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## Appeal Decision

Site visit made on 13 June, 2017

**by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA**

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

**Decision date: 29<sup>th</sup> June, 2017**

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**Appeal Ref: APP/L5810/W/17/3171398**

**11 Tayben Avenue, Twickenham, TW2 7RA**

- 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 Mrs Jane Millar against the decision of the Council of the London Borough of Richmond-upon-Thames.
  - The application Ref: 16/3685/FUL dated 16 September, 2016 was refused by notice dated 16 November, 2016.
  - The development proposed is loft addition with a side extension to ground and first floor and conversion of the dwelling into 2 separate flats.
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### Decision

1. The appeal is allowed and planning permission is granted for loft addition with a side extension to ground and first floor and conversion of the dwelling into 2 separate flats at 11 Tayben Avenue, Twickenham, TW2 7RA in accordance with the terms of the application Ref: 16/3685/FUL dated 16 September, 2016 and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

### Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the area.

### Reasons

3. The appeal dwelling is a modest detached house in a close containing similar detached and semi-detached dwellings. It has a simple pitched and hipped roof, with a semi-circular gabled bay to the front, and a small attached garage on one side. The appeal proposal is to replace the garage with a two storey extension and convert the rear roof slope to a gable end, with a flat roofed dormer extension to the eastern roof slope, all providing extra living space at second floor level to facilitate the conversion of the building to two flats.
  4. The Inspector in a recent appeal decision relating to a similar proposal for the property concluded that the closing of the gap between the houses by the flank extension and the proposed side dormer would not be particularly harmful to the character and appearance of the area. These factors are not disputed by the parties. In that case the appeal was dismissed, as the rear roof projection was in modern idiom which would have been incongruous and overly bulky. I have had regard to that decision, but the current appeal proposal differs in the
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more traditional design and smaller bulk of the rear roof extension, and it has not caused me to alter my conclusions on the current appeal.

5. The Council is concerned that the current proposal for conversion of the hipped roof to the rear to a gable end with a window, would create an element of a bulk and scale which was not subordinate to the host dwelling and would create the appearance of a three storey building, which would be out of odds with the prevailing, two storey character of the area.
6. There are a variety of roof profiles in the vicinity of the appeal dwelling, including the unusual cat slide gable projections at the front of Nos 7 and 13 Tayben Avenue and the extended roof to the rear of No 7. There are a number of gable ended roofs along the western arm of Tayben Avenue which appear to me to be conversions from hipped roofs, and which have added to the bulk of the roofline to create dwellings which are evidently of three storeys.
7. I find therefore that while hipped roof forms are a significant element, they do not entirely define the character of the area, and conclude that the proposed gable-ended roof extension would not be particularly incongruous in this context, and would not particularly harm that character. Furthermore, the main roof and flanking roof extension would both retain a hipped form to the front. I consider also that in the context of the enlarged and extended roof, the relatively modest rear extension would not appear particularly over-dominant in relation to the host dwelling.
8. The appeal building backs onto a patchwork of small rear gardens and the rear roof slope can be seen from them and through gaps between buildings along Tayben Avenue and Whitton Road. However as I have concluded that the rear extension would not be particularly harmful in appearance, and would, anyway be largely glimpsed from the adjoining streets and seen in the context of a varied roofscape, I conclude that it would not have a harmful effect on the character and appearance of the area.
9. The appeal proposal would not therefore conflict with the provisions of policy CP7 of the Corse Strategy 2009 nor with policy DM DC 1 of the Development Management Plan 2011, which seek development which recognises and is compatible with distinctive local character.

## **Conclusion**

10. For the reasons given above, therefore, and taking into account all matter raised, I conclude that the appeal should be allowed.

## **Conditions**

11. The Council has supplied a list of conditions, on which the appellant has had the opportunity to comment, and I have taken them into account.
12. In the interests of clarity, I have attached a condition requiring implementation of the scheme in accordance with the approved plans. The appellant has pointed out that a submitted plan was omitted from the Council's decision notice, and I have added it to the list of approved plans.
13. I have attached a condition requiring external materials to match existing, in the interests of protecting the character and appearance of the area, and a condition requiring approval of details of the appearance of solar panels, also in

the interests of protecting the character and appearance of the area. A condition is attached in relation to the layout and landscaping of the rear garden area, to ensure that future occupiers of the flats will have access to adequate outdoor amenity space. A condition relating to the provision of bicycle parking is attached in the interests of supporting sustainable travel. A condition securing the implementation and retention of the approved parking space is added in order to protect the free flow of traffic, and highway safety in the area. Conditions are added in relation to achieving the relevant BREEAM rating in order to secure the sustainability of the development.

14. The Council has suggested the imposition of a condition prohibiting development until the appellant has entered into an agreement with the Council restricting access to parking permits. However, this was not a main issue, and no evidence has been put before me to demonstrate that the development would be likely to contribute to unacceptable levels of parking stress in the area. There is no reason for me to suppose therefore that such a condition would be necessary.
15. The Council has also suggested the addition of a condition relating to the reduction of carbon dioxide emissions from the development, but as it is not clear this is to be achieved or measured, it does not appear to me to be sufficiently precise, reasonable or enforceable, and I have not attached it.
16. The extended roof does not appear to me to be capable of use for any other purpose, and it would not therefore be reasonable to add a condition preventing its use for any purpose other than as a means of escape, and accordingly I have not done so. It is a small development, and I do not consider it proportionate to apply a condition requiring the submission and approval of a Construction Method Statement. I have not therefore applied such a condition. Future occupiers of the flats would be unlikely to store refuse or waste material anywhere other than the refuse enclosure. It does not seem to me proportionate or necessary to condition the permission to require them to do so, and I have not done so.

*S J Buckingham*

INSPECTOR

## **Schedule of 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: 11TA 001; 402; 403; 404; 405; 407; 412; 414; 415.
- 3) Unless otherwise indicated on the approved plans, the external surfaces of the extensions hereby permitted shall be carried out in materials to match the existing.
- 4) Solar panels shall not be installed otherwise than in accordance with details submitted to and approved in writing by the Local Planning Authority prior to commencement of the development hereby permitted, such details to specify the design, external finishes, fixing methods and panel arrangement.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority details of the layout and landscaping of the rear garden.
- 6) No dwelling shall be occupied until space has been laid out within the site for bicycles to be parked, in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that space shall thereafter be kept available for the parking of bicycles.
- 7) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 11TA 402 for one car to be parked, and that space shall thereafter be kept available at all times for the parking of vehicles by occupiers of/visitors to the dwellings.
- 8) The buildings shall achieve a BREEAM Domestic Refurbishment Rating Excellent in accordance with the requirements of the relevant BREEAM scheme (or such national measure of sustainability for house design that replaces that scheme). No building shall be occupied until a Final BREEAM Certificate has been issued for it and produced to the local planning authority certifying that this BREEAM Level has been achieved.