
Appeal Decision

Site visit made on 29 October 2019

by S Shapland BSc (Hons) MSc CMILT

an Inspector appointed by the Secretary of State

Decision date: 26 November 2019

Appeal Ref: APP/L5810/D/19/3234160

35 Kew Foot Road, Richmond, London TW9 2SS

- 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 Mrs Claire Leckie against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/1370/HOT, dated 29 April 2019, was refused by notice dated 24 June 2019.
 - The development proposed is proposed first floor rear extension to existing outrigger.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the host dwelling and the surrounding area including the Kew Foot Road Conservation Area, and the effect of the proposal on the living conditions of occupiers at No.33 Kew Foot Road with particular regard to outlook and privacy.

Reasons

Character and Appearance

3. The appeal site is a two storey end of terrace house located at the corner of Kew Foot Road and Rosedale Road in the residential area of Richmond. The appeal proposal is for the construction of a first-floor extension above the existing rear outrigger of the property.
4. The appeal site is within the Kew Foot Road Conservation Area (CA). The character and significance of the CA is derived from the Victorian houses noted for their variety of size and style. They are linked by a high-quality townscape. The appeal property is significant as it forms a small terrace of three properties with similar scale, mass and design. When viewed from the street scape they provide an attractive coherent terrace of houses.
5. The row of three terraced properties are characterised as having a uniform rhythm to the rear elevations. The properties benefit from rear outriggers which are of a similar scale, mass and roof pitch. The proposal would increase the built form above the existing ground floor outrigger, and take the first floor beyond the well established building line at the rear of the properties.

6. The increased building mass on the first floor would include the majority of the current ground floor rear outrigger, and this increase in mass means the proposal does not appear subservient to the host dwelling. It would be highly visible from the public realm on Rosedale Road. When viewed from this location the proposal would cause the appeal dwelling to appear clearly different from the neighbouring properties and would emphasise the difference in mass to the other terraced properties. As a result, this would unbalance the row of terraced houses and appear as an incongruous addition. The proposal is therefore not in keeping with the character and appearance of the host dwelling or neighbouring properties, including the surrounding pattern of development on Kew Foot Road.
7. The appeal site and the terrace have been identified by the Council as being Buildings of Townscape Merit. The significance of these properties is derived from their uniformity in scale and mass. As a non-designated heritage asset, in accordance with paragraph 197 of the National Planning Policy Framework (the Framework), I am required to balance the scale of any harm to the significance of the host building. Subsequently, the scale, mass and visibility of the proposal leads me to find harm to the character and appearance of the host building and its significance as a non-designated heritage asset.
8. As the appeal site lies within the CA, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving or enhancing the character and appearance of CAs. Paragraph 193 the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Annex 2: Glossary of the Framework confirms that CAs are included within the definition of a designated heritage asset.
9. For the reasons given above, I have found harm to the character and appearance of the host property. Given the building's significance within the CA and the fact that the proposal would be visible from the public realm, I find that the proposal would harm the character and appearance of the CA. Given the proposal is at the rear of the property, and its scale, the harm identified would be less than substantial.
10. Paragraph 196 of the Framework states that where the development proposal will lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighted against the public benefits of the proposal. The appellant has not included any public benefits within the statement of case, and therefore I can not conclude that any benefits would outweigh the harm I have identified above.
11. The Council has referred to a Grade II listed building to the north of the appeal site, but have not provided any specific details of this designated heritage asset. I have had regard to my statutory duty under S66(1) of the Act, however, there is insufficient evidence for me to reach a conclusion on the effect of the proposal on the significance of the designated heritage asset. I do however note that the Council considers that the proposal would not harm this designated heritage asset.
12. Consequently, I find that the proposal would be contrary to policies LP1, LP3 and LP4 of the London Borough of Richmond Upon Thames Local Plan dated July 2018 (LP). Together these policies seek, amongst other things, that

development is of a high quality design which is compatible with local character and preserves or enhances heritage assets. I find further conflict with the London Borough of Richmond upon Thames Buildings of Townscape Merit Supplementary Planning Document May 2015.

Living Conditions

13. The appeal site and adjoining properties have narrow gardens, and as such there is limited separation distance between the appeal site and No.33 Kew Foot Road. Whilst the proposal is not increasing the footprint of the host dwelling, the first-floor extension would be highly visible from No.33. Given the minimal separation distances, this first floor extension would lead to a feeling of enclosure at No.33. The proposal with its additional height would be a dominant overbearing addition to the terrace. I therefore find that the proposal would harm the living conditions of No.33 Kew Foot Road with particular regard to their outlook.
14. The Council is also concerned that the proposal would harm the privacy of the neighbouring occupiers at No.33. Whilst the proposal includes a new window which would look directly into the garden of this property, the appellant has indicated that this window could be fixed and glazed with obscured glass. I am satisfied that this would ensure that the privacy of neighbouring occupiers would be protected, and this could be adequately secured through the use of a planning condition. I therefore find that the proposal would not harm the privacy of neighbouring occupiers.
15. Accordingly, I find that the proposal is contrary to LP policy LP8. This policy seeks, amongst other things, that development protects the living conditions of neighbouring occupiers.

Conclusions

16. For the above reasons the appeal is dismissed.

S Shapland

INSPECTOR