include details of:
 - suitably positioned unobstructed outside space for fire appliances to be positioned on, and appropriate for use as an evacuation assembly point;
 - appropriate features which reduce the risk to life and risk of serious injury in the vent of a fire including fire alarm systems and passive and active fire safety measures;
 - construction means to minimise risk of fire spread
 - suitable and convenient means of escape, and associated evacuation strategy for all building users and a strategy for evacuation;
 - suitable access and equipment for firefighting which is appropriate to the development hereby approved.

Those details shall have regard to the relevant London Plan Fire Safety Guidance and the development shall be constructed and maintained in accordance with those approved details.

End of Schedule