

Appeal Decision

Site visit made on 25 October 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 4 November 2016

Appeal Ref: APP/L5810/W/16/3155798

78 A, The Green, Twickenham, TW2 5AG

- 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 Mr John Byrne against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/2021/FUL, dated 20 May 2016, was refused by notice dated 13 July 2016.
 - The development proposed is the use of front roof terrace in connection with second floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for the use of the front roof terrace in connection with the second floor flat at 78 A, The Green, Twickenham, TW2 5AG in accordance with the terms of the application, Ref 16/2021/FUL, dated 20 May 2016.

Procedural Matter

2. The terrace already exists and therefore I am considering this appeal retrospectively.

Main Issues

3. The main issues are (i) the effect of the terrace upon the living conditions of the occupiers of 76 The Green with particular regard to privacy; and (ii) whether the terrace preserves or enhances the character or appearance of the Twickenham Green Conservation Area.

Reasons

Living Conditions

4. The terrace is next to another terrace at No 76. It is not uncommon to find balconies or other types of external open space next to each other. Furthermore, the terraces of both properties are at the front facing a busy and bustling road and a public open space. Indeed, in its statement of case, the Council describes the site as being prominent. Therefore, given the public views of the terraces, they are not particularly private. In addition, given the existence of the terrace at No 76, it would not be unreasonable or unexpected for the neighbour to also have one.
 5. I therefore conclude that the terrace does not harm the living conditions of the occupiers of 76 The Green. Consequently, I find no conflict with Policy CP 7 of the Approved London Borough of Richmond Upon Thames Core Strategy (2009)
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(CS) or Policies DM DC 5 and DM DC 6, of the Approved London Borough of Richmond Upon Thames Development Management Plan (2011) (DMP). These policies together seek to ensure that development is of a good design and protects residential amenity, including privacy.

Conservation

6. The site is located within the Twickenham Green Conservation Area which is characterised by an area of mixed use incorporating residential and commercial properties which are mainly of Victorian origin. The large tree lined green is an attractive central feature amongst otherwise dense development.
7. There is an existing screen on the wall between the two properties and this is shown on the plans as being an existing feature. Both the appellant and the neighbour say that it is the neighbour who has erected this trellis and the neighbour has confirmed in his letter to the Council dated 14 June 2016 that the trellis belongs to him. The appellant does not dispute the ownership of the trellis. I have nothing to suggest that the trellis is anything more than an existing feature belonging to the neighbour. Indeed, the appellant has stated that he would have proposed a low timber screen but the neighbour had already erected the trellis before the appeal application was submitted. Therefore, it is my conclusion that the trellis does not form part of the appeal proposal and the matter of the existing trellis is for the Council. That said, I have no reason to conclude that it would not be possible to provide a modestly designed screen appropriate to the host buildings.
8. I therefore conclude that the terrace preserves the character and appearance of the Twickenham Green Conservation Area. Consequently, I find no conflict with CS Policy CP 7 or DMP Policies DM HD 1 and DM DC 5. These policies together seek to preserve and enhance the significance of conservation areas.

Conditions

9. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance but as the development has already been carried out the standard implementation condition and the plans condition are not necessary. The Council has asked for details of replacement screening but because the existing screen belongs to the neighbour, this is a matter between the Council and the neighbour.

Conclusion

10. I have taken into account all other matters raised including the representations from the neighbour but none outweigh the conclusions I have reached and the appeal is allowed.

Siobhan Watson

INSPECTOR