
Appeal Decision

Site visit made on 22 February 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 6th March 2017

Appeal Ref: APP/L5810/D/16/3166014

46 Stanley Gardens Teddington TW11 8SZ

- 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 Patricia Greenwood against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/3963/HOT, dated 10 October 2016, was refused by notice dated 6 December 2016.
 - The development proposed is a single storey rear infill extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have adopted the description of development use in the Council's decision notice as providing a more accurate description of the appeal proposal than that given in the original application form.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of Number 48 Stanley Gardens with regard to outlook.

Reasons

4. The proposal would result in the construction of a blank wall 3 metres (m) high and just over 4m long on the common boundary with the adjoining property at number 48 Stanley Gardens. This wall would be within about 1.5m of the kitchen window in the side elevation of the single storey addition to No 48 and would extend a similar distance beyond the edge of that window. With this siting and height the proposed extension would appear as a dominant and overbearing structure when viewed from the kitchen window or the back door to the adjoining house. It would also appear as overbearing for the occupiers of No 48 when using the path from the back door to the garden of the house.
 5. I agree with the Council that the proposal would result in an increased sense of enclosure for the occupiers of No 48 and would have a significant adverse effect on the outlook from their property. Due to the orientation of the two houses the proposed extension would also lead to some overshadowing of the side window and rear door to No 48 and would reduce the level of daylight and sunlight reaching the house.
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6. The Council's House Extensions and Alterations Supplementary Planning Document (SPD) (2015) provides support for infill extensions but advises that these should be constructed in a manner which does not increase the sense of enclosure for neighbouring residents. In respect of rear extensions to terraced houses with a projection of more than 3m from the existing rear wall the SPD suggests that the eaves height of the extension should be limited to a maximum of 2.2m. The appeal proposal would exceed that limit by a significant degree and would result in the adverse effect that the guidance seeks to avoid.
7. For these reasons I find that the proposal would cause significant harm to the living conditions of the occupiers of No 48 Stanley Gardens. The proposal would, therefore, conflict with Policy DC 5 of the London Borough of Richmond-Upon-Thames Development Management Plan (DMP) (2011) which seeks that the design of new development should ensure that the amenity of adjacent properties is protected. The Council's decision notice alleges conflict with DMP Policy DC 1 and Policy CP7 of the London Borough of Richmond-Upon-Thames Core Strategy (2009) but I find no objection to the design of the proposal or its relationship with the host building.
8. The proposal would be of benefit to the appellant in terms of the additional living accommodation it would provide. However, this private benefit is not sufficient to outweigh the harm that would be caused or the resultant conflict with the development plan.

Other Matters

9. I acknowledge the appellant's arguments with regard to the form of extension that might be constructed using permitted development rights. However, I consider that, due to its additional depth, the appeal proposal would result in greater harm than would be caused by an extension built within the permitted development limits. Although no objection was received from the occupier of No 48 it is appropriate to take account of the living conditions both of the current and any future occupiers of that property.

Conclusion

10. For the reasons set out above I conclude that the appeal should be dismissed.

Paul Singleton

INSPECTOR