



Appeal Decision

Site visit made on 20 March 2018

by Stephen Hawkins MA MRTPI

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

Decision date: 3 April 2018

Appeal Ref: APP/L5810/C/17/3180546

Land at 37 Longford Close, Hampton, Middlesex TW12 1AD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Kaminee Sachdev against an enforcement notice issued by the Council of the London Borough of Richmond-upon-Thames.
 - The enforcement notice was issued on 22 June 2017.
 - The breach of planning control as alleged in the notice is without planning permission, and within past 4 years the construction of a first floor rear extension on the Land ("the Extension").
 - The requirements of the notice are "(i) remove the Extension; and (ii) remove from the Land all surplus materials and debris arising for the compliance with steps 5(i) above and make good any damage caused by complying with step 5(i)".
 - The period for compliance with the requirements is three calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a first floor rear extension on land at 37 Longford Close, Hampton, Middlesex TW12 1AD referred to in the notice.

Ground (a)

Main Issues

2. The main issues are the effect of the first floor rear extension on:
 - The character and appearance of the area.
 - The living conditions of adjoining residential properties, having regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal dwelling is a semi-detached property. In addition to the first floor rear extension referred to in the enforcement notice, the roof of the dwelling has been enlarged by a gable end and by a rear dormer. There has also been a single storey rear addition. The roof enlargements and single storey addition were undertaken following recent approvals given by the Council.

4. The dwelling is located in a suburban street largely consisting of semi-detached and terraced properties. Although detailed design differences exist between groups of properties, overall they are of similar appearance with similar hipped roof forms. These factors contribute to the established residential character of the surroundings.
5. The first floor rear extension occupies a modest part of the roof area of the recent single storey addition. The extension projects a limited distance from the original back wall of the dwelling. It is considerably narrower than the overall width of the dwelling. The extension has a hipped roof form, the overall height of which is not significantly above the eaves line of the dwelling. The extension has rendered walls similar to the side and rear walls of the dwelling and the roof is covered in slate similar to the main roof. Consequently, the extension has a relatively modest overall size and bulk and it is of a similar form and external materials to the dwelling. It therefore follows that the extension is a sympathetic, subordinate addition which successfully assimilates with the dwelling in terms of its scale, character and overall appearance and is not appreciably at odds with the appearance and roof form of other dwellings in the locality.
6. Although the dwelling occupies a corner plot, the side and rear elevations are set well back from the street. The gap between the dwelling and the neighbouring property at 35 Longford Close (No 35) has recently been substantially reduced on account of the latter's two storey side extension. Therefore, the extension is open to limited view from the public realm. Due to its modest size and bulk, its recessed position at the rear of the dwelling and also being partly set within the roof of the single storey addition, the extension appears as a small scale, background feature in the street scene. The overall size and bulk of the dwelling and the previous roof enlargements are much more readily apparent features. Accordingly, the extension does not appear as an intrusive feature in its surroundings. It also therefore follows that the extension is not viewed as a disproportionate addition and it has not given the enlarged dwelling an obviously more cluttered or dominant appearance.
7. Consequently, the extension does not harm the character and appearance of the area. As the extension is of a high architectural and urban design quality respecting local character in terms of scale, height, massing, proportions, form and materials it therefore accords with Policy DM DC1 of the Council's Development Management Plan (DMP). For similar reasons, the extension accords with Policy CP7 of the Council's Core Strategy. The Council's emerging Local Plan (LP) has yet to be adopted so cannot be given full weight. Even so, the extension accords with LP Policy LP1 as it respects, contributes to and enhances local character.
8. The Council's 'House Extensions and External Alterations' Supplementary Planning Document (SPD) requires two storey extensions to be no greater than half the width of the original building. Whilst the extension breaches this requirement, for the reasons given above it does not overdominate the original scale and character of the dwelling. Therefore, the extension is not at odds with the objective of this part of the SPD.

Living conditions

9. The attached property at 39 Longford Close (No 39) has a first floor window in the rear elevation in line with the original rear wall of the dwelling. The

window is located slightly away from the side wall of the extension. Due to the limited depth and low profile roof form, the extension has not intruded significantly on the open aspect enjoyed from the adjacent window in No 39. The other neighbouring property at No 35 is sited at an acute angle to the dwelling, given the corner plot location. Windows in the rear elevation of No 35 therefore partly face towards the dwelling's rear garden. Nevertheless, the extension is a significant distance from the boundary with No 35 and as noted above, it is of limited scale. Consequently, the extension has not resulted in the adjoining occupiers experiencing a significantly greater sense of enclosure or oppressiveness at the rear of their properties.

10. The rear elevation of the extension has windows overlooking the dwelling's back garden. Whilst it is also possible to look towards part of No 35's back garden, the window arrangement in the extension is not dissimilar to that of the original rear elevation of the dwelling. Given the limited depth of the extension, the windows are not significantly closer to the boundary with No 35. Accordingly, the extension has not had a significantly harmful effect on the privacy enjoyed by the occupiers of No 35.
11. Therefore, the extension has not caused unacceptable harm to the living conditions of the occupiers of the adjoining residential properties in terms of their outlook or privacy. Consequently, the extension accords with DMP Policy DM DC 5, as it protects adjoining properties from unreasonable visual intrusion and loss of privacy. Whilst as explained above the emerging LP carries limited weight, the extension accords with LP Policy LP8, as it protects the living conditions of occupants of neighbouring properties.

Other matters

12. The windows in the single storey addition fall outside the scope of this appeal. An interested resident alleged that the pavement outside of the property had been damaged. However, this appeared to have been made good when I visited and in any event, it is not a matter which is material to my decision.

Ground (f)

13. In the light of my decision to allow the ground (a) appeal, the enforcement notice will be quashed and it is unnecessary for me to consider whether the ground (f) appeal should succeed. Therefore, I shall take no further action on this ground of appeal.

Conclusion

14. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. No conditions are necessary. The appeal on ground (f) does not therefore need to be considered.

Stephen Hawkins

INSPECTOR