

Appeal Decision

Site visit made on 24th April 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 17 May 2017

Appeal Ref: APP/L5810/D/17/3170334

52 North Worple Way, Mortlake, London, SW14 8PS.

- 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 S Talliss against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref: 16/4167/FUL, dated 31 October 2016, was refused by notice dated 3 January 2017.
 - The development proposed is single storey rear ground floor extension and conversion of the roof void to create habitable accommodation at second floor level.
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Procedural Matter

1. The description cited in the header above is derived from the planning application forms. I consider a more accurate description of the proposal is single storey rear extension, rooflight to front roof slope and dormer to the rear roof slope.

Decision

2. The appeal is dismissed insofar as it relates to the dormer to the rear roof slope. The appeal is allowed insofar as it relates to single storey rear extension and rooflight to front roof slope and planning permission is granted for the same, at 52 North Worple Way, Mortlake, London, SW14 8PS, in accordance with the terms of the application Ref: 16/4167/FUL, dated 31 October 2016 and the plans submitted with it (so far as relevant to that part of the development hereby permitted) and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three 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 1:1250 and Site Plan 1:500; Drawing No: 182 E 01: Floor Plans & Elevations: As Existing; Drawing No: 182 E 02: Cross Sections through adjacent properties showing Side Elevations, Existing and Proposed; Drawing No: 182 P 01B Rev B: Plans & Elevations as Proposed.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order), no part of the roof of the extension
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hereby approved shall be used as balcony, terrace or similar sitting out area, nor shall any access be formed thereto.

- 4) Further specifications of the bi-folding doors and roof lantern to the extension shall be submitted to and approved in writing by the local planning authority prior to their installation in the development hereby permitted.

Main Issues

3. The main issues in this appeal are the implications of the proposal for (1) the character and appearance of the area and (2) the living conditions of adjoining occupiers by virtue of the potential for overlooking and loss of privacy.

Reasons

4. The Council take no issue with the single storey rear extension and as a replacement for an existing rear extension, I have no reason to either. Neither do they take any issue with the front roof light. Their concern rests with the scale and design of the proposed dormer in the rear roof slope.
5. The proposed dormer would span the full width of the rear roof and virtually its full height, save for a small set in of 200-300mm from the eaves. It would be of contemporary design with a mansard style flat roofed section and projecting box to one side; the latter having bi-folding doors affording access to an inset balcony area. Because of its height and width, it would amount to a sizeable addition to the roof of the property and it would not comply with the advice in the Supplementary Planning Document *House Extensions and External Alterations* (2015) (SPD). This states that normally, a significant area of roof should be left beneath and either side of a dormer to ensure it does not dominate the roof. I consider the small inset from the eaves of the roof to be insignificant in this regard.
6. The Council also take exception to the bi-folding doors and in this respect, I note the advice in the SPD that dormer windows should be smaller than that of windows in the floor below. However, whilst the proposal would not comply with that advice, the bi-folding doors would complement the large expanse of glazing on the proposed rear extension at ground floor level. Whilst there will be many occasions where such a contemporary approach would be inconsistent with more traditional properties, I consider that it would work well here where the rear of this particular terrace is relatively plain in appearance.
7. Thus, whilst I have no particular issue with the contemporary design of the dormer or extent of glazing therein, I nonetheless consider that its scale and particularly its width and height, would result in a bulky and unwieldy addition to the roof of the appeal property.
8. The appellant refers to other dormer extensions to the rear of properties on Ripley Gardens to the North. These are clearly visible from Tinderbox Alley, a pedestrian walkway which passes to their rear. I saw at my visit a number of dormer extensions, including several full height examples of contemporary design and incorporating significant expanses of glazing. It is unclear whether these benefit from planning permission and the appellant suggests they appear to have been constructed under permitted development rights.

9. Whilst I accept that the aforementioned dormers have markedly changed the rear of that particular terrace, the fact is that they are not all of the same proportions as the appeal proposal and in the main, they occupy a largely contiguous run of properties. Four of the largest and contemporary examples also stand alongside each other in two pairs, to the extent they appear to have been constructed as a joint venture with neighbouring properties. This situation differs from the terrace in which the appeal proposal sits, in which the only other dormer is a smaller more traditionally proportioned example on the end property No 54.
10. The appellant claims a similar size and design of dormer to that proposed could benefit from permitted development rights under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, those provisions do not trump the policies of the Development Plan and the SPD, which require an assessment of the visual impact of extensions where permission is required. I also have no specific evidence before me to illustrate precisely the type of dormer which the appellant has in mind, nor indeed that such an extension would be built in the event the appeal is turned away. As such, I am not persuaded that there is a directly comparable fallback position for me to consider.
11. Overall on the first main issue, whilst I take no issue with the detailed design of the dormer, I conclude that it would nonetheless amount to an excessively large and unwieldy addition to the roof of the property, which would be to the detriment of its appearance and wider character and appearance of the area. As such, the proposal would conflict with Policy CP 7 of the Local Development Framework Core Strategy, Policy DM DC 1 of the Local Development Framework Development Management Plan (2011) (DMP), Policy LP1 of the Local Plan (Publication Version for Consultation 4 January to 15 February 2017) (LP), as well as the advice in the SPD. These seek to secure high quality design in new development, that is compatible with local character and townscape.
12. In relation to the second main issue, I accept that given the intervening separation distance between the appeal site and the property to the rear No 2 Ripley Gardens, the proposed dormer would not create any material loss of privacy for its occupants. However, I have concerns that oblique views to the properties in the same terrace to either side of the appeal site would be afforded from a very elevated position down into their respective gardens. In particular, I consider that the use of the balcony area, which would be encouraged by the bi-folding doors, would give rise to a material increase in overlooking by persons seated or standing thereon.
13. This would especially be the case during clement weather, when occupiers would be inclined to sit on the balcony area to enjoy the fresh air and elevated view. I thus do not accept the agent's proposition that the overlooking would not be appreciably different to that which exists at present. Neither do I consider that a Juliet balcony (argued as potentially permitted development), would give rise to a similar level of overlooking, as it would not afford occupants the opportunity to sit outside.
14. The appellant refers to potential screening which could be imposed by condition. However, I have no specific details of this before me and I cannot

envisage a condition which would overcome my concerns without significantly changing the nature of the proposal.

15. For these reasons, I conclude on the second main issue that the proposal would give rise to an unacceptable loss of privacy to the occupants of the adjoining properties to either side. This would bring it into conflict with Policy DM DC 5 of the DMP, Policy LP 8 of the LP and the advice in the SPD, which seek to protect adjoining properties and gardens from unreasonable loss of privacy and ensure that balconies do not raise unacceptable overlooking.
16. I have found that the proposed dormer is unacceptable in relation to both main issues. However, it is clearly severable from the balance of the development to which the Council raise no objections and which I also find acceptable. As such, I shall issue a split decision, dismissing the appeal in relation to the former, but allowing it in relation to the latter.
17. The Council suggest conditions requiring implementation in accordance with the submitted plans, the use of matching materials and a condition withdrawing permitted development rights for the use of the roof of the extension as a balcony or terrace. The former is necessary for clarity. In relation to materials, the application forms specified matching red brick. However, the precise finish of the folding glazed doors and roof lantern are unclear and I shall instead require details of these to be submitted and agreed in order to secure a satisfactory external finish. The condition relating to prohibition of the roof as an amenity area is necessary to secure the privacy of adjoining residents.

ALISON ROLAND

INSPECTOR