



Appeal Decision

Site visit made on 26 November 2025

by E Everitt BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/Z5630/D/25/3374691

27 Victoria Road, Kingston Upon Thames, London KT1 3DW

- 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 Zohrab Baghirov against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 25/00913/HOUF.
 - The development proposed is erection of single storey front porch and single storey rear extensions, hip to gable and rear dormer roof extension with installation of 2nos. front rooflights to facilitate loft conversion, alterations to roof of first floor outrigger extension and internal alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the Council's decision notice as this more accurately and concisely describes the development proposed than the description provided on the application form.
3. The appellant suggests that parts of the proposed development are permitted development (PD). However, planning permission is sought for the proposed development as a whole and so I have assessed the proposal on that basis.
4. The appellant sought to amend some plans after submitting the appeal. Section 9 of the Procedural Guide: Planning appeals – England (2025) advises that after having made their appeal the appellant will not normally be able to send any further material unless further information or response is requested by the Inspector. In this context, no amended plans were accepted and my decision is based on the plans before the Council when they determined the application.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the host dwelling and surrounding area; and
 - the effect of the proposed development on the living conditions of the occupiers of 29 Victoria Road, with particular regard to daylight.

Reasons

Character and appearance

6. The appeal property is a 2-storey end-of-terrace dwelling located within a residential area. The surrounding area comprises a mix of terraced and semi-detached properties which collectively form the Albert Road Local Area of Special Character (LASC).
7. The LASC is a non-designated heritage asset (NDHA) which the Council's Background Paper No. UD1 Areas of Special Character identifies as being principally composed of small Victorian terraced and semi-detached houses which, despite having suffered some unsympathetic alterations and neglect, still display a townscape value as a group. As an example of a building which largely retains its historic form and character, the appeal property, and the terrace of which it forms part, contributes positively to the significance of the NDHA.
8. The proposed development would significantly alter the roof form of the appeal property as a result of the proposed hip-to-to-gable enlargement and rear dormer extension. The addition would appear dominant and bulky. Moreover, it would unbalance the symmetry of the roof form of the terrace, adversely impacting its appearance.
9. While I observed on site that there are different roof forms and examples of hip-to-gable enlargements in the surrounding area, properties immediately adjacent to the appeal property, which form the context in which it is viewed, retain hipped roofs. The proposed gable roof would appear incongruous in this context.
10. Taking account of the above, in undertaking a balanced judgement having regard to the scale of any harm and the significance of the heritage asset as required by paragraph 216 of the Framework, I consider that the proposal would cause harm to the significance of the NDHA.
11. The appellant indicates that they would agree to a condition requiring that the existing ridge height of the terrace is not exceeded. However, my assessment is based on the plans before me which show an increased ridge height. In any event, such a condition would not overcome the harm resulting from the proposed hip-to-gable enlargement that I have identified above. As such, this matter does not lead me to an alternative conclusion on this main issue.
12. The Council does not object to the proposed first floor and single storey rear extensions or the proposed front porch extension in character and appearance terms. From the evidence before me and my observations on site, I have no reason to disagree. The extensions would assimilate to an acceptable standard with the host dwelling and the surrounding area.
13. For the reasons set out above, I conclude that the proposed development would have a harmful effect on the character and appearance of the host dwelling and surrounding area. Therefore, the proposal does not comply with the relevant provisions of Policies DM10 and DM12 of Royal Borough of Kingston Upon Thames Local Development Framework Core Strategy 2012 (Core Strategy). Amongst other matters, these policies seek development which respects, maintains or enhances the prevailing development typology and typical details and key features, such as roof forms.

Living conditions

14. The proposed development includes an extension to the rear of the property which would extend to the shared boundary with No 29 as well as extending deeper into the garden than the existing extension.
15. The Council raises concerns regarding the potential for the extension to result in a loss of daylight entering the dining room window at No 29. However, the 'Daylight Assessment of Kitchen/Living Room at 29VR' submitted at appeal stage identifies that the proposed development would result in a slight negligible negative impact in daylight entering No 29. In the context of the existing conditions, including surrounding built form, I do not consider that this would result in a harmful impact.
16. Taking account of the above, I conclude that the proposed development would not have a harmful effect on the living conditions of the occupiers of No 29, with particular regard to daylight. As such, the proposal would accord with the relevant provisions of Policy DM10 of the Core Strategy. This policy, amongst other matters, seeks development which has regard to the amenities of occupants and neighbours, including in terms of sunlight and daylight.

Other Matters

17. The appellant suggests that the appeal property benefits from PD rights including for roof conversions. Nevertheless, I have seen no substantive evidence, such as a successful Certificate of Lawful Development, to convince me that the appellant could reasonably implement a scheme akin to the proposed hip-to-gable enlargement and rear dormer extension before me under their PD rights.
18. Moreover, the Council disputes the ability to undertake the proposed works under PD rights due to the proposed increase in ridge height. As such, although PD rights would likely allow some form of roof extension, no detailed comparison of such rights against the specific appeal proposal has been presented. This consideration, therefore, attracts only limited weight in favour of the proposal.
19. The appellant highlights a Certificate of Lawful Development granted for a hip-to-gable loft conversion with rear dormer and insertion of a roof light at No 31 in 2014. I observed on site that this scheme has not been implemented. Consequently, the conversion does not form part of the character of the area. In any event, each case must be considered on 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 issues.
20. I am aware that the appellant has employed the services of qualified professionals in drawing up the proposals and obtained relevant party-wall agreements. Nevertheless, these matters do not lead me to an alternative conclusion on the main issues.
21. I appreciate the frustration of the appellant regarding delays to construction work while awaiting planning permission and resultant practical and financial impacts. However, this is outwith the matters for my determination.
22. I acknowledge that the proposal would provide an additional bedroom to support family living within an area where they benefit from established social and educational networks and there are affordability challenges. In addition, the proposal would address accessibility issues due to level differences within the

property and health and safety issues posed by a lack of insulation and ventilation beneath the kitchen floor. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 and appreciate that in dismissing the appeal individuals would be unable to derive the benefits associated with the proposal, having the potential to disproportionately affect them. However, it has not been demonstrated that the proposal before me is the only way in which the desired benefits could be achieved.

Planning Balance and Conclusion

23. The proposed development would provide benefits for the appellant in terms of their living accommodation. However, I do not consider that these personal circumstances outweigh the harm I have identified from the proposal, even taking into account the limited weight in favour of the proposal which the potential for a roof extension under PD rights attracts.
24. In conclusion, therefore, the proposed development would conflict with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons above I conclude that the appeal should be dismissed.

E Everitt

INSPECTOR