



Appeal Decision

Site visit made on 19 May 2025 by R Pankhurst

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025

Appeal Ref: APP/Z5630/D/25/3359422

156 Somerset Avenue, Kingston Upon Thames, Chessington, KT9 1PR

- 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 Humzha Memon against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 24/02020/HOU.
 - The development proposed is loft conversion with rear dormer and raising of existing flat roof area on main roof with two rooflights to front roof.
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Decision

1. The appeal is allowed and planning permission is granted for loft conversion with rear dormer and raising of existing flat roof area with two rooflights to front roof at 156 Somerset Avenue, Kingston Upon Thames, Chessington, KT9 1PR in accordance with the terms of the application, Ref 24/02020/HOU, and subject to the conditions set out in the following Schedule.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and surrounding area.

Reasons for the Recommendation

4. The appeal property is a two-storey semi-detached dwelling with a side and rear extension, bay windows and a hipped roof. Somerset Avenue is characterised by pairs of semi-detached properties, however there is variation and asymmetry in the design of pairs as some have been altered and extended to the side and rear.
5. The proposal would see the ridge of the existing side extension raised, along with the flat roof section so that it would align with the flat roof of the proposed rear dormer. Views of the raised flat roof would be limited when directly facing the property due to the raised ridge on the side extension. It would be visible through the characteristic gap between pairs of properties along Somerset Avenue, however, only a small part would be visible. Given that various properties along Somerset Avenue have made larger and more visible alterations to their roofs, the proposal would not appear incongruous or be out of keeping with the character of the area.

6. While the proposal would increase the bulk of the appeal property, it would not be a significant increase given the existing side extension. It would not change the characteristic features of the hipped roof and bay windows which would still remain the dominant features of the house. In addition, all materials used would match the existing, which would help the development harmonise with the host property. When viewed within this context, I find the proposed development would not result in harm to the character of the host property or the surrounding area.
7. The council refer to Policy 39 of the Residential Design SPD (adopted 2013) which sets out criteria designed to help make sure dormers do not dominate but instead complement the original design of the house, in particular the roof form. The proposed dormer would not fully adhere to the guidance, but because it would be tucked in between the main roof and that of the extension, it would not dominate the form of the existing hipped roof and would be less visible than some other examples of dormers along Somerset Avenue which do look at odds with the original roof form. Consequently, deviating from the guidance in this case would not result in harm, and does not justify refusing permission.
8. Therefore, the proposal would not harm the character and appearance of the host property or the surrounding area and would therefore not conflict with Policies CS8 and DM10 of the Core Strategy (adopted 2012) or Policy D3 of the London Plan (adopted 2021) which require development to relate well to its surroundings and respect the character and local distinctiveness of the area.

Other Matters

9. The adjoining neighbours also have a rear dormer and the proposed dormer would be set into the roof of the appeal property at a similar level. The proposed increase in the height of the existing flat roof would be marginal and given the bulk of the existing roof, the additional massing from the dormer unlikely to have a significant effect on the outlook from No 154. Furthermore, the existing two storey rear extension would limit the views of the proposed dormer from 158 Somerset Avenue in addition to the fact there is some distance either side of the shared boundary. To this extent, the proposal would not harm the living conditions of occupiers of neighbouring properties in terms of outlook.
10. The existing windows on the side elevation of the appeal property are high level windows and therefore maintain the neighbours' privacy. The proposal would not include any additional windows on the side elevation. In addition, the positioning of the proposed two rooflights at the front and a flat roof light at the rear would not provide direct views into neighbouring properties. Many of the rear gardens along Somerset Avenue already experience a degree of overlooking from first floor windows and rear dormers. The proposed rear dormer would incorporate a Juliet balcony, so would effectively be a large window as it would not be possible to sit or stand on the balcony. This would not therefore lead to a significant increase in overlooking compared with the existing situation. Consequently, the proposal would not result in harm to the living conditions of neighbours with regard to privacy.
11. Any noise and disturbance during the construction would be for a temporary period only, therefore while I appreciate that it could cause annoyance for neighbours during that time, the relatively small scale of the works does not justify securing control over construction methods by condition.

12. I note concerns raised regarding the proposal being built in accordance with approved plans, however compliance with the plans can be secured by a condition. If the appellant then fails to do so, the Council could take enforcement action. Similarly, the proposal would have to be built in accordance with the Building Regulations or again enforcement action could be sought by the Council.
13. An interested party has also raised concerns about potential damage to neighbouring properties and subsidence during the construction period. However, this would be a civil matter, so does not fall within the remit of what I can consider in this planning appeal.
14. Therefore, while I appreciate the concerns raised, these matters carry very limited weight and do not justify refusing planning permission.

Conditions

15. In addition to the condition referred to above, I recommend a condition in relation to commencement of development. A condition regarding external materials is also necessary to safeguard the character and appearance of the area.
16. The Council has suggested a condition relating to the submission of a Fire Safety Strategy, which is necessary for fire safety reasons having regard to London Plan policy D12. However, the trigger suggested was that the details be submitted prior to any above-ground works. As all of the proposed works are at roof level, that would effectively be a pre-commencement condition, which has not been demonstrated to be reasonable. Therefore, to ensure that it meets the tests set out in the National Planning Policy Framework, I have reworded the trigger for details of the Strategy to be submitted prior to occupation of the proposed second floor. From the existing loft plan provided it does not look like this space is currently a habitable room, therefore the first use of this as accommodation would be a precise and enforceable trigger.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

R Pankhurst

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation. On that basis the appeal is allowed subject to the conditions in the Schedule below.

L McKay

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no 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: Plan A-156SAKT9PP-09, Plan A-56SAKT9PP-10, Plan A-156SAKT9PP-11, Plan A-156SAKT9PP-12, Plan A-156SAKT9PP-13, Plan A-156SAKT9PP-14, Plan A-156SAKT9PP-15, Plan A-156SAKT9PP-16, Plan A-156SAKT9PP-17.
- 3) 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.
- 4) The second floor accommodation created as a result of the development hereby permitted, as shown on drawing 156SAKT9PP-10, shall not be brought into use until a Fire Safety Strategy has been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. The Fire Safety Strategy shall demonstrate how the development will achieve the highest standards of fire safety and shall include the following details:
 - a) Suitably positioned outside space for the fire appliances/an evacuation assembly point;
 - b) Appropriate fire alarm systems;
 - c) Passive and active fire safety measures;
 - d) Appropriate construction details to minimise the risk of the fire spread;
 - e) Provision of suitable access and convenient means of escape/an evacuation strategy;
 - f) Provision of suitable access and equipment for firefighting which is appropriate for the size and use of the development.

The Fire Safety Strategy shall also include a statement of competence. The measures set out in the approved Strategy shall thereafter be maintained and retained at all times.

The required Fire Safety Strategy shall reference the London Plan Guidance Fire Safety (February 2022) where applicable and a Reasonable Exception Statement shall be submitted in relation to those fire safety requirements which the applicant does not consider to be relevant.