



Appeal Decision

Site visit made on 9 May 2025

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/Z5630/D/25/3362256

37 Somerset Close, New Malden, Kingston Upon Thames KT3 5RG

- 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 Ms Bertha Otoo against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref is 24/03038/HOU.
 - The development is retention of single storey part rear flat roof canopy.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (i) the character and appearance of the host dwelling and surrounding area, and (ii) the living conditions for occupiers of the property.

Reasons

Character and appearance

3. Somerset Close is made up of predominately semi-detached dwellings with similar design and appearance to the appeal property. I understand that the appeal property has previously been extended to the rear under planning permission Ref: 20/03220/HOU.
4. The development comprises a flat roof canopy that has been attached to the extended part of the dwelling to the rear, as well as to what was previously a separate outbuilding. The canopy structure projects around 3.7 metres further back into the garden area from the extension approved under Ref: 20/03220/HOU. The development has been completed and is, therefore, retrospective; I have assessed the appeal on this basis.
5. The character and appearance of the host dwelling to the rear, including previous extension, comprises a pebble dash render finish. The outbuilding part of the development has an exposed brick appearance, parts of which have been painted white. These styles are consistent with the prevailing character of buildings in the area including on nearby adjacent properties along Somerset Close. In contrast, the canopy is made from a mainly wooden frame that has been bolted on and set into the brick-built structures on the site. This mix of materials results in a notably

discordant and incoherent appearing development that does not integrate successfully with the prevailing appearance of the host dwelling or character of surrounding properties.

6. Reference has been made to an extension at No 41 Somerset Close as providing a precedent for the development subject to this appeal. I am also aware that other properties along the road have had planning permissions for single storey rear extensions. However, based on the limited information available and my observations from my site inspection, these other extensions including at No 41 are notably different from the appeal development in terms of their appearance, form and size. The extension at No 41, for example, is an enclosed brick-built extension with a depth of around 3 metres that integrates well with its host dwelling.
7. In contrast, the development appears as an overly large and out of proportion addition within its plot due to its excessive width and depth and discordant materials. As such, the development has resulted in a structure that is incongruous and not in-keeping with the pattern of development that prevails to the rear of properties along Somerset Close. The extension to No 41, therefore, does not provide any justification for the harm identified to the character and appearance of the appeal property and how it appears in the context of the area.
8. I also acknowledge that the development provides for additional functional outdoor covered space for use by the occupants of the dwelling. Notwithstanding this, the development is still required to appear as a cohesive and well-designed addition to the property. This is not achieved in this case due to the incoherent design, which is at odds with the prevailing character of the host property and wider area.
9. For the reasons stated, the development does not accord with Policy D3 of the London Plan 2021 (LP) and Policy DM10 of the Kingston Upon Thames Core Strategy 2012 (CS), which require development to enhance local context by delivering buildings and spaces that positively respond to local distinctiveness and recognise local features. The development also does not meet the requirements of Paragraph 135 of the National Planning Policy Framework (the Framework) for development to be sympathetic to local character.

Living conditions

10. The canopy has a solid roof that does not enable daylight to penetrate through it and into the rear parts of the dwelling's ground floor. Whilst the end section of the development is open, it does not provide for any materially significant levels of daylight to the ground floor of the dwelling due to the depth of the development, which when combined with the previous extension results in a covered section of over 6 metres in depth.
11. I acknowledge the appellant's point that this is less of an issue for the kitchen, which is not usually deemed to be a habitable room for the purposes of considering daylight. However, the room shown as being a dining room on the plans is a habitable space where existing and future occupants would expect to be served by adequate levels of daylight to avoid any adverse impacts on their living conditions. As observed on my site inspection, the solid roof design and overall scale and depth of the development has the effect of significantly and unacceptably restricting levels of daylight to anyone wishing to use that room.

12. For these reasons, the proposal does not accord with Policy D3 of the LP and Policy DM10 of the CS, which require development to deliver appropriate amenity and have regard to the amenities of occupants. The proposal also does not meet the requirements of Paragraph 135 of the Framework, which requires development to achieve a high standard of amenity for existing and future users.

Other Matters

13. I note the appellant has offered to modify the proposal to address any specific concerns. However, I can only make my decision based on the plans before me and any modifications will be a matter for the appellant to discuss with the Council as part of a separate and fresh planning application process outside of this appeal.

Conclusion

14. For the reasons set out, the development harms the character and appearance of the host dwelling and surrounding area as well as the living conditions of its occupants in conflict with the development plan. There are no material considerations before me that outweigh the conflict with the Development Plan. Therefore, for the reasons given, the appeal is dismissed.

N Perrins

INSPECTOR