

# Appeal Decision

Site visit made on 10 March 2017

**by Gary Deane BSc (Hons) DipTP MRTPI**

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

**Decision date: 24 March 2017**

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**Appeal Ref: APP/L5810/D/16/3167708**

**14A Enmore Gardens, East Sheen, London SW14 8RF**

- 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 Alex Buttle and Ms Elizabeth Saary against the decision of the Council of the London Borough of Richmond upon Thames.
  - The application Ref 16/2028/HOT was refused by notice dated 19 October 2016.
  - The development proposed is the erection of a 2-storey side extension, single storey rear extension, rear dormer, front bay and porch, and part basement extension.
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## Decision

1. The appeal is dismissed.

## Main issues

2. The main issues are the effect of the proposed development, firstly, on the character and appearance of the host building and the local area; secondly, on trees; and thirdly, on the living conditions of the occupiers of 6, 10 and 14 Enmore Court with particular regard to visual impact and privacy.

## Reasons

### *Character and appearance*

3. The appeal property is a two-storey detached house in a mainly residential area wherein buildings vary in type, design and scale. Consequently, there is variety to existing development in the area to which No 14A belongs.
  4. With sizeable new additions on three sides, significant extensions and alterations at roof and basement levels, and the removal of the existing rear conservatory and tall chimneystacks, the finished dwelling would fundamentally differ to the size, shape and style of the existing building. While some aspects of the proposed design take their cue from nearby terraces, the completed dwelling would noticeably contrast in its scale and general appearance with most surrounding properties. Even so, the area around the site, whilst having a coherent residential character, is varied in built form and is capable of successfully assimilating buildings that differ in scale, design and appearance.
  5. Taken individually, some elements of the appeal scheme such as the basement extension and the front bay and porch might have only limited impacts on the character and appearance of the host property and the wider area. The Council appears to raise no objection to these elements of the proposal, and I, too find
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them to be acceptable, with the appropriate external materials. However, these components of the new development are not clearly severable from the rest of the appeal scheme and thus form part of a development, the magnitude of which would be so great as to overwhelm the traditional style, size and modest proportions of the existing dwelling. As a result, the intrinsic character of No 14A would be spoilt and there would be an adverse impact on the character of the local area notwithstanding the varied existing built form within it.

6. Specifically, the side addition would be a new and prominent feature. It would extend the 2-storey built form of the main house across much of the width of the plot, with a new flank wall incorporating a part gable up to the shared boundary with the adjacent property, which is 16 Enmore Gardens. While the existing garage of No 14A establishes a built form at ground floor level in the same position, the proposal would noticeably reduce the gap at first floor level between these adjacent buildings by introducing additional built form. With just a narrow passageway separating the tall and substantial sidewalls of the finished dwelling and No 16, these buildings would appear from the road to be cramped in terms of layout due to the limited gap between them.
7. In addition, the roof of No 14A would be extended and altered to include part hipped, part gable ends that would increase its scale and bulk due to the generous distance between the eaves and ridge. That a new ridgeline would run parallel with the road would visually accentuate the mass of the new roof. When seen from the highway, the considerable expanse of front roof slope would appear overly large in relation to the proportions of the building below it.
8. At the back of the house, the proposed ground floor and dormer extensions would project across almost the full width of the building with the new side addition in place. In combination, these extensions would appear disproportionately large in relation to the host building and would visually dominate its rear façade. As such, there would be a conflict with the guidance within the Council's Supplementary Planning Document, *House Extensions and External Alterations* (SPD), which states that the overall shape, size and position of side and rear extensions should not dominate the existing house. The considerable scale of the new dormer would also give the completed dwelling an awkward top-heavy appearance even on the enlarged rear roof slope. This would be evident from the rear gardens of the properties on either side of the site, which are No 16 and a block of flats called Enmore Court.
9. The main outcome would be significant harm to the character and appearance of both the host building and the local area. Accordingly, the proposal is contrary to Policy CP7 of the Council's Core Strategy (CS) and Policy DM DC 1 of its Development Management Plan (DMP). These policies aim to ensure that new development respects local character and connects with, and adds to, its surroundings, contributing to creating places of high design quality.
10. For the same reasons, the proposal is also at odds with the Council's SPD and the National Planning Policy Framework (the Framework), which emphasise the importance of achieving high quality design. The Framework also states that development should respond to local character and add to the overall qualities of an area.

### *Trees*

11. There are two Yew trees close together, one within the back garden of No 14A and the other to the side of Enmore Court that are protected under a tree preservation order<sup>1</sup>. These trees positively contribute to the leafy setting to the rear of No 14A and the suburban residential character of the local area.
12. A corner of the new basement extension would be close to both of these trees and the excavation required for construction could intrude into their root protection areas, potentially in a harmful way. The plans show that both protected trees are to be retained although an arboricultural assessment of the condition of both specimens and the likely effect of the proposal on their health has not been submitted. Consequently, there is limited evidence before me to allow a proper appraisal of the potential impact of the new development on these trees, which could be adversely affected even with protection measures in place during the construction phase, as the appellants suggest.
13. On the second main issue, I therefore conclude that there is insufficient evidence to demonstrate that the development would not harm the health and longevity of the protected trees. As such, it conflicts with DMP Policy DM DC 4 and the Council's SPD, which aim to safeguard trees and landscape.

### *Living conditions*

14. Enmore Court has several windows across its three storeys that face towards the site, from which the flank wall of the finished dwelling and the side of the new dormer would be particularly evident. According to the Council, those windows of Enmore Court that would be most affected belong to flats 6, 10 and 14 and from the evidence before me most if not all serve habitable rooms.
15. While the proposed side elevation of No 14A would be taller and more substantial than that of the existing dwelling, the new built form would be no closer to the windows of Enmore Court than the existing dwelling. As the windows of Enmore Court already look out on the existing flank wall of No 14A, which is sizeable, I am not convinced that the additional built form would be so imposing as to overbear on the occupiers of this adjacent building.
16. With regard to privacy, the elevated position of the new rear dormer would allow a greater level of overlooking of the adjoining rear gardens of Enmore Court and No 16 than would be possible from the first floor rear windows of the existing dwelling. However, such views would be at an oblique angle and partly screened by vegetation. In my experience, overlooking of this type is a common characteristic of the relationship between buildings that stand side by side. On balance, I find that the additional overlooking possible from the new dormer would not have a significant impact on the living conditions of the occupiers of Enmore Court or No 16.
17. To overcome overlooking problems towards some of the windows of flats 6, 10 and 14, the new arch window would need to include obscure glazing and be fixed shut, as proposed. With these measures in place, which could be covered by a condition, and taking into account the potential overlooking possible from the existing side window of No 14A towards Enmore Court, I doubt that the

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<sup>1</sup> Denoted T1 and T2 on the map accompanying Tree Preservation Order No 392

additional loss of privacy felt by the occupiers of flats 6, 10 and 14, whether actual or perceived, would be so great as to notably reduce living conditions.

18. On the third main issue, I conclude that the proposal would not significantly harm the living conditions of the occupiers of Enmore Court. Accordingly, it does not conflict with DMP Policy DM DC 5 and the Council's SPD insofar as they seek to safeguard residential amenity. My finding on this issue does not outweigh the harm that I have identified in relation to the other main issues.

*Other matters*

19. The appellants state that the existing dwelling lacks architectural merit and that it detracts from the visual character of the area. While the existing building is unremarkable, it is not incongruous in its residential context nor could it reasonably be described as a 'carbuncle' as the appellants suggest. Even if it were, there would be other ways of improving the appearance of the house and its contribution to the area beyond developing the site, as proposed.
20. The appellants state that some elements of the appeal scheme could come forward as permitted development albeit in a different form. Whether or not that is the case, I have assessed the new development as it is shown on the drawings and for which planning permission is sought.
21. Interested parties raise several additional objections to the new development including potential noise and disruption during the construction phase, a sense of enclosure, light and vehicle parking. These are important matters and I have taken into account all of the evidence before me. However, given my findings in relation to the first and second main issues, these are not matters on which my decision has turned.

**Conclusion**

22. For the reasons given above, I conclude that the proposal is not a sustainable form of development and that appeal should be dismissed.

*Gary Deane*

INSPECTOR