



Appeal Decision

Site visit made on 3 December 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/25/3374210 142 Bridge Road, Chessington KT9 2EY

- 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 Mansour Haydari against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 25/01805/HOU.
 - The development proposed is described on the application form as “retrospective application for the erection of a granny annex located at the rear of the garden”.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a granny annex located at the rear of the garden at 142 Bridge Road, Chessington KT9 2EY in accordance with the terms of the application, Ref 25/01805/HOU, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos 01 Rev A Location Plan, 11 Rev A Proposed Block Plan, 101 Rev A Proposed Annex Floor Plan, 102 Rev A Proposed Annex Roof Plan, 103 Rev A Annex Front & West Side Elevations and 103 Rev A Annex Rear & East Side Elevations.
 - 2) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan nos 103 Rev A Annex Front & West Side Elevations, 103 Rev A Annex Rear & East Side Elevations.
 - 3) The building hereby permitted shall not be used other than as part of the dwelling known as 142 Bridge Road.

Preliminary Matters

2. The application form states that the development was started in May 2025. At the time of my site visit, some construction had taken place and the structure was in use, albeit the exterior was not complete. Whilst the development is partially implemented, my assessment is based on the plans before me.
3. References to “retrospective” and “application” in the description of development on the application form are not forms of development. I have, therefore, amended the description in my decision to remove words not relating to acts of development.

Main Issues

4. The main issues are:

- whether the proposed development is tantamount to a self-contained dwelling; and
- the effect of the proposed development on the living conditions of the occupiers of 140 and 144 Bridge Road and 143, 145 and 147 Compton Crescent, with particular regard to noise.

Reasons

Whether or not a self-contained dwelling

5. The appeal proposal comprises a new single-storey structure located at the rear of the garden of the appeal property. It is physically separate from the main house. It is set out within the appellant's submission that the structure, referred to by the appellant as a granny annex, is solely for family use and will remain part of the main house.
6. The structure provides facilities to support day-to-day living, including kitchen and bathroom facilities. Notwithstanding this, there is no proposal for a separate dwelling before me.
7. There is no evidence before me to suggest that the structure is intended to be anything other than an annex, having regard to the location close to the main house, the familial relationship between the occupiers and the shared garden space, access and parking.
8. Furthermore, from the plans before me and my observations on site, it is evident that the layout of the plot, with access available only via the main house or side gate, limits the potential for subdivision. In this regard, the risk of subdivision with access to the annex via the rear of the garden alleged by the Council is unfounded.
9. Nevertheless, a suitably worded condition would provide certainty that the annex remains part of the main house.
10. For these reasons, I conclude that the annex would not be occupied as a separate self-contained dwelling. In this regard, the proposal accords with the relevant provisions of Policy DM10 of the Royal Borough of Kingston Upon Thames Local Development Framework Core Strategy 2012 (Core Strategy). Amongst other matters, this policy seeks development which respects and maintains the prevailing development typology, including occupancy.
11. Refusal reason 1 on the Council's decision notice also refers to Policy DM11 of the Core Strategy and Policy D3 of the London Plan 2021. However, these policies relate to matters of character and design which are not matters in dispute between the parties. As such, I find no conflict with Policies DM11 and D3 in relation to this main issue.

Living conditions

12. Reason refusal 2 on the Council's decision notice refers to the potential for noise disturbance to neighbours as a result of users of the annex accessing communal

facilities provided within the main house. By reason of the familial relationship between the occupiers, there would be travel between the buildings. However, the annex provides facilities for day-to-day living, thereby limiting the frequency of travel between the buildings.

13. In this context, the noise generated is unlikely to differ significantly from that resulting from other structures commonly found in residential gardens, such as home offices, being accessed. Consequently, it is unlikely to be unacceptable within a residential setting, such as the environs of the appeal property.
14. The impact on the living conditions of the occupiers of neighbouring properties would differ taking into account physical proximity to the entrance to the building and the screening which would be provided by the building itself. In this regard, the potential for harm to the living conditions on occupiers of 143, 145 and 147 Compton Crescent is particularly limited.
15. The Council's report on the application also refers to noise and disturbance concerns in a context where the building is occupied as a self-contained dwelling. I have reasoned above why I am satisfied that the annex would not be occupied as a separate self-contained dwelling. Therefore, this matter does not lead me to an alternative conclusion on this main issue.
16. Taking account of the above, I conclude that the development would not have a harmful effect on the living conditions of the occupiers of 140 and 144 Bridge Road and 143, 145 and 147 Compton Crescent, with particular regard to noise. As such, the proposal complies with the relevant provisions of Policy DM10 of the Core Strategy and Policy D3 of the London Plan 2021. These policies, among other matters, seek development to have regard to the amenities of neighbours, including in terms of noise and disturbance, and deliver appropriate outlook, privacy and amenity.
17. Refusal reason 2 on the Council's decision notice also refers to Policy CS8 of the Core Strategy. However, this policy relates to matters of character, design and heritage which are not matters in dispute between the parties. Accordingly, I find no conflict with Policy CS8 in relation to this main issue.

Other Matters

18. I am aware of the concerns that a neighbour raises in terms of the height and siting of the structure. However, I observed on site that, while the structure is taller than the existing fencing bordering the appeal property, it does not appear incongruous in the context of structures in neighbouring gardens. In addition, while the roof extends close to the boundary fencing it does not overhang the fencing and so it is reasonable to expect that the fencing could be maintained and replaced as required.
19. Regarding concerns raised about impacts upon privacy and the level of daylight and sunlight entering neighbouring properties, I do not consider that proposed development would result in significant harm due to its siting at the rear of the garden. I note that the Council does not raise objections with regard to the scale, form, bulk, height, massing, spacing or design of the development or its impact on privacy, outlook or the levels of sunlight reaching neighbouring properties either. As such, these matters do not lead me to an alternative conclusion on the main issues.

20. Reference is made within the neighbour's submission to the development exceeding height restrictions imposed on development undertaken using permitted development rights. Nevertheless, the scheme before me is a planning application. This matter does not, therefore, lead me to an alternative conclusion on the main issues.
21. I note the concerns raised regarding water and sewage connections. However, I observed on site that the structure, including its kitchen and bathroom is in use. There is, therefore, no reason to suggest that water and sewage connections have not already been established.
22. With regard to the occupancy of the annex, there is no enforceable mechanism to limit the number of occupiers. However, as I have reasoned above, I am satisfied that the annex is to be used in connection with the main property only. A condition to this effect provides certainty of this. Accordingly, this matter does not lead me to an alternative conclusion on the main issues.

Conditions

23. The Council has suggested a set of conditions in the event that the appeal is allowed. In imposing conditions, I have had regard to the tests within the Framework, the Planning Practice Guidance and relevant statute and have accordingly amended the wording of certain conditions proposed by the Council without altering their aim.
24. A condition requiring compliance with approved plans is necessary for certainty given the development is not complete. A condition requiring external surfaces to be constructed as shown on the submitted plans is also necessary in the interests of character and appearance.
25. I have imposed a condition requiring that the annex is used only as part of the main house, amending the wording suggested by the Council on the basis that the annex is intended to provide living accommodation rather than to be used for ancillary or incidental to the use of the main house. This condition is necessary for certainty and to ensure that the annex is used as assessed above.
26. A condition relating to the time period for commencing development is unnecessary as construction has already started.
27. The condition suggested by the Council regarding potential uses of the roof area is unnecessary as it is premised on hypothetical eventualities.
28. I have not imposed the suggested condition regarding the Fire Safety Statement as this document is not before me and I do not consider the condition necessary given the minor nature of the development.

Conclusion

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

E Everitt
INSPECTOR