
Appeal Decision

Site visit made on 19 November 2025

by **E Everitt BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 December 2025

Appeal Ref: APP/Z5630/W/25/3372537

26 Westbury Road, Kingston Upon Thames KT3 5BE

- 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 Stern against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 25/01471/FUL.
 - The development proposed is described on the application form as “erection of a single storey ground floor rear extension”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises demolition of outbuilding and erection of single storey rear extension. The Council dealt with the proposal on that basis and so shall I.
3. I observed on site that the outbuilding has been demolished. The timing of the demolition of the outbuilding is disputed between the parties. However, the Council does not object to the demolition. Based on the plans before me, I have no reason to disagree with that finding.

Main Issue

4. The main issue is the effect of the proposed extension on the living conditions of the occupants of 24 Westbury Road, with particular regard to daylight and sunlight.

Reasons

5. The appeal site comprises a 2 storey property which has been subdivided into 2 flats. The site is located within an area which is predominantly residential in character and includes a variety of architectural styles and property sizes. A number of properties in the surrounding area have been altered from their original form, including through rear extensions.
6. The plans before me demonstrate that the proposed rear extension would not be located within 45 degrees of the kitchen window at the rear of No 24 on plan. The appellant refers to a further plan, PR-S001, which is suggested to demonstrate this on elevation. This plan is not before me.

7. Notwithstanding this, there is a further window at the rear of No 24 which is located closer to the appeal property. The appellant asserts that the proposed development would not be within 45 degrees of this closer window, which serves a dining room, and that daylight and sunlight entering the window would not be impacted due to the north-facing nature of the garden. However, there are discrepancies between the plans before me in terms of orientation, with some indicating the garden broadly faces north and others indicating it faces south-west. Moreover, there is no technical evidence before me which demonstrates that the proposed development would not adversely impact the daylight and sunlight entering the dining room window of No 24. In the absence of clear plans or such technical evidence, it is not clear that the extension would not cause harm.
8. The appellant has put to me that rear extensions are commonplace in the densely developed surrounding area and that, as the proposal is modest in size, it should be considered acceptable. This comment is made with reference to guidance on the size of extensions which are generally acceptable provided within the Council's Residential Design Supplementary Planning Document (SPD). This SPD is not before me. I also do not have sufficient details of nearby extensions to draw any meaningful comparisons with the appeal proposal. In any event, each proposal must be considered on its own individual circumstances. Therefore, the presence of other rear extensions in the surrounding area and the guidance within the SPD, as summarised by the appellant, do not lead me to an alternative conclusion on this main issue.
9. Taking account of the above, I conclude that the proposed extension would have a harmful effect on the living conditions of the occupants of 24 Westbury Road, with particular regard to daylight and sunlight. As such, the proposal is contrary to the relevant provisions of Policy DM10 of the Royal Borough of Kingston Upon Thames Local Development Framework Core Strategy 2012 and Policy D3 of the London Plan 2021. In summary, these policies seek development which has regard to the amenities of occupants and neighbours, including in terms of sunlight and daylight, and achieves indoor environments that are comfortable and inviting for people to use.

Other Matters

10. I appreciate the frustrations of the appellant regarding matters raised by third parties which relate to the use of the appeal property rather than the development proposed. Nevertheless, I have reviewed the information before me and have assessed the appeal on the basis of the appeal proposal. The representations do not lead me to an alternative conclusion on the main issue.

Conclusion

11. For the reasons given above, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

E Everitt

INSPECTOR