

Appeal Decision

Site visit made on 20 February 2025

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2025

Appeal Ref: APP/Z5630/D/24/3358022

160 Elmbridge Avenue, Surbiton, KT5 9HF

- 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 Jananee Duggal against the decision of Council of the Royal Borough of Kingston upon Thames
 - The application Ref is 24/02003/HOU.
 - The development proposed is the demolition of garage and erection of two storey side and single storey rear extensions with internal alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's Decision Notice refers to a Roof Terrace and underlines concerns over this. "Roof terrace", at the highest level, does feature on the submitted plans but is not in the application description and the Appellant's appeal statement explains that such a facility is not intended nor very practical. Given the Appellant's stance on this feature, and an ability for me to apply nullifying conditions if relevant, then I need not consider it below.

Main Issues

3. The main issues are effect of the proposal on a) the character and appearance of the host property and the locality and b) living conditions for neighbours.

Reasons

Character and appearance

4. The appeal property is a two-storey flat roofed semi-detached home of attractive proportions, façade and overall design on a rectangular plot within a street of comparable properties. The wider residential area has a mix of properties and with striking flat roofed broadly similar homes in this locality. These, along with gardens and green spaces results in a very pleasing established character and a most attractive ambiance. It is recognised as a Local Area of Special Character (LASC); a non-designated heritage asset. The proposal is as described above.
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5. In carefully considering the Appellant's case for the scheme I simply do not agree with the Appellant that the 'square design' of the appeal property would mean that it would be more suitable for a side extension aligning with the front elevation rather than being set-back. In general terms, setting back a side extension reduces a terracing effect, retains an air of openness and allows the original dwelling to be read as the principal entity. In the case before me I would place considerable importance on these three matters as one tries to protect the architectural quality of the property and the aesthetic merits of this neighbourhood. There is the further point of the appeal property being read as part of a semi-detached pair. To my mind the planned scheme would be overly bulky in its forward position, appear excessive and be visually ill-at-ease within this interesting and attractive stretch of street. It would lack the necessary sense of subtlety.
6. In all the circumstances the proposed development would be harmful to the character and appearance of this property and its locality; the scheme would represent inappropriate design for this context. There would harm to the non-designated heritage asset and no public or sufficient private gain to outweigh this.
7. Policy HC1 of the London Plan 2021 (LP) and Policies CS8, DM10 and DM12 of the Council's Core Strategy (CS) 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 run contrary to these policies which also mirror objectives embodied in the Council's Residential Design SPD 2013 (SPD) albeit I do recognise that this document cannot be expected to cover every eventuality.

Living conditions

8. A single storey rear extension of modest scale would, in general, neither be out of character for the area or unduly intrusive to neighbours. Regrettably, in this instance, the proposed rear extension would, given its positioning effectively on the side boundary and its depth, be too high. The form of the extension, the continuation of internal floor levels and the external ground levels all conspire to create a planned structure which would simply be too bulky relative neighbouring outdoor space and nearby principal fenestration. The structure would create an overbearing uncomfortable feeling and a sense of undue and over-proximate blinkering.
9. LP Policy D3 and CS Policy DM10 both seek to secure development which would protect living conditions for neighbours, as does the SPD. I conclude that the appeal scheme would conflict with these policies as well as the SPD in this regard.

Other matters

10. I understand the Appellant's wish to modernise and increase the extent of accommodation at this property. I can see that some thought has been given to seeking simplicity of design, matching fenestration and selection of external finishes. I have considered other extensions drawn to my attention and also those I observed locally but found none to be directly comparable given scale, positioning and context. In any event I must assess this case on its own

merits. I note the reference to the nearby 1999 Planning Permission (19/02106/HOU) but notwithstanding the Council's decision at that time, I would not choose to use that scheme as a benchmark for good design or a precedent which should be followed. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issues identified above.

11. I confirm that policies in the National Planning Policy Framework have been considered. Key objectives of the document are to safeguard qualities of the built environment and residential amenity and the development plan policies which I cite mirror these.

Overall conclusion

12. For the reasons given above I conclude that the appeal proposal would have an unacceptable adverse effect on the character and appearance of the host property and the locality as well as on living conditions for neighbours. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR