



Appeal Decision

Site visit made on 9 May 2025

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 June 2025

Appeal Ref: APP/Z5630/D/25/3362334

45 Wingfield Road, Kingston Upon Thames KT2 5LR

- 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 Kyla Cranmer against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref is 24/02530/HOU.
 - The development proposed is demolition of an existing rear conservatory, extension and dormers, erection of a single storey rear extension. Hip to gable roof extension with rear dormer and installation of 2 nos front and 2 nos rear rooflights.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing rear conservatory, extension and dormers, erection of a single storey rear extension, hip to gable roof extension with rear dormer and installation of 2 nos front and 2 nos rear rooflights at 45 Wingfield Road, Kingston Upon Thames KT2 5LR in accordance with the terms of the application, Ref 24/02530/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: (i) Location Plan and Block Plan Drawing No. 021/PL01 (received 31 October 2024), (ii) Existing and Proposed Site Plan Drawing No. 021/PL02 (received 31 October 2024), (iii) Proposed Floor Plans Drawing No. 021/PL05 (received 31 October 2024), and (iv) Proposed Elevations Drawing No. 021/PL06 (received 31 October 2024).
 - 3) The development to which this permission relates shall be carried out in accordance with the materials specified on the application form unless otherwise agreed in writing by the local planning authority.
 - 4) Prior to the beneficial occupation of the development to which this permission relates, any windows inserted at first floor level and above in the northwestern elevation shall be constructed so that no part of the framework less than 1.7m above finished first floor level shall be openable. Any part of the framework below that level shall be fitted with and permanently retained in obscure glazing to a minimum level 3 on the standard scale. Any film used to achieve the

requisite obscurity level shall be non-perishable, tamper proof, and shall be replaced immediately in the event that it ceases to result in obscurity level 3.

- 5) The development must be carried out in accordance with the provisions of the Fire Safety Statement submitted on 31 October 2024 unless otherwise approved in writing by the Local Planning Authority.

Preliminary Matter

2. In the header above I have used the description of development set out on the Council's decision notice as it more accurately reflects the proposal before me.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the neighbouring property No 47 Wingfield Road.

Reasons

4. The appeal property is a semi-detached dwelling. The character of Wingfield Road is residential made up of predominately semi-detached dwellings with frontage parking and long rear garden areas.
5. The appeal proposal would replace an existing rear conservatory with a new single storey rear extension, a new rear dormer, new and altered windows and other fenestration changes. There is no dispute between the parties over the acceptability of the rear dormer, windows or general changes to the fenestration. The sole matter in dispute is whether the single storey rear extension would be overbearing to the neighbouring property No 47.
6. The total depth of the proposal would be around 6 metres, which would be around 1.8 metres more than the existing rear extension. The proposed single storey rear extension would be sited tight along the boundary with No 47. It would have a height of around 2.5m to eaves with a shallow pitched roof that would slope away from the shared boundary.
7. Whilst the proposal would likely be visible from No 47, the design incorporates features that would help to reduce the perceived bulk of the proposal with its central pitch and eaves height to 2.5m along the boundary. The gardens to the rear of properties along Wingfield Road are also long and provide considerable and spacious areas of outdoor space for residents to enjoy. The vast majority of the rear garden area would, therefore, be unaffected by the proposal as it extends significantly further back and beyond to where the rear building line would extend to.
8. Moreover, as I observed on my site inspection, there is extensive vegetation on the common boundary with No 47 along the section where the extension would project to. This vegetation as it exists today would provide effective screening for the proposed development to the extent it would not be prominently visible to the immediately adjacent parts of No 47. Even if this vegetation were to be reduced in the future, I am satisfied that the design approach used to restrict height on the common boundary to 2.5m, combined with the extent of unaffected rear amenity space, would ensure that there would not be a materially adverse overbearing impact to No 47.

9. I have had regard to the Council's Residential Design Supplementary Planning Document 2013 (SPD), which whilst not part of the development plan provides guidance to assist decision making. I note that the existing extension already exceeds the guidance for rear extensions as set out in Policy Guidance 33 in terms of length and exists without causing any adverse impacts on neighbouring amenity. The SPD also advises at Paragraph 4.16 that proposals for rear extensions will be appraised depending on the individual circumstances of the site. When taking into account the site-specific circumstances in this case as set out above, I find that the proposal would not be unacceptably overbearing and would maintain a good level of amenity for the neighbouring residents. As such, the proposal is consistent with the SPD's aims for protecting neighbouring amenity.
10. To conclude, and for the reasons stated, the proposed development accords with Policy D3 of the London Plan 2021 and Policy DM10 of the Kingston Upon Thames Core Strategy 2012, which requires along with other matters for development to have regard to the amenities of neighbours. The proposal would also not materially conflict with the guidance in the Council's SPD and the requirements of Paragraph 135 of the National Planning Policy Framework in respect of amenity for existing and future users.

Conditions

11. I have considered the suggested conditions by the appellant and the Council having regard to paragraph 57 of the Framework and Planning Practice Guidance. I agree with the Council that a condition imposing the standard time limit is necessary for clarity. I also agree that conditions are needed to list the approved plans and control materials to be clear on what has been approved and ensure the character of the area is preserved.
12. I also agree with the Council's suggested condition to limit the extent to which windows on the northwest elevation at first floor level can be opened as well as to require obscure glazing. This is a necessary condition to safeguard the privacy and amenity of the neighbouring property. I have made a slight amendment to make clear that the finished floor level referred to in the condition relates to the first floor.
13. Similarly, the Council's condition to require the development to be built in accordance with the submitted Fire Management Strategy is necessary to accord with the safety measures set out in Policy D12 of the London Plan 2021.

Conclusion

14. For the reasons given above and considering all matters raised, I conclude that the development accords with the development plan and the appeal is allowed.

N Perrins

INSPECTOR