
Appeal Decision

Site visit made on 6 February 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 16 February 2017

Appeal Ref: APP/L5810/W/16/3163439

12 Denehurst Gardens, Twickenham, Middlesex TW2 7PY

- 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 Nojan Mazaheri against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/2465/FUL, dated 5 July 2016, was refused by notice dated 27 September 2016.
 - The development proposed is the creation of ancillary residential accommodation in the garden by conversion of an existing outbuilding plus an extension of 8.41 SqM gross external area.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of ancillary residential accommodation in the garden by conversion of an existing outbuilding plus an extension of 8.41 SqM gross external area at 12 Denehurst Gardens, Twickenham, Middlesex TW2 7PY in accordance with the terms of the application, Ref 16/2465/FUL, dated 5 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; EXISTING 002 Rev 'A'; PROPOSED 003 Rev 'A'; PROPOSED ELEVATIONS 004 Rev 'A'.
 - 3) The materials used in the construction of the external surfaces and fenestration of the extension and alterations hereby approved shall match those used in the existing building.
 - 4) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 12 Denehurst Gardens, Twickenham, Middlesex TW2 7PY.

Main Issues

2. I consider the main issues in this appeal to be firstly, whether the proposed development would preserve or enhance the character or appearance of the Rosecroft Gardens Conservation Area; and secondly, the effect of the proposed development on the living conditions of adjacent residents in terms of noise and disturbance.
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Reasons

The Conservation Area

3. Rosecroft Gardens Conservation Area is an estate which, in the main, comprises bungalows of a marked regularity of scale and plot ratio. Whilst the Conservation Area's significance derives to a substantial degree from the comprehensively planned regularity of the estate, the regularity of the architectural detailing of its constituent dwellings has, however, been eroded to a substantial degree by a multiplicity of additions and alterations. The appeal dwelling and its surrounding properties demonstrate these incremental additions and changes both to front and rear. In this latter aspect, both the appeal property and its inter-visible gardens, which are of a moderate depth, feature out-buildings and rear extensions of varying scales and characters. In the appeal property's case, there is a long single-storey outbuilding, comprising garage and workshop space, adjoining a garage of similar scale in the rear garden of No 14.
4. The proposed development seeks to change the use of the rearmost part of the long outbuilding to supply ancillary residential accommodation for No 12. The outbuilding would be extended to the rear to a depth of around 2.9m, with its back wall being around 2m from the boundary of the garden. The roof level would be raised slightly and a flat roof installed.
5. Whilst I note that the outbuilding has been previously extended, the proposed extension and alterations would be modest in scale and depth, and would be located within part of the garden where other outbuildings and incremental developments on surrounding plots are immediately inter-visible. Moreover, the proposed development would leave an adequate gap between it and the rear boundary of the property. For these reasons, it would not deplete the spaciousness of the appeal property's plot to any material degree, nor read as an alien or incongruous feature within an otherwise undeveloped area, and would not be at variance with the plotting and development pattern of its surroundings. Consequently, the proposed development would not erode the regularity of the Conservation Area and would cause no harm to its significance.
6. Accordingly, and mindful of my duty arising from section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I consider that the proposed development would preserve the character and appearance of the Rosecroft Gardens Conservation Area. For these reasons also the proposed development would not conflict with Policy CP7 of the Richmond-upon-Thames Core Strategy (adopted April 2009) (the Core Strategy); or Policies HD1, DC1 or DC5 of the Richmond-upon-Thames Development Management Local Plan (adopted November 2011) (the DM Plan). Taken together, and amongst other things, these policies seek to ensure that new development respects local character and townscape, and conserves and enhances the character and appearance of conservation areas.

Living Conditions

7. Due to the proposed development's modest scale it would provide only a limited amount of additional residential space at the appeal site, and thus the level of intensification of its use would be similarly limited. Moreover, the domestic use would be ancillary and linked to that of the main dwelling, and

this can be controlled by condition, which would limit the amount of additional comings and goings occurring as a result of the proposed use. The appeal site is in an established residential area of moderate density, and thus the outbuilding's proposed use and separation distances from neighbouring dwellings would be in keeping with its surroundings, and not introduce an unusually noisy development into an otherwise quiet area.

8. Consequently, I consider that the proposed development would not increase levels of comings and goings to the appeal property, or create a level of noise and disturbance that would be of material harm to the living conditions of the occupiers of adjacent properties. For these reasons, it would meet the requirements of Policies DC5 and HO3 of the DM Plan insofar as they seek to protect the occupants of neighbouring properties from unreasonable noise and disturbance arising from new developments.

Conditions

9. I have assessed the Council's list of suggested conditions against the tests given in paragraph 206 of the National Planning Policy Framework. This states that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
10. In the interests of certainty, I have attached a condition specifying the approved plans. Given the appeal site's location within a conservation area, and in order that it respects its character and appearance and that of its host dwelling, I have attached a condition requiring the alterations and extension to be progressed in materials that match the existing building. It is both necessary and relevant to planning and the development to be permitted to attach a condition to ensure that the use of the proposed development is ancillary to that of the host dwelling, which will ensure that it respects the living conditions of both its future occupants and those of the occupants of adjacent dwellings. To ensure precision, the condition I have attached in this respect is in a modified form of wording to that suggested by the Council.

Conclusion

11. The proposed development would comply with the development plan insofar as the policies that have been drawn to my attention are concerned. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR