



**Application no: 21/01994/HOU**

**PLANNING PERMISSION GRANTED**  
Town and Country Planning Act 1990 (as amended)

To: Mr. & Mrs. Hindosh & Gabriel

66 Motspur Park  
New Malden  
KT3 6PJ

The Council of the Royal Borough of Kingston upon Thames, as the Local Planning Authority under their powers provided by the above legislation, do hereby **GRANT** planning permission for the development specified in the First Schedule hereto, subject to the conditions (if any) specified in the Second Schedule.

**FIRST SCHEDULE**

**Erection of a single storey rear and a two storey side and rear extension with associated changes to fenestration and extension of existing dropped kerb to 4m**

**At 66 Motspur Park New Malden KT3 6PJ**

Application valid as of 5th July 2021.

**SECOND SCHEDULE**

**Condition(s):**

1. The approved development shall be carried out in accordance with the following drawings/details:

1282c-P06-Proposed Elevations  
P07 Proposed Front Driveway  
1282c-P04-Proposed Ground and First Floor Plans Rev A  
1282c-P05-Proposed Roof Plan Rev A

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: This is required by Section 91 of the Town and Country Planning Act 1990 (as amended).

3. The development to which this permission relates shall be carried out in accordance with the materials specified on the approved plans and on the application form unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance on completion of the development, in accordance with policy D3 of the London Plan 2021 and policies CS8 and DM10 of the LDF Core Strategy 2012.

4. The flat roof area(s) of the development to which this permission relates shall not be used as a roof garden, balcony, seating area or other similar amenity area, and shall not be accessed except for the purpose of maintenance or in the case of emergency.

Reason: To ensure satisfactory living conditions for neighbouring occupiers, in accordance with policy D3 of the London Plan 2021 and policy DM10 of the LDF Core Strategy 2012.

5. Prior to beneficial occupation of the development to which this permission relates, any windows inserted at first floor level in the north-east elevation shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with and permanently retained in obscure glazing to a minimum of level 3 on the standard scale. Any film used to achieve the requisite obscurity level shall be non-perishable, tamper-proof, and shall be replaced immediately in the event that it ceases to result in obscurity to level 3.

Reason: To ensure satisfactory living conditions for neighbouring occupiers, in accordance with policy D3 of the London Plan 2021 and policy DM10 of the LDF Core Strategy 2012.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and reenacting that Order with or without modification), no windows shall be inserted nor any other openings formed (other than those expressly authorised by this permission) at first floor level in the north-east or south-west elevation of the dwelling house unless otherwise agreed in writing by the local planning authority.

Reason: To ensure satisfactory living conditions for neighbouring occupiers, in accordance with policy D3 of the London Plan 2021 and policy DM10 of the LDF Core Strategy 2012.

7. Prior to beneficial occupation of the development to which this permission relates, the vehicular crossover(s) as shown on the approved plans shall be provided (including reinstating the footway to the satisfaction of the local planning authority) and shall be permanently retained for that purpose and kept free from obstruction thereafter.

Reason: To ensure proper vehicular access to the site in the interests of the safety and operation of the highway network, in accordance with policy T4 of the London Plan 2021 and policies CS6 and DM8 of the LDF Core Strategy 2012.

8. Prior to the beneficial occupation of the development to which this permission relates, pedestrian/vehicular intervisibility splays of 2.8m x 3.3m shall have been provided in each direction where the access meets the back edge of the footway and shall be permanently retained free from any obstruction to visibility higher than 1.0m above ground level.

Reason: In the interests of the safety and operation of the highway network, in accordance with policy T4 of the London Plan 2021 and policies CS6 and DM8 of the LDF Core Strategy 2012.

9. Prior to the commencement of any development above ground level, details of secure cycle parking facilities to serve the development to which this permission relates shall be submitted to and approved in writing by the local planning authority.

The cycle parking facilities as shown in the approved details shall be provided prior to beneficial occupation of the development to which this permission relates and shall be permanently retained for that purpose and kept free from obstruction thereafter.

Reason: To ensure that appropriate opportunities to promote sustainable transport are taken up, in accordance with policy T5 of the London Plan 2021 and policies CS6 and DM8 of the LDF Core Strategy 2012.

**Informative(s):**

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|---|---|
| Number of neighbours originally consulted | 6 |
| Number of contributors                    | 2 |

|  |   |
|--|---|
| Number of objectors                    | 0 |
| Number in support                      | 2 |
| Number making a neutral representation | 0 |

## 1. ---Officer Report---

### Introduction

This application is of a nature where the Council's Constitution delegates the authority to make the decision to Officers rather than it being decided by a Committee of Councillors.

Before preparing this summary report a Planning Officer has familiarised themselves with the application site, the relevant Development Plan policies and guidance, considered any relevant previous planning applications, and considered any comments made by those interested in the application such as consultees with specialist knowledge and nearby residents.

By indicating that the development proposal complies with relevant Development Plan policies, the planning officer is taking into account the information submitted with the application, any previous relevant applications, any comments received in connection with the application and any other case specific considerations which are material to the decision.

This decision has been authorised by a Senior Officer (Authorising Officer) in the Development Management Service. Prior to endorsing the Planning Officer's recommendation, the Authorising Officer has familiarised themselves with the application site, the application documents, the relevant planning policies and guidance, any relevant history, and any representations received.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the Royal Borough of Kingston upon Thames comprises the following documents:

- The London Plan 2021
- The South London Waste Plan 2012
- The LDF Core Strategy 2012
- The Kingston Town Centre Area Action Plan 2008

2. The site comprises a detached dwelling.

6 neighbouring properties have been notified of the proposals and 2 comments in support have been received. The comments received will be taken into consideration during the assessment of the application and detailed below.

The key areas of assessment are:

- The design of the proposed development;
- The impact of the development on the amenities of existing and future occupants of land and buildings; and,
- The impact of the proposed development on highways and transportation matters.

### Design

When read together Policies CS8 and DM10 of the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy (CS)(2012) and the guidance in the Royal Borough of Kingston upon Thames Residential Design Guide SPD (2013) require proposals to be of a high quality design that respects the character and appearance of the original building and the prevailing character of the surrounding area.

Officer Comment: While the two storey side extension would not strictly comply with the recommendations set out in the Residential Design SPD, in terms of set in from the shared boundary, it would maintain some degree of separation and would be set back from the front elevation so as to preserve the characteristic "cat slide" roof of the original dwelling. Overall, it would appear as a proportionate addition to the host

property. Further, given that similar extensions are viewed in the immediate vicinity it would not appear an incongruous addition to the Motspur Park streetscene.

While the proposed rear extension would have a depth that would exceed the parameters set out in the Residential Design SPD (5.4m v 4m), given that it would have an appropriate height and would not be clearly visible from the street, officers consider that it would appear as an appropriate and proportionate addition to the host property. It is considered that there would be no adverse impacts on the character or appearance of the area as a result of the proposed development.

While the proposed first floor rear extension would propose a slightly unusual roof form, it would not be clearly visible from the street, would be set in from the shared boundaries and would appear subordinate to the host property. As such it is considered that there would be no adverse impacts on the character or appearance of the area as a result of the proposed development.

#### Amenity

Policy DM10 of the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy (CS)(2012) and the guidance in the Royal Borough of Kingston upon Thames Residential Design Guide SPD (2013) requires proposal to have regard to the amenities of the future occupants of the development as well as those of the existing occupants of neighbouring land and buildings, including in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance.

Officer Comment: Given the separation distance between the proposed development and neighbouring properties, it is considered that the proposed development would not adversely affect the amenities of the occupiers of neighbouring properties by reason of overbearing appearance or loss of light/sunlight.

As the proposal would provide side facing windows (some of which would be a substantial size), it is considered appropriate to implement a condition to ensure that there is no loss of privacy for neighbouring properties. This condition would ensure that the windows are non-opening at 1.7m above finished floor levels and are obscure glazed. Subject to the satisfaction of such a condition, it is considered that the proposed development would not adversely affect the amenities of the occupiers of neighbouring properties by reason of loss of privacy.

#### Transportation

Policy T6 of the London Plan 2021 states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. The maximum standards as set out in policies T6.1 to T6.5 should be applied to development proposals.

Policy DM9, Policy DM10 and the Council's Sustainable Transport SPD 2013 together require development proposals to comply with the car parking standards in the London Plan.

Officer Comment: The proposal would increase the width of the existing dropped kerb from 3m to 4m but maintain the existing front boundary treatment which is of a low height. However, to ensure highway and pedestrian safety in compliance with Policies DM9 and DM10 details regarding visibility splays would be required via condition. The applicant is also advised that the applicant would be required to seek the approval of the Local Highway Authority with regards to the extension of the dropped kerb (as well as obtaining planning permission) in this case.

London Plan policy T5 requires all development to include provision for cycle parking. While it is not clear from the plans where this would be accommodated, particularly due to the loss of the side access to the rear of the property, officers consider that further details could be ensured via condition to ensure compliance.

In conclusion and subject to conditions, the proposed development would be in general accordance with the National Planning Policy Framework (2021), the National Planning Practice Guidance, the London Plan (2021), Policies of the Core Strategy (2012) and the Residential Design SPD (2013).

### 3. Details of the Application Submission

In accordance with the requirements of Local Government Act 1972 details of the application submission were available on the Council's website during the assessment of the application.

---End of Officer Report---

4. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

5. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

6. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall;
- build on the boundary with a neighbouring property;
- in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

7. Your attention is drawn to the fact that planning permission does not override property rights, and that if your proposal involves construction on or near the site boundary then you should take appropriate steps to ensure that you have correctly identified the position of the boundary, that you do not build over it, and that any works which affect a neighbour's property in any way have the benefit of the appropriate agreement from that landowner. Failure to undertake the above steps may leave you liable to legal action by neighbouring landowners. If you require further information or advice, you should consult a solicitor.

8. Reasonable efforts have been made to check that the plans submitted for the purposes of this planning application are consistent from one to the next, and that the development hereby approved can be implemented in accordance with all of the plans submitted. Should it transpire that this is not possible and that your plans are flawed, please be clear that it may be impossible to implement this permission, and that any development undertaken which relies on this permission may be unauthorised and subject to enforcement action if expedient.

9. When undertaking demolition and/or noisy building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays.

You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation, and that any works undertaken which impact unreasonably upon the surrounding area may be subject to action by the Council's Environmental Health Department.

10. Where reference is made within the decision notice to a condition applying 'unless otherwise agreed in writing with the local planning authority', please be aware that only a formal application under section 73 or

96a of the Town and Country Planning Act 1990 (As Amended) is acceptable as a method of said written agreement.

11. Unless clearly specified otherwise, the base of the development shown on the approved plans is taken to be external ground level, and not a Damp Proof Course or Internal Finished Floor Level. The external ground level is expected to remain consistent before and after construction of the approved development unless specified otherwise on the approved plans.

12. There is a requirement to make alterations to vehicular access(s). Applicants should note the provisions of section 184 of the Highways Act 1980. The works should be carried out to the satisfaction of the Council and you will be required to pay fees to cover the Councils costs in undertaking the approval and inspection of the works.

### **Building Regulations**

Please note that this is a planning permission only and you may also require approval under the Building Regulations. If you are in any doubt about this you can get further information via the following link: [https://www.kingston.gov.uk/building\\_control](https://www.kingston.gov.uk/building_control)

Signed

A handwritten signature in black ink, appearing to read 'Barry John Lomax', written over a horizontal line.

Barry John Lomax  
Head of Development Management (acting)

On behalf of Kingston Council

10th September 2021

**ROYAL BOROUGH OF KINGSTON UPON THAMES  
APPENDIX TO PLANNING DECISION NOTICES  
NOTES TO APPLICANTS**

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 (as amended).

Before you decide to appeal you may wish to consider amending your proposal to meet the Council's reasons for refusing permission. The Council's planning staff are always prepared to discuss ways to avoid an appeal by submitting an alternative application. This may involve a charge in line with our pre-application service. Please see the following link for further information:

[https://www.kingston.gov.uk/info/200155/planning\\_applications\\_and\\_permissions/231/pre-application\\_advice](https://www.kingston.gov.uk/info/200155/planning_applications_and_permissions/231/pre-application_advice)

### **Time Limits for Appeal**

If you want to appeal, then you must do so within 6 months of the date of this notice, subject to the exceptions below. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

### **Exceptions**

1. If there is an enforcement notice relating to the same or substantially the same land and development as is the subject of this decision, and you want to appeal against the decision, then you must do so within 28 days of the date of this notice.
2. If an enforcement notice is later served relating to the same or substantially the same land and development as in your application, and if you want to appeal against the decision, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder or minor commercial appeal] of the date of this notice, whichever period expires earlier.

### **Public Inquiries**

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details can be found at the following link:

<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>

### **How to Appeal**

You can appeal using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Customer Support Unit, Tel: 0117 372 6372. Appeal forms and guidance can also be downloaded from the Planning Inspectorate's website <https://www.gov.uk/appeal-planning-decision>.

Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal at <https://www.gov.uk/appeal-planning-decision>. The Inspectorate will publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the local planning authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **Purchase Notices**

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council, or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.

### **Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State appeal or reference of the application to him.

These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990 (as amended).

### **The Party Wall etc. Act 1996**

Anyone intending to carry out work described in the Act MUST give adjoining owners at least 2 months notice in writing of their intentions. The Act covers:

- (i) work to be carried out directly to an existing party wall or structure
- (ii) new building at or astride the boundary line between properties
- (iii) excavation within 3 or 6 metres of a neighbouring building or structure, depending on the depth of the hole or foundations

If you are not sure whether the Act applies to work that you are planning, you should seek professional advice. A free explanatory booklet is available from ODPM Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7BN. Tel 0870 1226236 e-mail [odpm@twoten.press.net](mailto:odpm@twoten.press.net)