
Appeal Decision

Site visit made on 22 February 2017

by P G Horridge BSc(Hons) DipTP FRICS MRTPI

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

Decision date: 28 February 2017

Appeal Ref: APP/L5810/D/16/3165150

1 Greenlink Walk, Richmond TW9 4AF

- 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 Sheikh Mansour against the decision of the Council of the London Borough of Richmond upon Thames.
 - The application Ref 16/3721/HOT was refused by notice dated 23 November 2016.
 - The development proposed is a two storey rear extension to existing detached four storey dwelling, to include roof terrace at first floor level and installation of new window in flank elevation.
-

Decision

1. The appeal is dismissed.

Main issues

2. At issue are the effects of the proposal on the appearance of the locality and on the living conditions of residents of both the appeal property and the neighbouring property at 3 Greenlink Walk.

Reasons

3. Relevant local planning policy is contained in the Core Strategy (CS) (adopted 2009), the Development Management Plan (DMP) (adopted 2011) and the Supplementary Planning Document: House Extensions and External Alterations (SPD) (2015). CS Policy CP7 seeks to maintain and improve the local environment. DMP Policy DM DC1 deals with design quality, while DM HO4 addresses housing mix and standards. Among other matters, it notes that new housing development should comply with internal and external space standards, and sets out criteria for amenity space for new dwellings. DM Policy DM DC5 seeks to protect adjoining properties from unreasonable loss of privacy while DM DC6 deals specifically with balconies and upper floor terraces. More detailed guidance is given in the SPD which notes that extensions should appear subordinate and sympathetic, and should not lead to a substantial reduction in garden area.
 4. The site lies within a recent development containing a mixture of detached and terraced houses and blocks of flats. While the council's decision notice alleges that the development would be "harmful to the proportions and rhythm of the terrace", the appeal property is in fact a detached house and its immediate neighbour to the east is of a different design. The extension would be constructed in matching materials to the main house and incorporate similar
-

- detailing. It would remain subordinate to and in proportion with the original house, as required by the SPD. Overall it would not harm the appearance of the locality contrary to CS Policy CP7 or DMP Policies DM DC1 and DM HO4.
5. The rear garden of the property is mainly laid out with paving slabs. At the end of the garden is a separate two-storey building containing garaging on the ground floor and accommodation above. The extension would project from the rear of the house and reduce the available garden area. Both parties agree that it would be reduced to below the 70 sq m which the SPD says should be maintained for properties with 3 or more bedrooms. However, the extent to which it would be reduced is disputed, with the appellant arguing that it would be only 2 sq m below this 'standard'. Whatever the deficiency, it was apparent from site inspection that the remaining garden area would be of an adequate useable size and would evidently be sufficient for the needs of the appellant.
 6. The existing house has a small balcony at first floor level. Under the appeal proposal, this would be subsumed in the first floor extension over part of the ground floor extension, and the balance of the roof of the new ground floor extension would become a roof terrace. This would have a view over the rear garden of the adjoining property at 3 Greenlink Walk. The new roof terrace would be much closer to this adjoining garden than the existing balcony, and the increased size in comparison to the existing balcony would make it a more useable space. Although many surrounding properties also have balconies at first floor level (and higher in the case of the flats on the opposite side of Melliss Avenue), these are farther away from 3 Greenlink Walk than the appeal proposal and their use therefore poses less of a threat to its privacy. The proposed roof terrace would result in a material diminution of the level of privacy enjoyed by residents of 3 Greenlink Walk, contrary to DMP Policies DM DC5 and DM DC6.
 7. The appellant says that the use of the balcony is not fundamental to the scheme and would accept a condition reducing its size or preventing its use as a roof terrace. However, this is not a practicable course of action, particularly given the difficulties inherent in attempting to amend the design details of a scheme by condition. The correct way forward is for the appeal to be dismissed, leaving it open to the appellant to seek planning permission for a revised scheme which the council can then assess on its merits.
 8. Overall the scheme would not have an adverse effect on the appearance of the locality nor constitute an overdevelopment of the site unacceptably diminishing the living conditions of its residents. However, these considerations are outweighed by the detrimental impact on the privacy of residents of the neighbouring property. The appeal is therefore dismissed.

Peter Horridge

INSPECTOR