
Appeal Decision

Site visit made on 1 November 2016

by R J Perrins MA MCMI ND Arbor TechArborA

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

Decision date: 05 January 2017

Appeal Ref: APP/L5810/W/3148616

80 St Margarets Grove Twickenham TW1 1JG

- 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 and Mrs Paul Connolly against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/0372/HOT, dated 01 February 2016, was refused by notice dated 29 March 2016.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 80 St Margarets Grove Twickenham TW1 1JG in accordance with the terms of the application, Ref 16/0372/HOT, 01 February 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, 511/002 Rev A; 511/102 Rev A; 511/005/Rev B; 511/105 Rev B.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing buildings.

Application for costs

2. An application for costs was made by Mr and Mrs and Paul Connolly against the Council of the London Borough of Richmond-upon-Thames. This application is the subject of a separate Decision.

Main issues

3. I consider the main issues in this case to be whether the development would lead to unacceptable harm to the to the living conditions of occupiers at No 82 and its effect on the character and appearance of the area and the host property and terrace within which it sits.
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Reasons

4. There is some planning history to the site and this appeal runs at the same time as two others¹. Those appeals have been made against the Council's serving of an enforcement notice to secure removal of the extension built at No 82 and against the Council's refusal for permission of a joint application, from the owners of both Nos 80 and 82, for a single storey extension spanning the width of both properties and incorporating that built at No 82. In addition to this, the owners of No 80 have secured a written notice that prior approval is not required for a single storey extension 6 metres in depth and 2.8 metres in height (ref:16/1175/PDE).
5. Turning to the first issue the Council considered the proposed development in light of the fact that the extension as currently built at No 82 is unlawful. That is to say that extension, which spans the width of No 82 and has been built up to a height of 3 metres on the mutual boundary was discounted. In that light I accept that the development would be contrary to the Local Plan Supplementary Planning Document *House Extensions and External Alterations* (SPD) which states that where an infill extension exceeds 3 metres on a terraced property the eaves should be restricted to 2 metres in height.
6. However, that is taking the application on its face and without consideration of the fallback position in respect of No 80 and the likely effect of any successful enforcement action upon No 82. With regards to the latter it seems to me that at the very least the Council should have considered that the owners of No 82 would seek to retain the extension for which they have planning permission (ref:13/2601/HOT) it is in fact one of the requirements of their own enforcement notice which was issued prior to the application subject of this appeal being made.
7. It seems to me that it would be a reasonable conclusion, given the history of the site, the applications that have been made and regardless of the legality of any existing extension at No 82 that the development permitted, or something akin to it would be an inevitable outcome of any proceedings. Given that I do not accept the proposed development would have an unacceptable effect on the living conditions of occupiers of No 82 given an extension would be highly likely to remain on the mutual boundary.
8. Moreover, in respect of No 80, no consideration appears to have been given to the permitted development rights for a rear extension, which have been expounded by the appellants. Those rights have subsequently been pursued and the Council accept that an extension as set out above would be within permitted development tolerances. In addition there is no dispute that the Council accept a double width extension would be acceptable and in accordance with the development plan
9. For these reasons I find the development would not result in unacceptable harm to the living conditions of occupiers of No 82. It would not be contrary to the SPD or Policy DM DC5 of the London Borough of Richmond upon Thames Development Management Plan (2011) (DMP) which seeks, amongst other things, to protect adjoining properties from visual intrusion and overshadowing. That is reflected by Policy CP7 of the London Borough of Richmond upon

¹ APP/L5810/C/3144115 & APP/L5810/W/3141150

Thames Core Strategy (CS) which seeks developments that maintain appropriate levels of amenity.

10. Turning to the second issue I accept, as set out earlier that the extension would exceed the size tolerances set out in the SPD and that the guidance sets out that the overall shape size and positions of extensions should not dominate the existing house or its neighbours and should harmonise with the original appearance of the dwelling. Although I note the SPD refers to the final test being dependent on the site specific circumstances.
11. Moreover, I was able to see that the rear elevations of the properties that form the terrace have no regular rhythm. There are a number of rear extensions in the locality as borne out by that permitted at No 82. There are also a number of rear dormers/roof conversions in view. Given that I fail to see how the proposed development would be detrimental to the character or appearance of the terrace of which it is part. The Council suggest it would not respect the original proportions of the property but again given the approved extension at No 82 and others in the locality, it would not appear out of place or draw the eye and I am not convinced it would lead to unacceptable harm.
12. Thus, given the particular circumstances of the proposal, I find the development would not result in unacceptable harm to the character and appearance of the area, host property or terrace. It would not therefore be contrary to the SPD, Policy CP7 of the CS or Policy DM DC1 of the DMP insofar as they seek developments of high quality design.
13. Conditions requiring the development to be built in accordance with the approved plans and to ensure matching materials are used are necessary for the avoidance of doubt and to ensure the character of the locality is not harmed.
14. For the reasons given above and having considered all matters raised I conclude that the appeal should be allowed.

Richard Perrins

Inspector