



Appeal Decision

Site visit made on 27 November 2025

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

an Inspector appointed by the Secretary of State

Decision date: 17 December 2025

Appeal Ref: APP/Z5630/D/25/3374331

3 Chessington Hill Park, Chessington KT9 2BJ

- 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 Robert Mierzwa against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 25/01248/HOU.
 - The development proposed is a side return extension with a rear extension that extends into the back garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, some construction work was underway. Regardless of what has been constructed to date, my assessment is based on the plans before me.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 5 Chessington Hill Park, with particular regard to daylight and sunlight.

Reasons

4. The appeal property is a 2 storey end-of-terrace dwelling located within a residential area. The surrounding area comprises a mix of property styles and sizes, built at varying densities. A number of nearby properties have been altered from their original form, including through side and rear extensions.
5. The Council does not object to the proposed side extension. Based on the plans before me and my observations on site, I have no reason to disagree with that finding.
6. However, the proposed development includes a 4.0m extension to the rear of the appeal property extending to the shared boundary with No 5, at a height of 3.0m. From the plans before me, it is evident that built form would be located within 45 degrees of the closest ground floor habitable room windows at No 5, in this instance being patio doors, on elevation and on plan. No technical evidence has been submitted to demonstrate that this would not reduce the daylight and sunlight entering the windows. Therefore, from the evidence before me, I consider it likely

that the proposed development would have a harmful adverse impact upon the daylight and sunlight entering the closest rear ground floor windows of No 5.

7. The appellant has brought to my attention an application for a Certificate of Lawful Development for a proposed rear extension at No 5. However, I have limited details of the application before me and have not been provided with its outcome. Moreover, I cannot be certain that such an extension would be implemented. As such, this matter does not lead me to an alternative conclusion on this main issue.
8. Taking the above into account, I conclude that the proposed development would have a harmful effect on the living conditions of the occupiers of 5 Chessington Hill Park, with particular regard to daylight and sunlight. As such, the proposed development does not accord with 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. These policies, in summary, seek development which delivers appropriate outlook, privacy and amenity and has regard to the amenities of occupants and neighbours, including in terms of sunlight and daylight.

Other Matters

9. I am aware that several properties in the surrounding area have been extended to the rear. However, each proposal must be considered on the basis of its own individual circumstances, as I have done with this appeal. Therefore, this matter does not lead me to an alternative conclusion on the main issue.
10. I acknowledge that the Council does not object to the proposed development in character and appearance terms and that the appeal property is neither locally listed nor located within a Conservation Area. Nevertheless, these matters do not lead me to an alternative conclusion on the main issues.
11. No objections were received from neighbours in response to the application. However, this matter is a neutral factor in my decision, as it does not in itself indicate a lack of harm.

Conclusion

12. 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