The Planning Inspectorate

# Appeal Decision

Site visit made on 21 February 2017

**by Paul Singleton BSc (Hons) MA MRTPI**

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

**Decision date: 20th March 2017**

**Appeal Ref: APP/L5810/D/16/3166007**
**7 Second Avenue, Mortlake, London SW14 8QF**

- 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 J Hatfield against the decision of the Council of the London Borough of Richmond-upon-Thames.
- The application Ref 16/3616/HOT, dated 7 September 2016, was refused by notice dated 7 November 2016.
- The development proposed is a loft conversion with rear dormer.

## Decision

1. The appeal is allowed and planning permission is granted for a loft conversion with rear dormer at 7 Second Avenue, Mortlake, London SW14 8QF in accordance with the terms of the application, Ref 16/3616/HOT, dated 7 September 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; Drawings: 01 Rev A; 02 Rev A; 03 Rev A; 04 Rev A; 05 Rev A as received on 27/10/2016.

    3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

    4) The proposed second floor window in the side (south facing) elevation of the dormer extension shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.75 metres above the relevant floor level.

## Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the existing dwelling and the surrounding area.

## Reasons

3. The proposed dormer would be set back by 0.5 metre (m) from the rear gable of the two storey outrigger to the appeal property and by 0.2m from the eaves. Extending to a maximum height above the roof slope of 2.3m, the dormer would connect with an existing box dormer to the main roof of the property,

forming an L-shaped extension to the second floor. The flat roof of the proposed dormer would sit slightly below that of the existing rear dormer.

4. As part of my site visit I was able to walk the full length of the alley running between the houses on Second Avenue and First Avenue. I saw that approximately half of the Second Avenue houses have large rear dormers to the main roof and that a number of outrigger dormers have also been added. A large proportion of the First Avenue houses have rear dormers although most of these properties do not have two storey outriggers. Based on these observations, I agree with the appellant that rear dormer windows have become part of the established character and appearance of the area. The appeal proposal should be assessed in the context of that prevailing character.

5. The Council's House Extensions and Alterations Supplementary Planning Document (SPD) (2015) advises that dormer windows should not dominate the original roof and that, normally, a significant area of roof should be left beneath and on either side thus setting the extension well in from either side of the roof. The Council has not consistently applied that guidance to dormer proposals in Second Avenue and planning permission has been granted for full width dormers at numbers 51 and 53 which leave none of the original roof visible to either side. The delegated reports for these applications (Appendices 5 & 7 to the appellant's statement) state that both schemes are larger than would typically be acceptable but that there are mitigating factors to justify a grant of planning permission. Those mitigating factors include that there of many examples of dormers of a similar scale in Second Avenue and that the proposal would not, therefore, be out of keeping with the character of the area.

6. This inconsistency in the manner in which the Council has applied the guidance was noted by the Inspector who determined the appeal for a full width rear dormer to No 11 Second Avenue[1]. Although he found that development to be at odds with the guidance the Inspector concluded that account should be taken of the significant number of dormer and mansard roof extensions in Second and First Avenues which '*for the most part dominated their host properties'*. Although the former Supplementary Planning Guidance was in place at the time of that decision there is no substantive difference between that guidance and the current SPD. I note also that the Council's decision in respect of the rear dormer to No 51 was made with reference to the SPD rather than the previous guidance.

7. As any dormer above an outrigger is likely to take access from an existing dormer to the main roof the requirement that a significant area of roof should be left either side would seem impractical to achieve. No explanation is given in the SPD as to how this requirement should be applied to such proposals but the Council has interpreted this as requiring a significant set back from the rear gable. The setback proposed in the appeal scheme would not be significant and would potentially dominate the roof of the outrigger. It would, however, be seen against the background of the existing dormer which reads as a full third storey to the house. In contrast, the appeal proposal would read as a roof extension rather than an additional storey to the outrigger and, given its lower height, would achieve a subservient relationship with the main roof and the rear elevation of the property as a whole.

[1] APP/L5810/D/13/2211155 dated 11 February 2014

8. Certificates of Lawfulness have been issued in respect of outrigger dormers at Nos 51 and 53 which, in tandem with the planning permissions granted at those properties, have resulted in an L-shaped dormer to each the houses. Neither incorporates a setback greater than the 0.5m proposed in the appeal scheme. The fact that an almost identical outcome to that which would result from the appeal can be achieved by a combination of planning and Certificate of Lawfulness applications is a material consideration. In my view, the appellant should not be disadvantaged because the main roof dormer to his property is already in situ.

9. The proposal would be no more out of scale with the host property than other similar extensions in the terrace, including that at No 11. Although it contends that that dormer does not accord with the approved plans the Council appears not to have initiated enforcement action to remedy that situation. That roof extension does, therefore, form part of the context within which the acceptability of the appeal proposal should be assessed.

10. There are no public views of the rear elevations of the houses and the rear alley is a private and, based on my observations, little used route. Because of their much longer gardens the rear windows of the First Avenue houses are some distance from the appeal property. Accordingly, the proposal would have limited visibility from other nearby houses and there would be no detriment to the character and appearance of the wider area.

11. In summary, the proposal would not be over-dominant or out of scale with the host building and would not be intrusive or out of place with other nearby houses. No material harm would, therefore, be caused to the character and appearance of the host property or the surrounding area. The proposal complies with Policy DC 1 of the London Borough of Richmond-Upon-Thames Development Management Plan (2011), which requires that development must respect local character, and with Policy CP 7 of the London Borough of Richmond-Upon-Thames Core Strategy (2009), which states that all new development should recognise distinctive local character.

**Conditions**

12. In the interests of certainty a condition is needed to tie the planning permission to the approved plans. I have also attached a condition requiring the use of matching external materials to ensure that the extension complements the design and appearance of the house. As the side window would look towards the dormer at No 9 a condition is needed to require that the window should not be openable and that obscured glazing should be used below a height of 1.75m. This is necessary to safeguard the privacy of the occupiers of the adjoining dwelling.

**Conclusion**

13. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be allowed.

*Paul Singleton*

INSPECTOR