
Appeal Decision

Site visit made on 16 May 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 31st May 17

Appeal Ref: APP/L5810/W/17/3169143
60 Gould Road, Twickenham TW2 6RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr G Hood against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/3528/VRC, dated 5 September 2016, was approved on 16 November 2016 and planning permission was granted subject to conditions.
 - The development permitted is demolition of lock up garages and storage building. Construction of 2 No. single family dwelling houses (C3 Use Class) with associated parking.
 - The condition in dispute is No U14540 which states that: *The proposed first floor window annotated 'bedroom 2' in the south facing elevation of the proposed house shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.75 metres (5'7") above relevant floor level.*
 - The reason given for the condition is: *To ensure that the proposed development does not prejudice the amenities of adjoining occupiers.*
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Decision

1. The appeal is allowed and the planning permission Ref 16/3528/VRC for demolition of lock up garages and storage building. Construction of 2 No. single family dwelling houses (C3 Use Class) with associated parking at 60 Gould Road, Twickenham TW2 6RS granted on 16 November 2016 by the Council of the London Borough of Richmond upon Thames, is varied by deleting condition U14540.

Background and Main Issue

2. Planning permission was granted in 2015¹ for the demolition of lock up garages and storage building and the erection of two dwellings. Two subsequent applications made under Section 73 of the Town and Country Planning Act 1990 were granted by the Council, the most recent of which, Ref 16/3528/VRC, led to this appeal. I saw at my site visit that although still under construction, the dwellings were substantially completed and the window to which the disputed condition applies was in place.
3. The application subject to this appeal sought amendments to elevation treatment and fenestration arrangement which included a projecting window from bedroom 2 of 60 Gould Road. The permission included a condition requiring the bedroom window on the south elevation of 60 Gould Road to be

¹ Ref 13/2794/FUL

obscure glazed and fixed shut. The Council's officer report indicates that the condition was necessary to negate the potential for overlooking.

4. The effect of the decision Ref 16/3528/VRC creates a separate permission to the previous two permissions at the site. I have therefore taken the description of development in the banner heading and decision above from the original permission.
5. Taking the above into account the main issue is whether the condition is reasonable or necessary in the interests of the living conditions of the occupiers of neighbouring properties.

Reasons

6. The appeal property is in a 'backland' location to the rear of terraced properties on Gould Road and perpendicular to neighbouring properties on Rowntree Road.
7. Policy DM DC5 of the Council's Development Management Plan (DMP) (2011) states, amongst other things, that in order to protect privacy, for residential development there should normally be a minimum distance of 20 metres between main facing windows or habitable rooms. Similarly the Council's Supplementary Planning Document 'Small and Medium Housing Sites' (2006) (SPD) states that to make sure that the privacy of occupiers is respected the windows of main facing habitable rooms should preferably be no less than 20 metres apart.
8. Whilst the projecting bedroom window faces towards the rear gardens and elevations of the houses on Gould Road, the submitted site location plan shows the distance between first floor windows at approximately 32 metres, well above the minimum distance of 20 metres advocated in Policy DM DC5 and the SPD. I note that the properties also have rear single storey extensions. However, given the separation distance, combined with intervening structures and the proposed planting scheme, the properties are sufficiently separated so that any overlooking would not be to a degree that would normally be unacceptable between neighbouring properties in an urban area.
9. The projecting window is angled away from those properties on Rowntree Road. Any overlooking would be from an oblique angle only and is further mitigated by the insertion a blank side to the window facing towards these properties. In this respect I do not consider that the window causes undue harm to the privacy of the occupiers of these properties.
10. I therefore conclude that the condition is not reasonable or necessary in the interests of the living conditions of the occupiers of neighbouring properties. The development without the condition would not adversely affect the privacy of the neighbouring properties. As such there would be compliance with Policy DM DC5 of the DMP and the SPD.
11. I have had regard to representations received from neighbouring properties. Any disruption from construction will be for a temporary period only. Financial implications are not a planning matter and would not justify withholding permission.

12. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

Caroline Jones

INSPECTOR