



Appeal Decision

Site visit made on 6 June 2019

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2019

Appeal Ref: APP/L5810/W/19/3223800

1 Bridle Lane, Twickenham TW1 3EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against refusal to grant planning permission.
 - The appeal is made by Mr David Wodnutt against the London Borough of Richmond upon Thames.
 - The application Ref 18/4232/HOT, dated 21 December 2018, was refused by notice dated 6 February 2019.
 - The development proposed is to retain perimeter security railings to edge of roof to allow for access and maintenance. Create a smaller area (roof terrace) in the South West part of the roof and enclose in railings, access to the roof to be via an existing hatch.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my visit the railings were already in place. There is no evidence to indicate that this has been authorised by a separate grant of planning permission. I note, however, that the sitting out area was approved by the Council under an earlier permission for development.

Main Issues

3. The main issue is the effect of the development on the living conditions of neighbouring occupiers of properties at numbers 2 and 4 Crown Road, with particular regard to privacy and outlook.

Reasons

4. The appeal site is a former stable or coach house building which is used for bed and breakfast rooms. The building is situated in a rear yard area of Bridle Lane, surrounded by buildings which front the main roads of Amyand Park Road and Crown Road. It is a flat-roofed building and at the time of my site visit railings were in place around the perimeter of the building. The access to the roof was via steps located within a bedroom and hatch to the roof. A small area with table and chairs was delineated by timber fence panels.
5. Many of the nearby buildings have rear-facing windows serving dwellings. There are a number of balcony treatments to other properties in the immediate vicinity. The dwellings which form part of Crown Road are located close to the rear of the appeal site, with rooms facing directly to the rear. The rear elevation of the appeal site has no windows facing these neighbouring

properties. From the roof I was able to look directly into windows of the properties at Crown Road, as well as look down on to garden and nearby balcony areas.

6. The appellant states that part of the roof would be retained for maintenance purposes only, with the roof terrace area in a similar location to the existing. This is shown in the plans and explained in the appeal documents, however there are concerns raised that the entire roof might be used as a 'terrace' rather than for maintenance alone. Had I been minded to allow the appeal, then I am satisfied the Council's suggested condition would have been an effective means of protecting privacy by ensuring only the area identified as roof terrace could be used as such.
7. I have taken into account the extant permission to use the same area of roof for a terrace. This area is located to the front of the appeal building, away from the rear windows of the properties at Crown Road. Given this location of the terrace, the general views would be towards Bridle Lane and not directly into the neighbours' windows.
8. Given the proximity and height of the buildings to each other, the installation of the railings adds to the loss of the outlook from the dwellings at Crown Road. The railings unacceptably dominate the already restricted outlook from those affected properties. Whilst there is some view of the sky through the open design of the railings, I am not persuaded that this mitigates for the harm to the outlook. The impact occurs at an oppressive proximity to the windows at Crown Road such that it would be the overbearing feature in the perspective from these windows. This enclosing effect would significantly harm the outlook and living conditions of these dwellings resulting in a particularly gloomy and dismal perspective.
9. I therefore conclude that the appeal proposal would result in significant harm to the living conditions of neighbouring residents at Crown Road in terms of harm to outlook. The proposal therefore conflicts with the policies of the London Borough of Richmond upon Thames Local Plan (July 2018) in particular policy LP8 which seeks to protect the amenity and living conditions of existing, adjoining and neighbouring properties in particular to prevent unacceptable overlooking and overbearing impacts. The proposal would also fail to accord with the National Planning Policy Framework at paragraph 127 which requires all development to create places which promote well-being and a high standard of amenity for all.

Other Matters

10. The appellant has provided photographs of balconies and terraces in the area. However, I do not know the precise planning circumstances behind the examples highlighted. Further, none appear directly comparable to the scheme before me which I have considered on its own merits and against the specific context within which it would sit in any event. I do acknowledge the prevalence of railings in the area, however it is not the appearance that causes the harm identified above.
11. Various comments are made issues over safety when accessing the roof for maintenance. Whilst I accept that there is risk associated with any personnel accessing the roof, I have also had regard to the previous permission which

provides for an obscured panel to the rear. Therefore this matter does not alter my position on the extent of harm found.

12. The appeal site is located within the Crown Road St Margarets Conservation Area (CA). Section 72(1) of The Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of CAs and this is reflected in the aims of the Crown Road and Twickenham Park Conservation Area Study (1997).
13. The railings are black in appearance and are similar to those on other balcony arrangements. Notwithstanding that they are located to the top of a building, as opposed to the elevation, the appearance of the railings appear to be consistent with others in the area and as such do not cause harm to the character and appearance of the CA. I conclude that the proposal would preserve the character or appearance of the CA, as a whole. Thus, the proposal does not conflict with the requirements of policy LP1 of the Local Plan.
14. For the purposes of paragraphs 195 to 196 of the Framework, no harm would arise to the significance of the CA as a designated heritage asset.

Conclusion

15. Whilst I have found that there would not be harm to the character and appearance of the CA, or harm arising from a loss of privacy to the occupiers of dwellings at Crown Road, this does not outweigh the significant harm identified to neighbouring residential living conditions in terms of the outlook caused by overbearing and dominance of the railings. For the above reasons and having considered all matters raised I conclude the appeal should be dismissed.

Rebecca Thomas

INSPECTOR