



Appeal Decision

Site visit made on 25 August 2020 by Scott Britnell MSc FdA MRTPI

Decision by R C Kirby BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/L5810/D/20/3246501

25 Cambridge Cottages, Kew TW9 3AY

- 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 and Mrs J Farrell against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 19/3531/HOT, dated 20 November 2019, was refused by notice dated 21 January 2020.
 - The development proposed is 'single storey side and rear extensions; loft conversion with rear dormer and front rooflights; rear terrace with balustrade (amended design to that approved through applications 18/4238/HOT and 19/2277/HOT)'.
-

Decision

1. The appeal is allowed and planning permission is granted for single storey side and rear extensions; rear dormer roof extension and front rooflights; rear roof terrace with balustrade at 25 Cambridge Cottages, Kew, TW9 3AY, in accordance with the terms of application Ref 19/3531/HOT, dated 20 November 2019, and subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Unnumbered Site Location Plan, Unnumbered Block Plan, Flood Risk Assessment for 25 Cambridge Cottages, Kew, Richmond, TW9 3AY, PL 002 Rev C, PL 004 Rev B, PL 006 Rev B, PL 008 Rev B, PL 010 Rev B, PL 012 Rev C, PL 014 Rev D, PL 016 Rev B.

- 2) The materials used in the construction of the ground floor window in the front elevation of the single storey extension hereby approved shall match those used in the construction of the windows in the front elevation of the existing dwelling and shall be retained as such thereafter.

- 3) The proposed second floor roof terrace glass balustrade hereby approved shall incorporate glass panels 1.1 metres in height when measured from the highest point of the finished floor level of the approved roof terrace, with the side panels constructed from obscure glass. Details of the type and level of obscure glazing shall be submitted to and approved in writing by the local planning authority before the panels are erected and the development shall be carried out in accordance with the approved details before the roof terrace is first brought into use and the obscure glazing shall be retained in perpetuity thereafter.

4) The proposed ground floor side and rear door frames in the single storey extension hereby approved, and the door frame and window within the dormer hereby approved, shall be constructed from aluminium and thereafter retained.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. There are variations in the appeal site address as given in the application form, appeal form and the Council's decision notice. The address in the banner header above has been taken from the application form.
4. In the formal decision above, I have used the description of development taken from the Council's decision notice. I consider that this provides a more concise description of the works that require planning permission and note that the appellants have used the same description in their appeal form.
5. The proposal seeks to revise elements of previously approved planning permissions¹. At the time of my visit, it was evident that single storey side and rear extensions had been largely constructed and a rear dormer has been completed. I have therefore proceeded on the basis that the proposals have been commenced.
6. Third party comments indicate that the proposal was amended prior to the Council's decision being made, but that no opportunity was made to submit comments. I have assessed the proposal on the basis of the plans upon which the Council determined the application. Further, I have been provided with a copy of a letter to the Council asking for comments made in respect of an alleged breach of planning control to be forwarded to me for my consideration. However, no further details have been received.

Main Issues

7. The main issues in this appeal are:
 - The effect of the proposed ground floor extension on the character and appearance of the host property as a Building of Townscape Merit (BTM), the wider terrace and the Kew Green Conservation Area (KGCA); and,
 - The effect of the proposed roof terrace on the living conditions of the occupants of Old Ferry House, with particular regard to privacy.

Reasons for the Recommendation

8. The appeal site comprises an end of terrace dwelling on the east side of Cambridge Cottages. The dwelling is located in the KGCA and is recognised as a BTM. Cambridge Cottages is an intimate road with modestly scaled dwellings accessed directly from the back edge of the pavement. This part of the KGCA

¹ 18/4238/HOT – Single storey side and rear extension; rear dormer roof construction, installation of rooflights to front slope and other works; and, 19/2277/HOT – Alterations of windows to French doors and formation of frosted glass balustrade and terrace (25 and 26 Cambridge Cottages).

is experienced and enjoyed principally from the public realm, where the cohesiveness and simplicity of the architecture is most readily apparent. Notwithstanding this, the dwellings on Cambridge Cottages display variation in terms of exposed brick and painted front elevations and many properties include rear additions.

Character and appearance

9. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (LBCAA) states that, in the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The National Planning Policy Framework sets out at paragraph 192 that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, amongst other matters. Heritage assets in this appeal are the KGCA and the host property, which is a non-designated heritage asset.
10. The dormer is set back from the eaves and in from the side of the host property. It would be the same as the previously approved dormer save for the introduction of French doors and a window. Along with dormers, rear roof terraces with balustrades are a common feature of properties along the east side of Cambridge Cottages. Given this context and the form, design and scale of the dormer, roof terrace and balustrade, I find that these are acceptable additions. To the front, the proposed rooflights are acceptable in terms of their location and scale and I note that roof lights are present on other properties in the area. Collectively, these elements respect the host property, the wider terrace and preserve the character and appearance of the KGCA.
11. The top of the single storey extension would be in line with the lower part of the brick string course running across the front elevation, which includes the cills of the first floor windows. Externally, this visually separates the ground and first floors of the property. The Council are concerned, however, that the parapet would be higher than the first floor window cills and that this would intrude upon the rear elevation fenestration. I do not consider, given the distance of the parapet from the window cill, that this would be the case. As such, the proposed extension would not appear to intrude upon this feature and would not appear over-dominant. Therefore, the single storey extension in terms of its scale and form would respect the host dwelling, the wider terrace and would preserve the character and appearance of the KGCA.
12. The proposal also includes 2 rooflights, which I consider to be acceptable in design and scale. I note that the Council have reached the same conclusion in this regard.
13. However, the application form indicates that the proposal includes UPVC doors on the ground floor extension to the side and composite metal and a timber door at loft level (the dormer). The Planning Design and Heritage Statement states that the doors and window to the dormer would be timber². The Council's Supplementary Planning Document, Buildings of Townscape Merit Adopted 2015 (BTMSPD), indicates that the introduction of unsympathetic windows, doors or materials can not only destroy the visual quality of one

² Paragraph 5.5.

building but erode the entire character and interest of an area. In this case, I find that the use of UPVC would be unsympathetic and would neither sustain nor enhance the significance of the host property or preserve or enhance the character or appearance of the KGCA.

14. The appellants have, however, indicated that they would be prepared to use aluminium for the new windows and doors, including within the dormer. Such material is evident elsewhere in the locality and I find that its use in this case would not result in the harm that I have identified to the heritage assets above. I am also mindful that no details have been provided with regards to the front elevation window within the side extension. To ensure that the extension is suitably finished and is sympathetic to the host dwelling and the surrounding area, that window should match the existing fenestration on the front elevation of the dwelling. These matters could be controlled by way of suitably worded planning conditions.
15. Given the above, and subject to the imposition of conditions controlling the materials to be used on the fenestration, I conclude that the proposals are acceptable and would have no harmful effects on the host dwelling or the terrace of which it forms part. The proposals would preserve the character and appearance of the KGCA. Accordingly, the scheme accords with Policies LP1, LP3 and LP4 of the London Borough of Richmond Upon Thames Local Plan, Adopted 3 July 2018 (LP). Collectively, these seek, among other things, to ensure that development respects, contributes to and enhances the local environment and character and conserves the historic environment of the borough. They also require development to preserve the significance, character and setting of non-designated heritage assets such as BTMs. The proposals also accord with the London Borough of Richmond Upon Thames Local Plan Supplementary Planning Document, House Extensions and External Alterations May 2015 (HESPD) with regard to design and character, and the broad aims of the BTMSPD, the Kew Green Study Conservation Area no.2 March 1994 and the Kew Green Conservation Area 2 (Statement).
16. The Council also refer to the Kew Village Plan. A copy of the Kew Village Planning Guidance, Supplementary Planning Document, 1 July 2014, has been submitted. While I consider that the proposals comply with the broad aims of this document, this does not appear to be the Village Plan. Consequently, I am unable to assess the proposal against the Village Plan as I do not have a copy before me.

Living conditions

17. The roof terrace is located high up on the property, similar to other roof terraces within the terrace of which the appeal property forms part. Given the tight knit nature of development in the locality, there is a mutual level of overlooking of garden areas from rear windows and roof terraces.
18. In this case the roof terrace would be located closer to Old Ferry House and its garden than other roof terraces nearby. Accordingly, there is a high probability that users of the roof terrace would be able to see into the garden of this property. Moreover, given the roof terraces proximity to the rear windows of Old Ferry House, it is likely that occupiers of this property would sense a loss of privacy to the rooms that these windows serve. In this regard the proposed roof terrace would be likely to result in harm to the living conditions of the occupiers of Old Ferry House, in conflict with LP Policy LP8, which requires,

- among other things, for development to protect the amenity and living conditions for occupants of existing and neighbouring properties. There would also be conflict in this regard with the general guidance set out in the HESPD.
19. However, a roof terrace has previously been granted planning permission by the Council having considered, amongst other matters its effect upon the living conditions of nearby occupiers. There is no evidence before me that the proposed roof terrace differs from the extant scheme other than in the use of clear glazing on the rear panel of the balustrade, as opposed to the use of obscure glazing as approved.
20. In terms of the changes to the approved scheme, it is submitted that the obscure glazing would prevent downward views into Old Ferry House. Whilst such glazing may prevent such views it is unlikely that users of the terrace would be looking towards the floor of it; instead they would be likely to be taking in views of the river beyond Old Ferry House. Even with the obscure glazing those seated on the roof terrace would be able to see over the balustrade and those standing on it would have clear views into the garden of Old Ferry House. The use of clear glazing as proposed would be unlikely to result in a situation that would result in a greater loss of privacy to the occupiers of Old Ferry House, over that which could exist.
21. Accordingly, and given that there would be a high probability that the appellants would implement the approved roof terrace in the event that this appeal is not allowed, I find that the extant planning permission is a material consideration in this case which indicates that the development should be permitted in conflict with the development plan.
22. In reaching this view I have noted the concerns raised about the use of the roof terrace. However, given that it would be accessed from a bedroom it would be unlikely that it would be used by anyone other than the occupiers of the dwelling. As such, I do not consider that the size or nature of the roof terrace would be likely to result in noise nuisance or disturbance to nearby occupiers.

Conditions

23. The Council have suggested a number of planning conditions that they would like to see imposed in the event that the appeal is allowed. As the proposals have commenced, it is not necessary for me to attach the standard time condition. I shall attach the standard plans condition for clarity.
24. A condition is requested that no new external finishes (including fenestration), including works of making good, shall be carried out other than in the materials stated on the application form, approved drawings or to match the existing. A condition is also requested that the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building. However, as the dormer has been completed and the side and rear extension is largely completed, I do not consider that such conditions are necessary.
25. The Council also suggest a condition that the roof of the (side and rear) extension shall not be used for any purpose other than as a means of escape in emergency or for the maintenance of the building. Given the limited scope for access to this area, its size and the presence of the approved roof lights, I do

not consider that it would be possible to use the roof area for any purpose other than those set out by the Council. Consequently, such a condition is not necessary and I shall not attach it.

26. In order to ensure that the proposal is assimilated sympathetically and successfully with the host property and wider terrace, I shall attach a condition that the materials used in the construction of the window to the front elevation of the ground floor extension matches those in the front elevation of the existing dwelling.
27. The appellants have also suggested two conditions; firstly, that the proposed ground floor side and rear and second floor rear door frames and window shall be constructed from aluminium which for the reasons set out above I find to be necessary, albeit I have revised the suggested wording for clarity and to ensure that the approved material is retained.
28. The appellants also suggest a condition requiring the glass balustrade to the roof terrace to incorporate glass panels 1.1 metres in height to the relevant floor level, with the side panels constructed from obscure glass to a minimum privacy level 3. The extant planning permission contains a condition requiring the balustrade to be obscure glazed to this height also. For clarity, I have amended this condition so that the height of 1.1 metres is measured from the highest point of the finished floor level of the roof terrace. I shall also require that the type and level of obscure glazing in respect of the side panels to be agreed by the Council. This would ensure that an adequate level of obscure glazing is used and would provide certainty in the absence of this not being required as part of the extant planning permission.

Conclusion and Recommendation

29. For the reasons given above, I recommend that the appeal should be allowed subject to the conditions set out above.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

30. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed subject to the conditions set out above.

RC Kirby

INSPECTOR