
Appeal Decision

Site visit made on 12 October 2016

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 October 2016

Appeal Ref: APP/L5810/D/16/3157426

25 Townshend Road, Richmond, Surrey, TW9 1XH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Alison Walker against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/1107/HOT, dated 11 March 2016, was refused by notice dated 9 May 2016.
 - The development proposed is a single storey side infill extension at rear.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side infill extension at rear at 25 Townshend Road, Richmond, Surrey, TW9 1XH in accordance with the terms of the application, Ref 16/1107/HOT, dated 11 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, PL01, PL02, PL03, PL04.
 - 3) All new external finishes, including fenestration and works of making good, to be used as part of the construction of the external surfaces of the extension hereby permitted shall be carried out in materials to match the existing.
 - 4) The roof of the extension hereby approved shall not be used for any purpose other than as a means of escape in an emergency or for maintenance of the building.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window other than those shown on the approved plans shall be installed in the south elevation of the extension hereby permitted.

Preliminary Matter

2. Neither party expresses a view regarding any effect of the proposal on the character or appearance of the Sheen Road Richmond Conservation Area. Moreover I have not been provided with any relevant development plan policies relating to such matters. Nonetheless, I have had regard to the statutory duty
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to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In this respect, as the works are confined to the rear of the property, are single storey in nature, and would be constructed from matching materials, I am satisfied that it would preserve those interests.

Main Issue

3. The main issue is the effect of the development on the living conditions of occupiers of 23 Townshend Road, having particular regard to matters of outlook and light.

Reasons

4. The appeal site comprises a traditional three storey semi-detached property. The entrance is via the ground floor which sits above a lower ground floor. It is the lower ground floor which provides access to the rear garden. The rear of the appeal property has a two storey rear projection. The attached property, 23 Townshend Road, also has a similar two storey rear projection. The proposal before me is for the erection of a single storey infill extension to the side of the rear projection at No 25. Planning permission was previously granted at the appeal property for a similar single storey side infill extension (ref 04/2285/HOT) but this has since expired.
5. The proposed extension would have a depth of 4.3m and would sit on the shared boundary with No 23. This boundary is currently demarcated by a dense and high hedge of some 2.3m in height. The closest window to this boundary at No 23 belongs to a kitchen on the lower ground floor. It is a large window. However, the kitchen is currently somewhat restricted in terms of the light it receives and its outlook. This is due to its slightly sunken nature sitting partly below natural ground level and the existence of its own two storey rear projection. The high hedge on the boundary with No 25 also restricts light and outlook beyond which is the two storey rear projection at No 25. Nevertheless, this window still enjoys a good outlook down its own rear garden. The kitchen in question is also open plan and therefore enjoys additional light and outlook from a large bay window to the front of the property.
6. The proposed extension would be slightly taller than the existing hedge at 2.7m. It would, however, be sited on the boundary line, therefore it would not encroach into the rear garden of No 23 as much as the existing hedge does. I acknowledge that the Council's Supplementary Planning Document 'House Extensions and External Alterations' (May 2015) advises that single storey rear extensions should be no deeper than 3.5m for a semi-detached house. I also note that the extension fails the 45 degree tests for loss of daylight and sunlight. However, given the existing conditions at No 23, the proposed extension would not materially harm the outlook or amount of light its occupants receive.
7. The proposed extension would therefore not be harmful to the living conditions of occupiers of 23 Townshend Road. As such it would not conflict with Policies DM DC5 of the Development Management Plan (2011) and CP7 of the Core Strategy (2009) which, generally speaking, require new development to maintain appropriate levels of amenity. Specifically Policy DM DC5 seeks to ensure adjoining properties continue to receive sufficient sunlight and daylight, and are protected from unreasonable visual intrusion.

8. In addition to the standard time limit condition I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. To ensure a satisfactory appearance I have conditioned the use of matching materials. Finally, to protect the living conditions of occupiers of neighbouring properties I have included conditions restricting the use of the roof of the extension, and I have removed permitted development rights with respect to the insertion of additional windows. Subject to these conditions, the appeal is allowed.

Hayley Butcher

INSPECTOR