
Appeal Decision

Site visit made on 4 February 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2020

Appeal Ref: APP/L5810/D/19/3240740

1 Oakhurst Close, Teddington TW11 0JP

- 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 Peter Caharalambous against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/2514/HOT, dated 14 August 2019, was refused by notice dated 17 October 2019.
 - The development proposed is a new rear roof dormer.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I observed during my site visit that a new rear roof dormer has been erected and it appears that the development that has been carried out is the same as that which has been applied for. Nonetheless, for the avoidance of doubt, I have dealt with the appeal on the basis of the development shown on the plans referenced: Location Plan, OC/01A, OC/02A, OC/03E, OC/04D, OC/05, OC/13A and OC/14B.
3. The Council's second reason for refusal refers to Policy LP8 of the London Borough of Richmond Upon Thames Local Plan (Adopted 3 July 2018) (the LP). However, the Officer Report confirms that the proposal will not lead to a detrimental loss of privacy, overshadowing or loss of light to neighbouring residents. I have therefore contained my assessment of the proposal to the matters outlined in the main issue below.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the existing house and the Hampton Road Character Area (HRCA).

Reasons

5. The appeal property is an end of terrace house situated to the eastern end of Oakhurst Close, which lies within the HRCA¹. This is predominantly a residential area formed of properties of a varied architectural form and scale. The property is separated from 24 Hampton Road by a private route serving the houses and

¹ As defined by the Hampton Wick & Teddington Village Planning Guidance (Supplementary Planning Guidance, dated June 2017).

open space found to the rear. Except for the appeal proposal, the roof slopes of the houses within Oakhurst Close facing the space, appear to be largely unaltered.

6. An extension has been added to the front roof slope of the appeal property² and the Council has also granted a certificate of lawful development for a rear dormer window³ (the permitted scheme). This dormer would fill the majority of the rear roof slope, but would be set down from the original ridge, in from the flank wall of the house and up from the eaves.
7. The dormer window proposed by the appeal scheme will join to the extended rear roof slope created by the front roof extension, which projects above the original ridgeline. It will occupy the full width of the rear roof slope of the property and the dormer cheeks will be clad in brick, the outer face of which will join the flank wall of the house. However, like the permitted scheme, the rear façade will be positioned up from the eaves.
8. The appeal proposal will be visible from the side and rear garden of 24 Hampton Road and across its frontage from the street. In these views, the most appreciable difference between the permitted and appeal schemes will be the continuation of the flank wall of the house up into the outer dormer cheek. The additional brickwork will be flush with and add considerably to the flank wall. The resultant substantial and uninterrupted façade will appear visually dominant, intrusive and unsympathetic to the existing house and its immediate surroundings within the HRCA.
9. The Council's SPD⁴ outlines that dormer windows and other roof extensions must not project above the ridgeline. To my mind the rationale for this approach is to reduce the visibility of dormers in the street scene. In the case of the appeal property, the rear roof slope has been extended creating a higher ridge, which the appeal proposal will be positioned below.
10. The Council's SPD also requires that dormer windows should be smaller than the windows on the floor beneath and set in from either side of the roof. Like the permitted scheme, the appeal scheme will also include doors and a Juliet balcony and extend to the party wall with 2 Oakhurst Close. The principle difference between the two schemes in these views will therefore be the use of brick in the construction of the dormer cheeks, as the effect of the extended flank wall will not be apparent.
11. Accordingly, in the views of the rear of the house from the north and west, including from the garden of 2 Oakhurst Close, the proportions of the proposed dormer window will appear similar to the permitted scheme. The proposal will not therefore lead to a greater extent of visual harm in these views when compared to the permitted scheme.
12. Despite my findings in relation to the views of the proposed development from the north and west, I conclude that the proposed development would have an unacceptably harmful effect on the character and appearance of the existing house and the HRCA when viewed from the south and east, including from the garden of 24 Hampton Road. Hence, the proposal will not accord with Policies

² Planning Reference: 17/2360/HOT.

³ Planning Reference: 17/3693/PS192.

⁴ London Borough of Richmond Upon Thames - Local Plan - Supplementary Planning Document: House Extensions and External Alterations (May 2015).

LP1 and LP8 of the LP, the Council's SPD and the Hampton Wick & Teddington Village Planning Guidance. Together these policies and guidance require all development to be of high architectural quality and take opportunities to improve the quality and character of buildings, including the relationship to existing townscape, scale, height, massing, proportions, form, materials and detailing; ensuring that proposals are not visually intrusive. In particular, dormer windows should be set well in from the side of roofs.

Other Matters

13. The appellant has suggested that the height of the proposal could be reduced to below the original ridgeline of the house, which would fall within the limits set by the relevant statutory instrument⁵ (the Order). However, those rights only apply when the whole of the development is measured against each relevant sub-clause of the Order and constructed in accordance with the limitations therein. The rights cannot be claimed retrospectively by the removal of an element built in excess of those limitations. Accordingly, the revisions to the appeal proposal would not constitute a 'fallback' position. In any event, as the revisions to the appeal proposal would result in development less substantial in scale, this would not be sufficient justification to allow the appeal. Moreover, I have concluded that the appeal proposal will cause unacceptable harm to the character and appearance of the existing house and the HRCA.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR

⁵ Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).