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## Appeal Decision

Site visit made on 31 October 2017

**by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE**

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

**Decision date: 15<sup>th</sup> November 2017**

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**Appeal Ref: APP/L5810/D/17/3180603**  
**13 Rosemont Road, Richmond TW10 6QN**

- 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 & Mrs Maloney against the decision of the Council of the London Borough of Richmond-upon-Thames.
  - The application Ref 17/1380/HOT, dated 6 April 2017, was refused by notice dated 12 June 2017.
  - The development proposed is a part two storey part single storey side extension with external courtyard at the rear of the property, low picket railings to front with existing timber gate removed.
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### Decision

1. The appeal is allowed and planning permission is granted for a part two storey part single storey side extension with external courtyard at the rear of the property, low picket railings to front with existing timber gate removed and rooflights at 13 Rosemont Road, Richmond TW10 6QN, in accordance with the terms of the application Ref: 17/1380/HOT, dated 6 April 2017, subject to the following 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: 13RR-EO1-A; 13RR-EO2-A; 13RR-PO1-A and 13RR-PO2-A.
  - 3) The materials to be used in the external surfaces of the extension hereby permitted shall match those used in the construction of the existing building.
  - 4) The proposed rooflights shall be of conservation grade and shall be positioned and retained flush with the existing roof.

### Procedural Matters

2. In order to reflect the proposed installation of rooflights to the northern roof slope to the existing dwelling as shown on the submitted plans, the Council slightly changed the description of the proposed development from that contained on the application form to 'part two storey part single storey side extension with external courtyard at the rear of the property, low picket railings to front with existing timber gate removed and rooflights'. This is an

accurate description of the development proposed which I have therefore used in the determination of this appeal.

3. The Council's Decision Notice refers to policies contained within the London Borough of Richmond Local Plan - Publication version for consultation (2017) (Local Plan). However, the appellant indicates that this plan has not been subject to examination and I have no other evidence to the contrary. Therefore, in accordance with the advice provided in paragraph 214 of the National Planning Policy Framework (the Framework), I have attached limited weight to the policies contained therein.

## **Main Issues**

4. The main issues are:

- Whether the proposed development would preserve the character and appearance of the St. Matthias Conservation Area.
- The effect of the proposed development on the living conditions of the occupants of No 11 Rosemont Road with particular regard to outlook and sense of enclosure.

## **Reasons**

### *Character and appearance*

5. The appeal property comprises a two storey semi-detached dwelling located midway along the western side of Rosemont Road and lying within the St. Matthias Conservation Area. This side of the road predominantly comprises of buildings of similar design with the front gable abutting the rear of the pedestrian footway and having small side gardens/yards between adjacent properties. The appeal property, and others on the road, is designated as a Building of Townscape Merit.
6. Many properties on this side of the road have had a variety of ground and first floor extensions that have eroded the gap between adjacent dwellings. Whilst these have not changed the appearance of the front gable within the street scene, the extended elements of the dwellings show little consistency in design and scale and some do represent unsympathetic additions. Whilst I have taken into account the Council's view that many of these predated the publication of the Framework and the adoption of the Council's Local Development Framework Development Management Plan (2011) (DMP), the fact remains that they are there and as such set the visual context for the consideration of the appeal scheme.
7. The proposed development is a part ground floor extension that would be set slightly back from the front façade with the depth extending to the original rear facade and the width extending to the property boundary with No 11. A narrower first floor extension would be set further back from the front façade and also extend to the original rear elevation.
8. The Council has not raised any concerns regarding the design, detailing and materials of the proposed extension which are acknowledged to reflect the design of the key design features of the existing property. In addition, the Council accept that the removal of the high front boundary gate and its replacement with a small picket fence would be more in keeping with the

surrounding area. I have no reasons to disagree with this view on these matters. The Council's concern is that the proposed development would result in the erosion of the gap between adjacent properties.

9. The existing gap between No 11 and No 13 is one of the few on the street which remains intact and unaffected by any development to the side of the properties. In this context it is a minority character feature as many of the other properties on the street have had side extensions of varying degrees to the extent that any key characteristic feature of regular spaced gaps between properties has long since been eroded.
10. The proposed extension respects the design character and architectural detailing of the host property. It would retain the prominence of the front gable of the property in the street scene. The proposed extension would emulate neighbouring property extensions, in particular the slim two storey element having similar proportions to that at No 15 and the single storey element would have a pitched roof design similar to the one at number No 39. In my view, the proposed extension would be a sympathetic addition to the property that would not create any architectural imbalance nor would it appear as being dominant or prominent.
11. Although I have some sympathy with the Council's approach in seeking to retain gaps, the fact remains that the character of this part of the Conservation Area has significantly changed to the extent that the predominant visual context is one where gaps between properties have been eroded. In this context, this consequential impact of the proposal would be little different to that which exists along the street.
12. For these reasons, the proposed development would preserve the character and appearance of the Conservation Area as a whole in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would accord with paragraphs 131 and 132 of the National Planning Policy Framework. As a result there would be no conflict with Policy CP7 of the London Borough of Richmond upon Thames Local Development Framework Core Strategy (2009) (Core Strategy) and Policies DM HD1, DM HD3 and DM DC1 of the DMP. These policies, amongst other things, require new development to respond positively to the distinctive local character, preserve the character of Conservation Areas and Buildings of Townscape Merit and make use of appropriate detailing and materials.
13. Notwithstanding the weight to be attached to the policies in the emerging Local Plan, Draft Policies LP 1, LP 3 and LP 4 reflect the general thrust of the policies relating to the effect of development on the character and appearance of an area as contained in the Core Strategy and the DMP. As such, there would be no conflict with those relevant policies in the emerging plan.

#### *Living conditions*

14. The existing boundary between the appeal property and No 11 is formed by a relatively high close boarded timber fence. The proposed development would result in the ground floor extension being positioned on this boundary. Owing to the height of the existing fence the main visual effect of the proposal when viewed from the ground floor of No 11 would be the presence of the pitched roof of the ground floor extension which would slope away from the boundary.

15. The Council indicate that the proposed ground floor extension would have an eaves height of approximately 3m, extending to a distance of approximately 9m along the boundary. It would be positioned just over 4m from the side windows of No 11 which the Council indicate are likely to serve habitable rooms. Extensions abutting the property boundary are not uncommon in dense urban environments and are also not uncommon on Rosemont Road.
16. Although the introduction of the pitched roof would be the most noticeable aspect of the proposed development when viewed from No 11, a gap in excess of 4m would be retained between the side windows of No 11 and the closest part of the extension. The proposed extension would undoubtedly have some impact on the outlook and degree of enclosure experienced at No 11. However, I have taken into account the retention of the gap, the height of existing boundary treatment, and slope of the roof away from No 11 and the presence of similar extensions along property boundaries on the street. These factors lead me to conclude that the loss of outlook and sense of enclosure would not be of such a harmful extent to warrant the dismissal of this appeal on those grounds.
17. In arriving at this view I have also taken into account the effect of the proposal on sunlight and daylight at No 11. The property boundary is aligned in a south-west to north-east direction. Given that the extension does not protrude beyond the existing two storey rear extension to the appeal property nor would exceed its height, the proposed development would have little impact on the amount of sunlight received at No 11. Whilst the pitched roof would have some impact on daylight received at No 11, given the distance from the ground floor windows to the proposed extension, any loss of light would not be of an extent that would cause demonstrable harm to the living conditions of the occupants of No 11.
18. Taking the above factors into account, I do not consider that the proposed development would harm the living conditions of nearby residents with particular regard to outlook and light, nor would it create an unacceptable sense of enclosure. Consequently, there would be no conflict with Policy CP7 of the Core Strategy or Policy DM DC5 of the DMP. These policies, amongst other things, seek to protect adjoining properties from unreasonable loss of outlook and require that sufficient sunlight and daylight can penetrate into and between buildings.

### **Conditions**

19. The Council has suggested a number of planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the Government's Planning Practice Guidance. As a result, I have amended some of them and eliminated one for the reasons set out below.
20. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. In order to protect the character and appearance of the area conditions are necessary relating to the external finishes of the development. However, the Council's suggested condition requires the submission of samples to be submitted for approval. Given the extent of detailing regarding materials on the submitted plans, I agree with the appellant that a condition requiring materials to match those used in the

existing building would suffice in this case. A condition requiring the submission of samples would be unnecessary.

21. The submitted plans also identify that windows are to be white painted to match the existing. As such a condition requiring that all joinery shall be painted white is also unnecessary. I note that the appellant's concerns that the Council's suggested condition would imply that the proposed rear doors that are specified to be constructed of aluminium PPC would require to be replaced by wood. However, notwithstanding my view that the suggested condition is unnecessary, I do consider that this would have implied the replacement of the rear doors with timber frames. The proposed materials are clearly stated on the submitted plans and the Council's suggested condition only applies to external joinery which, in my view, would relate to proposed timber elements only.
22. Also in the interests of the character and appearance of the surrounding area, I agree that a condition is necessary requiring the proposed rooflights to be of conservation grade.

### **Conclusion**

23. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

*Stephen Normington*

INSPECTOR