
Appeal Decision

Site visit made on 31 January 2017

by Beverley Doward BSc BTP MRTPI

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

Decision date: 22 February 2017

Appeal Ref: APP/L5810/W/16/3161065

Flat 1, 17 Elmers Drive, Teddington, Richmond upon Thames, TW11 9JB

- 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 & Mrs Casson against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/0975/FUL, dated 11 January 2016, was refused by notice dated 17 May 2016.
 - The development proposed is rear and side extensions to existing 2 bed flat with linking glass corridor to rebuilt rear outbuilding to make into a 4 bedroom flat.
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Decision

1. The appeal is allowed and planning permission is granted for rear and side extensions to existing 2 bed flat with linking glass corridor to rebuilt rear outbuilding to make into a 4 bedroom flat at Flat 1, 17 Elmers Drive, Teddington, Richmond upon Thames, TW11 9JB in accordance with the terms of the application, Ref 16/0975/FUL, dated 11 January 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: Drwg No's ED-01, ED-02, ED-03, ED-04, ED-05, ED-06, ED-07- REV-A, ED-08-REV-A and Location Plan.

Procedural Matter

2. The address given in the heading above and in my formal decision is taken from the appeal form as this is more accurate than that detailed on the planning application form.

Main Issues

3. The main issues in this case are the effect of the proposed development on the character and appearance of the area and the living conditions of the neighbouring occupiers, particularly No 18.

Reasons

4. The appeal site is a ground floor two bedroom flat in a two storey mid terraced property within a residential area. There is an existing flat roofed single storey rear extension attached to the original two storey outrigger on the property and an existing outbuilding at the end of the rear garden. The flat benefits
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from a reasonably sized rear garden which along with the rear gardens of the other properties in this part of Elmers Drive contributes to the character and appearance of the wider locality.

5. The appeal proposal comprises a scheme of extensions and alterations to form a 4 bedroom flat. The scheme consists of three elements, a single storey rear and side extension, a new outbuilding at the end of the rear garden and a glazed link between which would extend along the boundary with no 18.
6. I appreciate that policy DM HO3 of the London Borough of Richmond upon Thames Development Management Plan November 2011 (DMP) presumes against the loss of back gardens due to the need to maintain local character, amenity space and biodiversity and that the cumulative impact of the proposed development would result in the loss of some of the existing rear garden area to the flat. However, the policy also states that a limited scale of backland development may be acceptable when considered against a number of criteria.
7. In this case a reasonable sized garden area to the flat would remain and, given that there is an existing single storey rear extension on the property and a full width outbuilding at the end of the rear garden, it seems to me that the proposed development would not appear as such a significant incursion as to materially harm the character and appearance of the wider locality to which the rear garden of the flat contributes. The proposed development would be of single storey height and would not result in the overlooking of neighbouring properties or gardens. Whilst the proposed development could result in an increase in the number of people living at the property there is nothing in the evidence before me to suggest that this would have an adverse impact upon vehicular access or car parking nor is there anything in the evidence to suggest that the proposed development would result in the loss of any significant features of importance to wildlife. Accordingly, I am satisfied that it would not conflict with policy DM HO3 of the DMP.
8. The appeal proposal would not represent a substantial increase in the amount of development beyond that which currently exists on the site. In any event it would be of a relatively low height which would serve to minimise its visual impact when viewed from the wider locality. The existing outbuilding at the rear of the garden is fairly substantial and although the outbuilding element of the proposal would be larger it would not appear unduly so nor would it appear overly larger than the various outbuildings which are sited at the end of other rear gardens nearby.
9. The Council's Supplementary Planning Document: House Extensions and External Alterations May 2015 (SPD) includes advice on, amongst other things, the impact of development on residential amenity and advises that the effect of a single storey extension on a terraced property, as is proposed in this case, would normally be considered acceptable if it projects no further than 3m. However, it goes on to indicate that the final test of acceptability will depend on the particular circumstances on the site, which may justify a greater rear projection. It also states that infill extensions to Victorian properties are fairly typical around the Borough and in such instances where the depth exceeds 3m the height should be limited to 2.2m to mitigate the sense of enclosure.
10. The single storey rear and side extension element of the appeal proposal would extend across the full width of the appeal property and have an eaves height of about 2.25m. It would adjoin the boundary with the neighbouring property at

No 16 and extend about 3m beyond the extension on this property before splaying away from the boundary. Accordingly, I am satisfied that this element of the appeal proposal would not appear unduly overbearing or dominant when viewed from the neighbouring property at No 16.

11. The combined elements of the appeal proposal would result in development extending along the length of the adjoining boundary with No 18. However, for the most part it would be only marginally above the 2.2m height indicated in the SPD as necessary to mitigate the sense of enclosure and given that the height of the existing boundary treatment between the two properties, which comprises a fence with trellis above, already exceeds this height, it would not create any greater sense of enclosure nor would it appear unduly overbearing when viewed from the rear windows or the garden area of No 18. Although the outbuilding element of the proposal at the rear of the garden would have a sloping roof which would be about 3.5m high at its highest point it would not appear unduly overbearing or oppressive when viewed from the rear of the neighbouring properties, given the intervening distances and the proposed sedum roof.
12. I appreciate that the proposal would create habitable accommodation at the end of the rear garden. However, there is already the potential for there to be some activity at the end of the garden given the presence of the existing substantial outbuilding which is in the same location as the rear outbuilding element of the proposal. Furthermore, the proposed rear outbuilding element would only be accessible through the existing flat and I am not persuaded that any noise or activity that would emanate from it would be materially different to that which could come from the existing flat. Accordingly, I am satisfied that the proposed development would not cause harm to the living conditions of neighbours in this respect.
13. The appeal documentation indicates that since the refusal of the planning application subject to this appeal the Council has granted two separate planning permissions at the appeal site, one for a single storey rear infill extension which is the same as the single storey rear and side extension element of the appeal proposal and the other for an extension to the current outbuilding to form a bedroom, bathroom and study zone.
14. Although the permitted outbuilding would be about 300mm less in depth than that proposed in this case and that the appeal proposal would result in further development by way of a glazed link along the entire depth of the boundary to No 18 it seems to me that the appeal proposal would not have any more substantive impact on the character and appearance of the area or the living conditions of neighbours than that which already benefits from planning permission and which I am satisfied that, if the appeal proposal were not successful, would be implemented. Accordingly, whilst each planning application and appeal needs to be considered on its own merits this is a material consideration to which I attach some considerable weight.
15. Having regard to all of the above therefore, I conclude that the proposed development would not cause material harm to the character and appearance of the area or the living conditions of the neighbouring occupiers, particularly No 18. It would not conflict with policy DM HO3 of the DMP as indicated above. It would also comply with policy CP7 of the London Borough of Richmond upon Thames Core Strategy April 2009 and policies DM DC 1 and DM DC 5 of the

DMP which taken together seek to ensure that development is of a high design quality, respects local character and protects adjoining properties from unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance. It would also not undermine the aims and objectives of the Council's SPD in these respects.

Other matters

16. The disposal of rainwater from the proposed development is a matter for the implementation of the development.

Conditions

17. In addition to the standard implementation condition a condition requiring the development to be carried out in accordance with the approved plans is necessary to provide certainty.
18. The Council has also suggested the need for conditions to ensure that the annex building at the rear of the garden remains as ancillary accommodation to the existing dwelling and to restrict external changes to the external faces of that building. However, the only access to the annex building would be through the existing flat and its use as a separate residential unit would require planning permission. Similarly, any changes to the external faces of this building would also require planning permission as the site is occupied by a flat which does not enjoy permitted development rights. Therefore, I am not satisfied that these suggested conditions would meet the tests set out in the National Planning Policy Framework and Planning Practice Guidance. Accordingly, I have not imposed them.

Conclusion

19. For the reasons given above and having taken into account all other matters raised, I conclude that the appeal should be allowed.

Beverley Doward

INSPECTOR