
Appeal Decision

Site visit made on 25 April 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 8 May 2017

Appeal Ref: APP/L5810/D/17/3171943

Ailsa Cottage, Ailsa Road, Twickenham TW1 1QJ

- 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 Kristin Ruud and Mr Ian Fitzgerald against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/4046/FUL, dated 19 October 2016, was refused by notice dated 29 December 2016.
 - The development proposed is extension and re-cladding of the existing house to form a six bedroom house over 3 floors; ground, first and second (loft) floor.
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Decision

1. The appeal is allowed and planning permission is granted for extension and re-cladding of the existing house to form a six bedroom house over 3 floors; ground, first and second (loft) floor at Ailsa Cottage, Ailsa Road, Twickenham TW1 1QJ in accordance with the terms of the application, Ref 16/4046/FUL, dated 19 October 2016, subject to the conditions listed in the schedule at the end of this decision.

Main Issues

2. The main issues are:
 - whether the proposed extension would preserve or enhance the character or appearance of St Margaret's Estate Conservation Area;
 - the effect of the proposed extension on the living conditions of neighbouring occupiers of 5 Ailsa Road with particular regard to outlook; and
 - the effect of the proposed development on trees.

Reasons

Character and appearance

3. Ailsa Road comprises substantial detached and semi-detached houses within the St Margaret's Estate Conservation Area that was mainly developed in the Victorian period. Most houses are constructed in brick and comprise two storeys, with a variety to the appearance of individual buildings, although of a similar character. There are a number of infill developments between the original dwellings, which are mainly of a similar character to the original estate.
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Buildings along the road, including Ailsa Cottage and those surrounding it, have been designated as Buildings of Townscape Merit.

4. Ailsa Cottage is a later infill property of a different character and appearance to the Victorian development surrounding, of a smaller scale and set behind the front building line of the neighbouring properties. Although subservient to the larger houses surrounding given its location and scale, this results in the existing dwelling appearing somewhat at odds with surrounding development.
5. The proposal would introduce features to the dwelling that reflect the design of surrounding development, particularly the revised brick cladding to the front elevation and proposed sash windows. The side dormer would be set back from the front elevation, such that it would not be prominent or unbalance the resulting building. The increase in the roof height, and additional width to the dwelling would result in it appearing more prominent than the existing within the street scene. However, it would remain set back from neighbouring properties with lower eaves and with the orientation of the roof at right angles to neighbouring properties resulting in a smaller scale to the proposed building than its neighbours. Therefore, it would remain subservient to those neighbouring properties and, overall, the proposed alterations would better integrate the dwelling into its surroundings.
6. The rear projection would be single storey with a flat roof surrounded by parapet, larger than the similar roof to the rear of 7 Ailsa Road. Consequently, this is not an unusual form of development and would not appear out of keeping with surrounding development in the limited views from surrounding properties.
7. For these reasons, I conclude that the proposed development would preserve the character and appearance of the St Margaret's Estate Conservation Area, such that it would not affect the significance of the designated heritage asset. As such, it would comply with Policy CP7 of the London Borough of Richmond-upon Thames Local Development Framework Core Strategy (CS) and Policies DM DC1, DM HD1 and DM HD3 of the Development Management Plan (DMP) that require development to be of a high design quality that respects local character and to conserve or enhance the character and appearance of the area and protect the special interest of Buildings of Townscape Merit.

Living conditions

8. The proposed extension to the property would result in the two storey building extending closer to the boundary with 5 Ailsa Road, with a single storey extension to the rear. That neighbouring property comprises a two storey dwelling with a single storey side and rear extension that wraps around the corner of the property closest to Ailsa Cottage.
9. The proposed extension would be two storeys on the part closest to 5 Ailsa Road, although this would not extend further to the rear than the existing property. Consequently, although closer to the boundary, this limits any overbearing effect on occupiers of that property such that it would not cause material harm to their living conditions. The rear part of the extension would be single storey with a flat roof. Whilst the parapet wall of the single storey element would be tall, it is located a short distance from the boundary with no. 5 such that it would not be overbearing on the living conditions of occupiers of that dwelling.

10. For these reasons, I conclude that the proposed development would not materially harm the living conditions of neighbouring occupiers of 5 Ailsa Road. As such, the proposed development would not conflict with Policy DM DC5 of the DMP that seeks to protect adjoining properties from visual intrusion.

Trees

11. The Council raise particular concern as to the effect of the proposed development on trees protected by a Tree Preservation Order (TPO) to the front of the site, which identifies oak and silver birch trees in front of this or neighbouring properties. The appellant indicates that the oak tree has been felled and was on the neighbouring property, although there is a young tree close to the access. The silver birch tree is also on neighbouring property. Whilst mature trees within the front gardens of properties in Ailsa Road are a distinctive feature of the area, there is a gap in mature trees around the access to the front of this property.
12. Trees on the frontage are located some distance from the proposed extension. Whilst no Arboricultural Impact Assessment or Tree Protection Plan have been submitted, given the distance of the proposed extension from the trees, the proposed development would not cause harm to trees protected by the TPO.
13. There are further trees to the rear of the house on neighbouring property that are protected due to their location within the conservation area. There is no indication that the proposed development would affect those trees.
14. For these reasons, I conclude that the proposed development would not have an adverse effect on trees. As such, it would comply with Policy DM DC4 of the DMP that seeks to protect trees and landscape, including retaining existing trees where practicable.

Other matters

15. The proposal would be located to the south of 7 Ailsa Road, but that property extends further to the rear than the proposed two storey and roof extensions. Consequently, although the proposed extensions would increase the bulk of development close to the boundary, any shadow from the development would fall predominantly on the roof of the rear extensions to no. 7. As a result, the proposed development would not result in a material loss of sunlight or daylight to occupiers of 7 Ailsa Road. The rear balcony terrace would be enclosed to the sides by the roof that would obscure any potential overlooking, with properties to the rear a sufficient distance away that their occupiers' privacy would not be affected.

Conditions

16. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition is necessary for details of materials to be submitted and approved prior to development commencing to ensure that they would maintain the character and appearance of the area. A condition is necessary for tree protection details to be approved prior to development commencing to ensure surrounding trees are not affected by the proposed development. Conditions are necessary to provide obscure glazing and non-opening of side windows below 1.75m above floor level of the dwelling and to restrict the use of the flat roof to ensure the proposed extensions would not result in overlooking of neighbouring occupiers.

17. A Construction Management Statement is not necessary given the limited scale of development proposed. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity.

Conclusion

18. For the above reasons and taking into account all other matters raised I conclude that the appeal should succeed.

AJ Steen

INSPECTOR

Schedule of 6 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:
 - 1113.10.01.EXG.001 - Ordnance Survey Map;
 - 1113.10.01.EXG.005 A - Existing Site Plan & Ownership Boundary;
 - 1113.10.01.EXG.022 - Existing Ground Floor Plan;
 - 1113.10.01.EXG.023 - Existing First Floor Plan;
 - 1113.10.01.EXG.065 - Existing Front Elevation;
 - 1113.10.01.EXG.066 - Existing Left Side Elevation;
 - 1113.10.01.EXG.067 - Existing Right Side Elevation;
 - 1113.10.01.EXG.068 - Existing Rear Elevation;
 - 1113.10.02.DES.022 - Proposed Ground Floor Plan;
 - 1113.10.02.DES.023 - Proposed First Floor Plan;
 - 1113.10.02.DES.024 - Proposed Second Floor Plan;
 - 1113.10.02.DES.025 - Proposed Roof Plan;
 - 1113.10.02.DES.026 - Proposed Site Plan;
 - 1113.10.02.DES.060 - Proposed Front elevation;
 - 1113.10.02.DES.061 - Proposed Rear Elevation;
 - 1113.10.02.DES.062 - Proposed Side Elevation; and
 - 1113.10.02.DES.063 - Proposed Side elevation.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension (including fenestration and areas of hardstanding) hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837:2005 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

- 5) The extension hereby permitted shall not be occupied until the first and second floor windows in the flank elevations have been fitted with obscured glazing, and no part of those windows that is less than 1.75 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no part of the roof of the building hereby approved shall be used as a balcony or terrace nor shall any access be formed thereto.