



Appeal Decision

Site visit made on 21 August 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2019

Appeal Ref: APP/L5810/D/19/3230571

3 Beverley Court, 26 Elmtree Road, Teddington TW11 8ST

- 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 S Mahawish against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/0393/HOT, dated 5 February 2019, was refused by notice dated 19 March 2019.
 - The development proposed is described as additional storey to single family dwelling to accommodate additional bedroom and study. Terrace to front elevation as per properties in Fallow Place.
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Decision

1. The appeal is allowed and planning permission is granted for a roof extension to create an additional storey, including a roof terrace to the front elevation at 3 Beverley Court, 26 Elmtree Road, Teddington TW11 8ST in accordance with the terms of the application, Ref: 19/0393/HOT, dated 5 February 2019, 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: 1269-SV-00 and 1269-PL-01.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 1269-PL-01.

Procedural Matters

2. In my formal decision I have used the description of development from the appeal form as this fully describes the appeal proposal.

Main Issues

3. The main issues are (i) the effect of the development upon the character and appearance of the area; and (ii) the effect of the development upon the living conditions of the occupiers of Nos 125 and 133 Church Road with particular reference to privacy.

Reasons

4. The appeal property is a two-storey dwelling located at the southern end of a terraced block of three units on Beverley Court. The terrace was constructed as

a purpose-built office development and is a backland development accessed from Elmtree Road. The appeal site was converted to residential use in 2015.

5. It is proposed to erect an additional storey at the property, which would incorporate a roof terrace to the front elevation. The additional storey would have a mansard roof to the rear and have a white rendered and aluminium cladding exterior.

Character and appearance

6. The existing property has a contemporary appearance with a white rendered exterior and dark grey window frames under a mansard roof. The other two terraced properties, which are known as Unit 1 and Unit 2 Beverley Court, have a red brick exterior with white window frames under a mansard roof.
7. The surrounding area has an urban residential character with Victorian origins. However, there are a variety of property types from differing architectural periods present within the street. Immediately to the south of the appeal site, there is a residential development, known as Somerset Court, which is part three and part four storey in height. Externally, the development has a contemporary appearance with a white render and timber cladded exterior and metal cladded upper floors which feature roof terraces and balconies. To the front of the appeal site there is a two-storey flatted development, known as No 16 Elmtree Court, which is of a more traditional design.
8. No 16 benefits from an extant planning permission¹ for the erection of a second floor roof extension and roof terrace. At the time of my site visit, it appeared that the extension was under construction, therefore I am satisfied that there is a greater than theoretical possibility of this permission being implemented. As such, I have afforded weight to the approved works as a material consideration in the overall planning balance.
9. The existing building has a distinctively different appearance to Units 1 and 2, Beverley Court and there is little balance or design symmetry between the appeal site and the neighbouring terraced properties. As a result of the differing architectural finishes of the respective properties and the backland location of Beverley Court, behind No 16, which will increase in height when the approved works are implemented, the existing terraced properties are not observed as one development from any public vantage points on Elmtree Road and Church Lane.
10. The height, scale and overall design of the proposed roof extension, including the proposed roof terrace, would be reflective of Somerset House and when viewed from public vantage points on Elmtree Road and Church Lane, the appeal proposal would appear as part of the neighbouring development. Consequently, the proposal would satisfactorily integrate into the existing streetscene, thus preserving the character and appearance of the area.
11. Whilst the additional storey of accommodation and the roof terrace would not be in-keeping with the scale and appearance of the neighbouring terraced properties, due to the site's backland location and the degree of screening provided by No 16, this would be a very localised effect, which would not harm the character and appearance of the area.

¹ Council Ref: 17/4303/FUL

12. Consequently, I conclude that the proposed development would accord with Policy LP1 of the adopted London Borough of Richmond Upon Thames Local Plan (July 2018) (the Plan), which requires new development to contribute positively to the character and appearance of the area through high quality design.
13. Whilst I acknowledge that the proposal would conflict with the design guidance for roof extensions within the Local Plan House Extensions and External Alterations Supplementary Planning Document (May 2015) (the SPD), these standards are only guidance and are an indicator of what is likely to be acceptable. In this instance, I have assessed the proposal on its own individual planning merits and found it to be acceptable. As such, a failure to adhere to the standards in the SPD is not sufficient in itself to dismiss the appeal.

Living conditions

14. I observed on my site visit that there is already a significant degree of overlooking of the rear gardens of Nos 125 and 133 Church Lane from the first-floor windows within the mansard roof of the existing property. Whilst the windows are angled upwards, the degree of the angle is very slight, and therefore the existing windows provide clear views into the neighbouring gardens.
15. Given the degree to which the existing upper floor windows overlook the neighbouring gardens and the separation distances involved between the rear elevation of the proposed development and Nos 125 and 133, the proposal would not result in a significant loss of privacy for neighbouring residents. Consequently, I conclude that the proposal would accord with Policy LP8 of the Plan and Section 3 of the SPD, which amongst other things require development to protect the living conditions of neighbouring occupiers.

Conditions

16. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.
17. In the interests of the character and appearance of the area, it is necessary to impose a materials condition. In the interests of clarity, I have amended the wording of the Council's suggested materials condition.
18. I have not imposed a condition which would require the first floor windows to be obscurely glazed. I have found that the proposed relationship with the neighbouring properties would be acceptable. Therefore, such a condition would not pass the tests of reasonableness or necessity.

Conclusion

19. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Christopher Miell

INSPECTOR