



Appeal Decision

Site visit made on 01 April 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2025

Appeal Ref: APP/Z5630/D/24/3353603

44 Old London Road, Kingston upon Thames KT2 6QF

- 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 Isam Naom against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 24/00272/FUL.
 - The development proposed is described as “proposed raised height roof extension to create a storage space on top of a store ground level.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council’s reason for refusal refers to plant and equipment. This is not shown on the proposed plans. I have determined the application on the basis of what has been applied for.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of the first floor flat at 44 Old London Road with regard to outlook.

Reasons

4. The appeal site is a 3-storey mid terraced property which comprises a commercial unit to the ground floor and residential accommodation to the first and second floors. The pitched roof to the rear storage area is visible from the rear window to the first floor flat. At my site visit I observed that this results in compromised outlook from this bedroom window.
5. The proposal would raise the roof height of the rear extension to enable use as storage space by the commercial unit. The proposal would bring the roof slope closer to the rear window to the first floor flat. In combination the height and siting of the extension would further compromise the already restricted outlook from this window, creating an unwelcomed sense of enclosure to the room which this window serves, making it an unpleasant space within which to spend time, to the detriment of the occupants’ living conditions. This would not be negated by the south-facing aspect of the window or the size of the opening.
6. For the above reasons I find that the proposal would harm the living conditions of the occupiers of the first floor flat at 44 Old London Road. It therefore conflicts with those aims of Policy DM10 of the Kingston Core Strategy (2012) which require that

proposals have regard to the amenities of occupants and neighbours, including in terms of outlook.

Other Matters

7. The Council raised no objections to the proposal on grounds of highway safety or the effect of the proposal on the character and appearance of the area, and, based on the information before me, I see no reason to take a different view. Nonetheless, compliance with the relevant development plan policies on these matters would be required in any case. Therefore, these matters weigh neutrally, rather than in favour of the proposal.
8. It is stated that the appeal proposal would make better use of the building. However, there is no suggestion that the appeal proposal is the only way of achieving these improvements, and in any case, this would not outweigh the harm that I have identified to the living conditions of the occupiers of the first floor flat.

Conclusion

9. For the reasons given above the appeal should be dismissed.

N Robinson

INSPECTOR