
Appeal Decision

Site visit made on 3 January 2017

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 22 February 2017

Appeal Ref: APP/L5810/W/16/3158008

No 21-23 Cheyne Avenue, Twickenham, Richmond upon Thames TW2 6AN

- 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 Harwant Virk against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 15/5187/HOT, dated 19 December 2015, was refused by notice dated 15 June 2016.
 - The development proposed is proposed first floor rear extension to No 21 and 23 Cheyne Avenue and single and two storey side extension to No 23 Cheyne Avenue.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension to No 21 and 23 Cheyne Avenue and single and two storey side extension to No 23 Cheyne Avenue at No 21-23 Cheyne Avenue, Twickenham, Richmond upon Thames TW2 6AN in accordance with the terms of the application, Ref 15/5187/HOT, dated 19 December 2015, subject to the following conditions:
 - (i) the development hereby permitted shall begin not later than 3 years from the date of this decision;
 - (ii) the development hereby permitted shall be carried out in accordance with the following approved plans: PL1/PP/2618-00 (block and location plans); PL1/PP/2618-06 (proposed floor plans); PL1/PP/2618-05 (proposed elevations); PL1/PP/2618-04 (proposed first floor plan); PL1/PP/2618 -03 (proposed floor plans).
 - (iii) the materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.

Procedural matters

2. At the time of my site visit, work to extend the existing property had started on site. I have based my decision on what I saw on site, together with the submitted plans and details.
 3. The planning application form refers to the appeal site as No 23 Cheyne Avenue. However, the development proposed relates to No 23 and No 21 Cheyne Avenue. I have therefore adopted the address on the Council's decision notice which more accurately describes the site.
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Main Issues

4. These are:

- (i) the effect of the proposal on the character and appearance of the host building and the surrounding area; and,
- (ii) the effect of the proposal on the living conditions of the occupiers of No 25 Cheyne Avenue, with particular regard to outlook.

Reasons

Character and appearance

- 5. The appeal site is within a residential area that is dominated by frontage properties. Many of the houses have been extended to the side but sufficient gaps remain between buildings for the houses to be appreciated within their own plots and for pairs of semi-detached houses to be clearly separated from one another. No 21 and No 23 Cheyne Avenue are a pair of semi-detached houses which share a number of characteristics including a catslide roof and side dormer roof extensions.
- 6. Part of the proposed development involves extending No 23 with a two storey side extension. The Council's SPD¹ recommends that two storey side extensions *should not be greater than half the width of the original building, to ensure that the extension does not over-dominate the building's original scale and character*. The proposed extension would be greater than half the width of the original building. Combined with the height and form of the extension proposed, the development would be overly dominant, detracting from the form and scale of the original dwelling. This in turn would detract from the form and scale of the property as a semi-detached house, undermining the characteristics the property shares with its adjoining neighbour, No 21.
- 7. The two storey side extension would reduce the size of the gap between No 23 and the unattached neighbouring property, No 25, reducing the degree of separation between properties. This would be out of keeping with the more generously sized gaps between properties within the area and therefore would appear as an anomaly in the street, harmful to the character and appearance of the area.
- 8. The development includes a first floor rear extension to No 21 and No 23 Cheyne Avenue. The symmetrical form, scale and design of the extensions complement each other. The extensions would extend a distance from the rear of the existing properties but being central to the rear elevation of the pair of semi-detached houses, would not be unduly dominant in form or scale to detract from the form and scale of the existing houses. Furthermore, being a rear extension and not within public view, the development would not impact on the character and appearance of the local area.
- 9. Whilst I have found that the first floor rear extensions would not be harmful to the character and appearance of the host building and the surrounding area, I have found that the side extension would be. For the reasons given above the proposal would be contrary to policy CP7 of the Core Strategy² and policy DM

¹ London Borough of Richmond Upon Thames, Local Plan, Supplementary Planning Document, House Extensions and External Alterations (May 2015).

² London Borough of Richmond Upon Thames, Local Development Framework, Core Strategy, Adopted April 2009.

DC 1 of the Development Management Plan³ which seek development that recognises and respects local character.

Living conditions

10. Although within proximity of the shared boundary with No 25 Cheyne Avenue, the part two storey and single storey side extension would not override the line of existing built development at No 25 and therefore would not be overbearing on the garden to this property. I do not find, therefore, that the extension would be harmful to the outlook from the garden of No 25.
11. The first floor rear extension would be a sufficient distance from the garden at No 25 to not have an impact with regards to outlook from the garden. In all, therefore, I find that the proposal would not be harmful to the living conditions of the occupiers of No 25, with particular regard to outlook. The proposal would not therefore be contrary to policy DM DC 5 of the Development Management Plan which seeks development that does visually intrude on adjoining properties.

Fallback

12. I have before me details of planning application 13/0399/HOT which granted planning permission for a two storey side extension and single storey rear extension. For significant weight to be afforded to a fallback position such as this, there needs not only to be a reasonable prospect of it being carried out in the event that planning permission were refused, but it would also need to be equally or more harmful than the development for which permission is sought.
13. It was apparent from my observations on site that a two storey side extension had been constructed. There is little to distinguish the side extension approved under planning application 13/0399/HOT from the side extension which is the subject of this appeal. Consequently I find that development has started in line with planning permission 13/0399/HOT. As a result the planning permission represents a fallback position that carries weight in my consideration of this appeal.
14. Given the similarities in form, layout and scale, the two storey side extension approved under 13/0399/HOT would have an equally harmful effect on the character and appearance of the host building and the surrounding area as the appeal proposal. For this reason the fallback position is a consideration of significant weight.

Other matters

15. Concerns have been raised for the works being carried out on site, to include hours of operation and party wall issues. These are matters which are not before me for consideration as part of this appeal and therefore do not influence my conclusions regarding to the main issues.
16. Concern has been raised for the impact the development would have on light to No 25 Cheyne Avenue, however, I have not been provided with any evidence which would lead me to conclude that the development would be harmful in this regard. The loss of light did not form part of the Council's reasons for

³ London Borough of Richmond Upon Thames, Local Development Framework, Development Management Plan, Adopted November 2011.

refusal and I therefore am satisfied that this matter would not result in a level of harm which would justify dismissing the appeal.

Conditions

17. The Council have not suggested any planning conditions. Having considered the advice in the Planning Practice Guidance I have imposed a condition specifying the relevant drawings as this provides certainty, in addition to the standard time limit for commencement. I have also included a condition to ensure that the materials used in the construction of the development match those used in the existing building in the interests of the character and appearance of the area.

Balancing and conclusion

18. I have found that the development would have a harmful effect on the character and appearance of the host building and the surrounding area. The proposal would not, however, have a harmful effect on the living conditions of the occupiers of No 25 Cheyne Avenue, with particular regard to outlook. Despite finding that the development would be harmful to character and appearance, in light of the 'fallback' and the same effect that this would have on character and appearance, I can see no reasonable basis for withholding consent. Consequently I conclude for the reasons given that the appeal should succeed.

R Walmsley

INSPECTOR