



Appeal Decisions

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: 26 April 2018

Appeal A: APP/L5810/C/17/3182512

Land at 30 Morland Close, Hampton, Middlesex TW12 3YX

- 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 Mr T Gunatunga against an enforcement notice issued by the Council of the London Borough of Richmond-upon-Thames.
- The enforcement notice was issued on 12 July 2017.
- The breach of planning control as alleged in the notice is without planning permission, and within the past 4 years the erection of a single storey side and rear infill extension.
- The requirements of the notice are "(i) *Alter the development so that it is fully accords with the details on the drawing bearing the reference number HA-03-16/01 and submitted to the Council in accordance with planning permission 16/1308/HOT; and (ii) Ensure that the materials used match the existing building; and (iii) Remove from the Land all surplus materials and debris arising from compliance with steps 5(i) and 5(ii) above*".
- The period for compliance with the requirements is six calendar months.
- The appeal is proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B: APP/L5810/D/17/3181931

Land at 30 Morland Close, Hampton, Middlesex TW12 3YX

- 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 T Gunatunga against the decision of the Council of the London Borough of Richmond-upon-Thames.
- The application Ref 16/4942/HOT, dated 30 December 2016, was refused by notice dated 18 May 2017.
- The development proposed is described as "*retrospective planning application for the rear infill extension in breach of planning permission Ref: 16/1308/HOT dated 26 May 2016*".

Summary of Decision: The appeal is allowed and conditional planning permission is granted.

Preliminary Matter

1. In my Formal Decision on appeal B I have excluded references to the application being retrospective and to the previous planning permission as they do not involve acts of development.

Appeals A & B

Main Issue

2. The main issue in both of these appeals is the effect of the single storey side and rear infill extension on the character and appearance of the area.

Reasons

Character and appearance

3. The appeal property is a modern detached dwelling. It is located opposite a turning on a cul-de-sac consisting of dwellings of varying size, forming part of a planned residential estate. The properties exhibit similarities in terms of their design and external materials resulting in the surroundings having a pleasant, harmonious appearance.
4. In May 2016 planning permission was granted for a single storey rear addition and a side extension to the dwelling¹. The single storey side and rear infill extension referred to in the enforcement notice is materially different to the permitted side extension. It has a smaller window and a lean-to gabled roof form at the front and it has been enlarged alongside the rear addition, changing the rear roof form. Further, the external materials on the front and rear elevations and the roof tiles do not match those of the main dwelling. Whilst reference was also made to the fascia boards, the brown fascias now on the extension match those on the rest of the dwelling and surrounding properties.
5. The high level window in the front elevation of the extension is not dissimilar in terms of its shape and size to windows in the front elevations of a number of dwellings along the street. A similar window was in the front elevation of the dwelling but was recently enlarged. The gabled roof to the front of the extension echoes that of the original garage at the side of the dwelling. Given the limited width of the extension and the shallow roof pitch, the roof form has a low profile and it does not give the extension an unduly bulky appearance. There are a number of similar lean-to roofs on garages at the side of other properties in the locality.
6. The enlarged section at the rear of the extension is of limited depth and width. Its rear wall is aligned with that of the rear addition and it has a similar shallow pitched roof form with a hipped end. Therefore, the enlarged section is of limited size and bulk when compared with that of the rear addition, which extends almost all of the wide rear elevation of the dwelling. The enlarged section is integrated with the rear addition in terms of its form and general design. It follows that the extension has not added significantly to the overall scale of the rear addition or made it appear disproportionately large, having regard to the overall width of the dwelling.
7. Moreover, the rear elevation of the dwelling is open to limited public views. From Embleton Walk, the extension forms a modest part of the rear addition which itself is viewed as subordinate feature in relation to the dwelling and the more dominant, steeply pitched roofs of the garages of properties at 29 and 31 Morland Close (Nos 29 and 31) on either side. The extension is also set back slightly behind the rear wall of the garages of both adjoining properties.

¹ Ref: 16/1308/HOT.

Therefore, it is not viewed as an obtrusive feature from the rear gardens of Nos 29 and 31.

8. Apart from a small section at the front where dark brown tiles have been used, the roof tiles on the extension are predominantly dark red in colour. This does not match the dark brown tiles on the main roof of the dwelling and most other properties in the street. Nevertheless, the tiles match those used on the roof of the rear addition. The disparity between the colour of the tiles on the extension and those on the main roof is likely to reduce over time, due to the effects of weathering. Moreover, given the shallow roof pitch and the location at the side of the dwelling alongside the garage of the neighbouring property, the roof of the extension is open to limited public views in the surroundings.
9. The front and rear elevations of the extension are finished in brick slips which are predominantly red in colour. These match the rear addition. However, at the front the colour of the brick slips is entirely at odds with the softer and mellower tones of the light buff stock bricks on the front elevation of the dwelling and other properties in the locality. It is also at odds with the darker brickwork of some properties adjoining the dwelling and elsewhere in the street. The front elevation is visible at a considerable distance along the street. Consequently, the brick slips give the extension a jarring appearance and it is seen as an obvious, alien feature in the street scene. Therefore, I find that the external materials on the front elevation of the extension cause unacceptable visual harm to the surroundings.
10. Whilst the Council officer's delegated report on 16/4292/HOT refers to the use of 'matching brickwork' of the front elevation I am not clear that this reflects the current position at the property, as matching brickwork has plainly not been used. In any event, the Council is not bound in its decision making by comments made by officers. The enforcement notice is clearly directed in part at the external materials of the extension. Even so, the above harm could be overcome by attaching a planning condition to secure a suitable replacement facing material on the front of the extension matching the front of the dwelling.
11. Therefore, subject to the use of matching materials on the front elevation, the extension does not cause unacceptable harm to the character and appearance of the area. Whilst interested local residents have referred to service boxes and the condition of the front of the property, these matters are not material to my assessment of the planning merits of the extension.
12. Consequently, the extension accords with Policy DM DC1 of the Council's Development Management Plan (DMP), as it is of a high architectural and urban design quality respecting local character in terms of its scale, height, massing, proportions, form, details and materials. For similar reasons, the extension accords with Policy CP7 of the Council's Core Strategy. The Council's emerging Local Plan has yet to be adopted so it cannot be given full weight. However, the extension accords with Policy LP 1 of that document, as the architectural and urban design quality would be compatible with local character. As it would achieve good design, the extension is also consistent with section 7 of the National Planning Policy Framework (the Framework). Further, the extension is consistent with the Council's 'House Extensions and External Alterations' Supplementary Planning Document (SPD), as it does not dominate the house or its neighbours, it harmonises with the original

appearance, it is subordinate to the main structure so that the original form can still be appreciated and its materials will be made to match existing work.

Conditions

13. After seeking the views of both main parties I have imposed a condition, the purpose of which is to require the appellant to comply with a strict timetable for replacing the external materials on the front elevation of the extension with those which match the front elevation of the dwelling. This needs to be addressed in order to make the extension harmonise satisfactorily with the dwelling and its surroundings, in the interests of the character and appearance of the area.
14. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already taken place. The purpose and effect of the condition is therefore to ensure that the extension authorised by the grant of planning permission may only remain if the appellant complies with its requirements. It is only by doing so that the harm identified above will be remedied. Therefore, in my view the requirements of the condition are both proportionate and reasonable.

Conclusion

15. The extension accords with the Development Plan, SPD and the Framework. Therefore, I conclude that appeals A and B should be allowed.

Formal Decisions

Appeal A

16. 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 single storey side and rear infill extension on land at 30 Morland Close, Hampton, Middlesex TW12 3YX referred to in the notice, subject to the condition in the Schedule at the end of this decision.

Appeal B

17. The appeal is allowed and planning permission is granted for a rear infill extension at 30 Morland Close, Hampton, Middlesex TW12 3YX in accordance with the terms of the application, Ref 16/4942/HOT, dated 30 December 2016, subject to the condition in the Schedule at the end of this decision.

Stephen Hawkins

INSPECTOR

CONDITIONS SCHEDULE

Appeals A & B

- 1) Unless within three months of the date of this decision a scheme for replacing the external materials on the front elevation of the extension hereby permitted with external materials matching the brickwork of the main dwelling is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within three months of the Local Planning Authority's approval, the extension shall be altered so that it fully accords with the details on the drawing bearing reference number HA-03-16/01 submitted to the Council in accordance with planning permission 16/1308/HOT, with materials to match the existing building, and all of the resulting demolition materials shall be removed from the site.

If no scheme in accordance with this condition is approved within six months of the date of this decision, the extension shall be altered so that it fully accords with the details on the drawing bearing reference number HA-03-16/01 submitted to the Council in accordance with planning permission 16/1308/HOT, with materials to match the existing building, and all of the resulting demolition materials shall be removed from the site.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained in accordance with the approved details.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.