



Appeal Decision

Site visit made on 20 February 2025

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2025

Appeal Ref: APP/Z5630/D/24/3351696

1 Warbank Lane, Kingston Upon Thames, KT2 7ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Nighat Bajwa against the decision of Council of the Royal Borough of Kingston upon Thames
 - The application Ref is 24/00837/HOU.
 - The development proposed is the erection of a single storey side and rear extension; renovation of an existing dwelling to include replacement of existing windows, internal alteration and all associated site and landscaping works with installation of 3nos bollards at entrance to site.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey side and rear extension; renovation of an existing dwelling to include replacement of existing windows, internal alteration and all associated site and landscaping works with installation of 3nos bollards at entrance to site at 1 Warbank Lane, Kingston Upon Thames, KT2 7ES in accordance with the terms of the application, Ref 24/00837/HOU, subject to the following 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 the following approved plans: 0548_PL_001; 0548_PL_002 RevA; 0548_PL_003; 548_PL_004 RevA; 0548_PL_005 RevA; 0548-PL-006 RevA; 0548-PL-007 RevA; & 0548-PL-008 RevA.
 3. The flat roof areas of the development to which this permission relates shall not be used as a roof garden, balcony, seating area or other similar amenity area, and shall not be accessed except for the purpose of maintenance or in the case of emergency.
 4. The development hereby approved must be carried out in accordance with the Fire Safety Statement dated 19.04.2024.

Main Issue

2. The main issue is effect of the proposal on the character and appearance of the host property and the locality.
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Reasons

Character and appearance

3. The appeal property is a relatively modern two-storey, dwelling with a steeply pitched roof including accommodation, on a corner plot at the junction of a quiet private cul-de-sac and a busy principal road. It sits, at right angles, on the end of a row of similar dwellings. The immediate and wider residential area with its mix of properties and gardens and green spaces has a pleasing established character and attractive ambiance. It is recognised as a Strategic Area of Special Character (SASC); a non-designated heritage asset. The proposal is as described above. It would be of a modern idiom and primarily use timber cladding and white render.
4. The Council is concerned that the design, materials and disposition of the planned works would be incongruous to the immediate and wider context and impinge upon the qualities of the SASC.
5. However, in terms of the detailed design of the appeal property, I would firstly say that there is no need for it to be in the same image as the others along Warbank Lane because it is at right angles and on the end with a corner plot; it thus does not read as visually inextricably linked. Having regard to the scale of the plot and the nature of other local buildings I would neither class the proposal as over-development nor unduly proximate to boundaries. To my mind materials have been thoughtfully selected and would not be jarring on the eye. The use of a mix of flat and pitched roofed finishes would be interesting if examined, but in any case, would for the most part be low-key and discreet in the wider scene. Furthermore, the 'forward' south facing element would be more consolidated with the principal dwelling than the pitched roof garage which was previously part of the domestic scene on this plot.
6. In all the circumstances the proposed development would not be harmful to the character and appearance of this property and its locality; the scheme would not represent inappropriate design for this context. There would be no harm or loss to the non-designated heritage asset.
7. Policy HC1 of the London Plan 2021 and Policies CS8 and DM10 of the Council's Core Strategy are relevant. Taken together, and amongst other matters, they seek well designed development, protective of heritage assets and their environmental context; appropriate to a site and its setting and of a suitable scale, appearance and character which would protect local distinctiveness. I conclude that the appeal scheme would not run contrary to these policies which mirror objectives embodied in the Council's Residential Design SPD 2013.

Conditions

8. The scheme should have the standard commencement condition. The Council suggests the requirement for intended external materials to be submitted but I see no need for this given the details within the application. I agree that there should be a condition that works are to be carried out in accordance with listed, approved, plans; to provide certainty. For reasons of safety, I would also agree that a condition relating to the Fire Safety

Strategy is applied. I concur that residential amenity for neighbours should be protected by restrictions on the use of the flat roof areas.

Overall conclusion

9. For the reasons given above I conclude that the appeal proposal would not have an unacceptable adverse effect on the character and appearance of the host property and the locality. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR