
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 2017

Appeal Ref: APP/L5810/D/17/3169514

The Butts, Sandpits Road, Petersham, Surrey TW10 7DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Nicholas Nicholas against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/3838/VRC, dated 23 September 2016, was refused by notice dated 24 November 2016.
 - The application sought planning permission for demolition of existing single storey rear addition and partial removal of rear and side main roof slopes. Erection of a new part single, part two storey rear addition. New roof extension incorporating side and dormers. New side and rear windows to existing. Internal alterations. Replacement of windows to front elevation without complying with a condition attached to planning permission Ref 13/1001/HOT, dated 11 July 2013.
 - The condition in dispute is No U61239 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans and documents where applicable.*
 - The reason given for the condition is: *To accord with the terms of the application, for the avoidance of doubt and in the interest of proper planning. Ordnance Survey Plan, SE 341/01, 02, 03, 04, 05, 06, 07, 08, 09, 10B, 11B, 15B received 21st March 2013; and SE 341/12D, 13C, 14C, 16D, 17D, 18C received 20th May 2013.*
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Alterations and additions to the appeal property were granted planning permission in 2013 which included a side and rear dormer window. The planning permission was implemented and works were carried out to the property. I saw at my site visit that a side and rear dormer have been constructed albeit not in accordance with the approved plans. The application subject to this appeal sought to vary the terms of condition No U61239 by the substitution of drawings showing the increase in width of the side dormer and the increase in sill level of the rear dormer.
 3. The main issue is the effect of varying the terms of the condition on the character and appearance of the host property and whether or not this would preserve or enhance the character or appearance of the Conservation Area.
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Reasons

4. The appeal property is a semi-detached dwelling within a cul-de-sac of 6 properties accessed from Sandpits Road. The property lies within the Petersham Conservation Area (PCA) and as such I must have regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA), which places a duty upon me to give special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
5. The Council's Character Appraisal and Management Plan (CAMP) for the PCS states that the character of the area is dominated by large detached mansions boldly addressing the road. It states that the more modest cottages or houses within the village adopt a more subordinate role and scale. Sandpits Road is identified as another gateway to the village centre. The cul-de-sac part of the road is identified as containing a variety of ages and styles and use of materials.
6. The approved side dormer window was set in from the side of the roof and set up from the eaves. Whilst the constructed dormer is set up from the eaves the increase in width has resulted in the hipped roof slopes of the dormer being incorporated into the profile of the main roof. Although the attached property, Sandpits House, has been extended, by virtue of the set back and set down of the extension, the original hipped roof profile has been retained. In contrast, the constructed roof dormer, by virtue of its width and integration with the main roof profile, results in a contrived and fussy roof profile which appears visually awkward in the street scene. The side dormer fails to respect the form of the original roof and has a detrimental impact on the character and appearance of the host property.
7. Whilst the property cannot be seen from wider views within the PA, I do not agree that the adjacent property, Petersfield, substantially screens views of the dormer from the cul-de-sac itself. The change of profile of the roof is very apparent in the street scene and a considerable portion of the dormer window can be viewed from the entrance to the cul-de-sac. Notwithstanding the Council's views on the previous application, from these vantage points, the dormer appears as an incongruous and intrusive feature which undermines the integrity of the existing roof scape. Furthermore, the dormer forms part of the built fabric of the Conservation Area regardless of whether there are any readily apparent public views.
8. The side dormer is also wider than it is taller and in this respect conflicts with the guidance within the Councils Supplementary Planning Document for House Extensions and External Alterations (SPD). However, in view of its position on the side of the property, I do not consider that this conflict with the SPD would be sufficient to warrant dismissal of the appeal on these grounds alone.
9. I note that the materials used in the construction of the dormer match those of the approved dormer which were described in the Council's officer report as having a relatively lightweight appearance. I am not persuaded that the increase in size of the dormer would now render these materials as inappropriate or harmful to the appearance of the host property. I also note that the ridgeline of the dormer has been set below that of the main roof. The Council raised no objections to the amendments to the rear dormer and I saw nothing at my site visit that would lead me to conclude otherwise.

Nevertheless, these matters do not outweigh the harm that I have found above.

10. I therefore find that the development is harmful to the character and appearance of the host property and the PCA. The finding of harm to the character and appearance of a heritage asset is a consideration to which I must attach considerable importance and weight.
11. Although I have found that the development fails to preserve or enhance the character and appearance of the Conservation Area, given the size and scale of the proposal within the Conservation Area as a whole, the harm to the significance of the heritage asset is less than substantial. Thus, it is necessary to consider, in accordance with paragraph 134 of the National Planning Policy Framework (the Framework), whether there would be public benefits to the scheme sufficient to outweigh that harm.
12. I note the wider dormer was required to achieve the required head height for Building Regulations. However this is not a planning matter which I can take into consideration. I have also had regard to the appellant's assertion that the side dormer window provides an essential part of valuable additional accommodation of good design making better use of the existing property. Whilst of benefit to the appellant, it does not constitute a public benefit. I therefore conclude that there are insufficient public benefits which would outweigh the harm identified.
13. Accordingly, I consider the proposed development would be contrary to Policy CP7 of the Council's Core Strategy (2009), Policies DM DC 1 and DM HD 1 of the Council's Development Management Plan (2011) and guidance within the Council SPD. These seek, amongst other things, that all new development should be of a high architectural and urban design quality compatible with local character including proportions and form, should conserve and enhance the character and appearance of Conservation Areas and that roof extensions should not dominate the original roof.

Other Matters

14. Whilst I have had regard to paragraph 17 of the Framework, paragraph 64 makes it clear that permission should be refused for development of poor design that fails to take the opportunity available for improving the character and quality of an area.
15. Owing to the detrimental impact on the host dwelling and the PCA the proposal would fail to satisfy the environmental dimension of sustainable development. Furthermore, specific policies in the Framework indicate that development in this context should be restricted¹. Thus, it is not the sustainable development for which the Framework makes a presumption in favour.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR

¹ Footnote 9, paragraph 14 The Framework