
Appeal Decision

Site visit made on 20 February 2025

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Appeal Ref: APP/Z5630/D/24/3356169

18 Agar Close, Tolworth, Kingston Upon Thames, KT6 7XF

- 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 Mr Lucien Dale against the decision of Council of the Royal Borough of Kingston upon Thames
 - The application Ref is 24/01230/HOU.
 - The development proposed is the erection of two storey side, single storey rear and front porch extension and the erection of new drop kerb.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two storey side, single storey rear and front porch extension and the erection of new drop kerb at 18 Agar Close, Tolworth, Kingston Upon Thames, KT6 7XF in accordance with the terms of the application, Ref 24/01230/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: 20184/00; /01; /02; /03; /04; /05; /06; /07; /10; /11; /12; /13; /14; /17; /19; /20; /21; & /24
 3. Notwithstanding the above list of approved plans the development hereby permitted shall not be occupied until fully detailed plans relating to the crossover and parking arrangements for the whole frontage have been submitted to and approved in writing by, the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and thereafter be retained at all times.
 4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 5. The development hereby approved must be carried out in accordance with the Newlake Architecture Fire Safety Statement D12.
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Main Issues

2. The main issues are effect of the proposal on a) the character and appearance of the host property and the locality; b) living conditions for neighbours; and c) pedestrian and highway safety.

Reasons

Character and appearance

3. The appeal property is a two-storey, end of terrace dwelling on an irregular shaped plot with an uncharacteristically large side garden. It is located in a neighbourhood of predominantly short terraces and semi-detached homes of traditional, unremarkable, character. The area is an established residential one and this mid to higher density suburban setting is of pleasant appearance. The proposal is as described above.
4. The Council is concerned that there would be impact upon the spaciousness of the plot with the scheme being out of keeping with the local layout and form and hence would be classed as alien.
5. As I note above, this plot, as with a very few others locally, has an additionally large side garden. To my mind the space would accommodate modest development without being jarring on the eye or looking out of place in the streetscene. With the strong proviso that any new built form is kept substantially away from boundaries, which in this case it would be, a development gap would still be read and there would not appear to be overuse of the plot. In design terms, the slight set-back of the addition, the lower ridge, its hipped roof form, and its matching window arrangement would all help make it appear comfortable in the scene. There would remain a sufficient visual break between its flank and the rear of the dwelling to the south which is nearly at right angles to prevent any sense of overdevelopment.
6. In all the circumstances the proposed changes would not be harmful to the character and appearance of this property and wider locality; the scheme would represent appropriate design for this context.
7. Policy D3 of the London Plan 2021 (LP) and Policies CS8 and DM10 of the Council's adopted LDF Core Strategy April 2012 (CS) are relevant. Taken together these call for, amongst other matters, well designed development, appropriate to its site and setting and of a suitable scale, appearance and character which would protect local distinctiveness and qualities of suburban properties. I conclude that the appeal scheme would not run contrary to these policies. It would also accord with the aesthetic objectives embodied in the Council's Residential Design SPD 2012 (SPD) albeit this document cannot be expected to cover every eventuality.

Living conditions

8. On this issue the Council is concerned that given scale and siting the scheme would visually dominate, being overbearing and cause loss of outlook when viewed from the rear garden area of No. 54 Fullers Avenue. It feels the scheme would also unduly impact the amenities of No. 58 similarly through visual dominance and loss of outlook as well as loss of privacy and overlooking.

9. No. 54 Fullers Avenue lies almost due south of the appeal proposal. Its rear elevation is angled away from being in a direct line and whilst not overly-large in length its rear garden has a substantial width. It also has a substantial clear-of-development outlook as it runs side-on to the road. The planned scheme would have a roof which was hipped away from this neighbour and the scheme as a whole would be set-in some appreciable distance off the shared boundary. In all the circumstances I would consider that this neighbouring garden would not be 'hemmed-in', whilst outlook would change to a degree, I am of the opinion that the new built structure would not be unduly dominant or overbearing.
- 10.No. 58 Fuller Avenue has a rear elevation which, at a degree of angle, faces the rear of the appeal property. Rear garden lengths are below the norm for the area but not insignificant in provision. Outlook from the neighbouring home is angled slightly away from the appeal property. Orientation is such that there would be very little impact upon sunlight. People in the rear garden of No. 58 would be aware of and see a larger home than presently exists but my assessment is that the arrangement would be such that there would be no undue dominance or impingement upon outlook because of separation distances, built scale and orientation. Furthermore, the internal layout and window arrangement (including obscure glazing) would be such that I do not see how loss of privacy or additional overlooking would be an issue for those in No. 58.
- 11.In summary, I would deem that this extension development would not materially impact on the amenity of neighbours.
- 12.LP Policy D3 and CS Policy DM10 both seek to secure development which would not be unduly harmful to residential amenity. Given the above I conclude that the proposal would not conflict with this policy aim of protecting living conditions.

Pedestrian and highway safety

- 13.The Council is concerned that insufficient information was included with the application in respect of the proposed vehicle crossover thus risk would pervade to highway and pedestrian safety. I entirely take the point. However, given there are no inherent unusual factors relating to this stretch of road and footway I would deem it to be a matter which could be satisfactorily dealt with by a planning condition. Via this course of action I would conclude that there would be no conflict with the relevant safety related elements of LP Policy T4f and CS Policies DM8 and DM10.

Conditions

- 14.The Council suggests the standard commencement condition along with the requirement for materials to match the existing building. I would agree with the latter in the interests of visual amenity. I also 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, a condition relating to the Appellant's Fire Safety Strategy should be applied. Submission of further details of the crossover and parking arrangements are, as suggested by the Appellant, also a justified requirement in the interests of highway and pedestrian safety.

Other matters

15. I am cognisant of the dismissed appeal decision reference

APP/Z5630/W/22/3295719, dated 14 November 2022. However, I am satisfied that my decision need not follow that outcome because I am dealing with an extension and not a new dwelling; less massing and ground coverage; a different window arrangement; and varied parking arrangements and requirements.

16. I confirm that policies in the National Planning Policy Framework have been considered; the development plan policies which I cite mirror these.

Overall conclusion

17. 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, on living conditions for neighbours, or on pedestrian and highway safety. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR