
Appeal Decisions

Site visit made on 3 April 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 12 April 2017

Appeal A Ref: APP/L5810/D/16/3166352

4 Blue Anchor Alley, Richmond TW9 2PJ

- 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 Ms Dawn Menear against the decision of the Council of the London Borough of Richmond-upon-Thames.
- The application Ref 16/3252/HOT, dated 13 August 2016, was refused by notice dated 11 October 2016.
- The development proposed is erection of a first floor rear extension to add an additional bedroom converting the property to a 3 bed house.

Appeal B Ref: APP/L5810/D/16/3166354

4 Blue Anchor Alley, Richmond TW9 2PJ

- 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 Ms Dawn Menear against the decision of the Council of the London Borough of Richmond-upon-Thames.
- The application Ref 16/3357/HOT, dated 19 August 2016, was refused by notice dated 11 October 2016.
- The development proposed is the erection of a first floor rear extension to add an additional bedroom; new front porch and door and alterations to fenestration including new roof lights.

Decision

1. Both appeal A and B are dismissed.

Preliminary Matters

2. As set out above there are two appeals on this site and this decision letter deals with both appeals. There are some differences between the schemes. The first floor rear extension relating to Appeal A incorporates a parapet roof and a four pane window in the rear elevation and would be constructed in matching brickwork to the original dwellinghouse. Alternatively, the first floor rear extension relating to Appeal B does not incorporate parapets and would have an almost fully glazed rear elevation with a grey aluminium surround. Nonetheless, given the overall similarities of the schemes I have dealt with both in this single decision letter. I have considered each proposal on its individual merits and restricted myself only to the proposed first floor rear extension which is the matter of dispute in both appeals. However, to avoid duplication I have dealt with two schemes together, except where otherwise indicated.
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Main Issues

3. The main issue for both appeals is: -

- the effect of the proposed development on the character and appearance of Kew Foot Road Conservation Area and on a building of townscape merit;
and in relation to Appeal B only
- the effect of the proposed development on the living conditions of the adjoining occupiers and the existing occupiers of the host property.

Reasons

Character and appearance (Appeals A & B)

4. The appeal site comprises a modest two-storey mid-terrace property located on a narrow pedestrian alleyway known as Blue Anchor Alley. The dwelling has a single storey extension to the rear of similar depth to those added to dwellings to the North West. This row of terrace dwellings is of traditional design and has small front gardens and rear gardens or yards. This property is locally listed as a building of townscape merit and is one of a group in the Alley. It also falls within the Kew Foot Road Conservation Area, a designated heritage asset, and this attractive bijou terrace, of which the appeal property forms part, contributes to its significance.
5. I observed that the first floor rear elevations of Nos 4 and 5 have a recessed position in relation to those dwellings at either end of the terrace, these being, Nos 6 and 7 and 'New House'. At the rear, these properties form a 'book end' to this short terrace and these, along with the first floor recesses of the two dwellings between, gives this terrace symmetry to its form and appearance. Although the proposed extension would align with the first floor rear elevation of 'New House', it would partly infill the recess and this would unbalance the overall symmetry of this short terrace. The proposal, being part width of the host property would also unbalance the existing dwelling. I acknowledge that some unsympathetic alterations to this property have taken place and the Council has no specific policies relating to 'symmetry'. However, this does not justify the proposed rear extension that would be visually detrimental to the character and appearance of the host property and the overall terrace.
6. The proposed first floor rear extension in both cases would be relatively small. Although the depth of both proposals would be modest their design would break the eaves. This would add to the dominating appearance of both proposed rear extensions and would remove the eaves which form part of the original form of this dwelling. Either proposal would therefore create a visually poor addition to the dwelling and would not form an appropriately subordinate addition to the host property.
7. Although the brickwork and the traditional style of the window proposed for the rear elevation of Appeal A would be more in keeping, this does not overcome the above concerns. Whilst there have been some unsympathetic alteration to the host dwelling and those other properties in the terrace, the modern contemporary design of the rear elevation of Appeal B with large glazed opening with grey aluminium surround, would be a sharp contrast in appearance to that of the generally traditional openings within the rear

- elevations. Proposal B would not relate well to the original features of the building and would detract from the character and setting of the host property.
8. The harm identified above would be visible to the occupiers of this terrace from their rear garden/yard outdoor living spaces and some glimpsed views from the rear of properties at Lower Mortlake Road, despite trees interrupting continuous views of the rear elevation.
 9. The appellant's Heritage Statement suggests that the heritage value of the property is moderate and that Nos 4 and 5 Blue Anchor Alley are not prominent buildings in the Conservation Area. Nonetheless, the appellant's statement recognises that they are part of the attractive group of artisan cottages that form the central part of Blue Anchor Alley.
 10. I acknowledge that the property, and particularly its rear elevation, is located in a secluded part of the Kew Foot Conservation Area. I also observed the large rear extensions and tall elevations relating to Matthiae's Café close by. In comparison to this existing neighbouring development, I accept that the proposed rear addition would be small. Nonetheless, I consider this proposal would have a substantial harmful effect upon the character and appearance of the host dwelling and the small terrace of which it forms part. As such paragraph 135 of the National Planning Policy Framework (the Framework) requires a balanced judgement to the scale of harm to the significance of a non-designated heritage asset. I conclude that the proposed development would cause substantial harm to this locally listed building of townscape merit and the group which are of significance in the Alley.
 11. I therefore also conclude that the proposed developments, for both Appeal A and Appeal B would have a harmful effect on the character and appearance of the area and would fail to preserve the character and appearance of the Conservation Area, causing harm to its significance. It would be in conflict with Policies DM HD1, HD3 and DC1 of the London Borough of Richmond Upon Thames Development Management Plan, Policy CP7 of the London Borough of Richmond Upon Thames Core Strategy and the Supplementary Planning Document 'Housing extensions and external alterations'. These seek to protect existing buildings and areas in the Borough of recognised high quality and historic interest from inappropriate development which includes the preservation and enhancement of buildings of townscape merit. New development must be of a high architectural quality and respect local character and enhance the character and appearance of the area, amongst other matters.
 12. Given the size and scale of the proposal in the Conservation Area, I consider there would be less than substantial harm to the character and appearance of the Conservation Area. In accordance with paragraph 134 of the Framework, I must weigh the harm against the public benefit of the proposal. I accept the alterations to the front elevation would be acceptable to the Council but these changes are of neutral visual benefit. Although the extension may improve the homeowner's living conditions and would provide a sought after three-bedroom residential unit that would help meet a shortfall of this type of, these benefits do not outweigh the harm that I have identified above. Therefore, the public benefits of the proposal would be limited and insufficient to outweigh the harm identified.

13. The appellant has drawn my attention to a number of developments that have been allowed at appeal. I note that the proposed rear extension at No 45 Park Road (Appeal Ref: APP/L5810/D/16/3156610) would impact upon symmetry. However, that proposal related to a two-storey semi-detached in which the adjoining property had been substantially altered. No 46 The Vines (Appeal Ref: APP/L5810/A/02/1092733) related to a detached building and No 22 St Georges Road, Twickenham (Appeal Ref: APP/L5810/A/00/1047073), although forming part of a matching pair, also related to a detached two-storey villa. The matter in dispute at The Old House, 117 Hampton Hill, Hampton (Appeal Ref: APP/L5810/W/15/3039161) related to two additional dwellings set within a care home complex.
14. Whilst some of these examples may have similarity as they are buildings of townscape merit and/or are within a conservation area and may not be readily open to public vantage points, these examples are of different forms and have different relationships with adjoining properties and, as such, are not directly comparable to the appeal proposal. The appeal before me therefore can and should be considered in its own right.
15. Further to the above, my attention has also been drawn to mansard infill extension at No 75 Onslow Road (Appeal ref: T/APP/L5810/A/99/1016567) a two-storey mid-terraced property. In that case the character of the terrace and the proposal was of a different form to that of the proposed extension and the terrace property being considered as part of this appeal. I have also been directed to a planning permission relating to No 5 Lower Mortland Road, Richmond (Planning Ref: 15/3284/HOT). This is a Gothic cottage building comprising flats and is of a markedly different character to that of the appeal property and its adjoining terrace. I therefore consider the circumstances of that case are very different to that of this appeal site.

Living conditions (Appeal B)

16. The proposed first floor extension would have a large glazed rear elevation. I acknowledge that some mutual overlooking already takes place between the dwellings and the rear gardens/yards. I note the proposed extension would not extend to the edge of the existing ground floor extension. Nonetheless, the rear elevation of the proposed extension would be almost fully glazed and it would have an elevated position. Mutual observation would take place from the bedroom of the appeal property toward the rear private outdoor living areas of the adjoining properties, and from these outdoor spaces toward this habitable room. This reduction of privacy to both the adjoining occupiers and the occupiers of the host property would harm the respective living environments of these occupiers.
17. I therefore conclude that the proposed development would have a harmful effect on the living conditions of the adjoining occupiers and the existing occupiers of the host property. It would be in conflict with Policy DC5 of the London Borough of Richmond Upon Thames Development Management Plan which seeks to protect adjoining properties from unreasonable loss of privacy and to protect privacy in general for residential development, amongst other matters. The proposal would also conflict with the aims of paragraph 17 of the Framework that aims to secure a good standard of amenity for all existing occupants of land and buildings.

Conclusions

18. It is appreciated that pre-application advice was sought from the Council. However, for the reasons given above, I conclude that the appeals should be dismissed.

Nicola Davies

INSPECTOR