



Appeal Decision

Site visit made on 29 October 2020

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12/01/2021

Appeal Ref: APP/L5810/D/20/3246617

67 Lonsdale Road, Barnes, London SW13 9JR

- 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 & Mrs Stefano & Mollie Del Zompo against the decision of the Council of the London Borough of Richmond upon Thames.
 - The application Ref 19/3093/HOT, dated 9 October 2019, was refused by notice dated 26 November 2019.
 - The development proposed is for the construction of a detached studio building in the rear garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the mature tree within the site;
 - the living conditions of the occupants of neighbouring dwellings with regard to overbearing impact; and
 - the character and appearance of the area.

Reasons

Mature tree

3. The appeal site relates to a two-storey, semi-detached house on Lonsdale Road. A mature tree lies within the site adjacent to the boundary with no. 40 Kilminster Road. It is prominent in views from Nowell Road and Kilminster Road and makes a positive contribution to the character and appearance of the surrounding area. Whilst not the subject of a Tree Preservation Order, there is no evidence before me to suggest that it is neither in good health nor has the potential to survive in a pleasing condition for years to come.
4. I acknowledge that the presence of a tree of such stature would require maintenance to both itself and surrounding properties, and that the appellant has offered to provide replacement planting. However, in the absence of an arboricultural survey I am of the view that the loss of the tree would be harmful to the character and appearance of the area.

5. I conclude on this issue that the proposal would have an adverse effect on the mature tree within the site. This would be contrary to policies LP1, LP15 and LP16 of the London Borough of Richmond upon Thames Local Plan July 2018 (LP), which require development to enhance the local environment, protect biodiversity and resist the loss of trees. It would also be at odds with the advice in the National Planning Policy Framework (the Framework) which seeks to conserve and enhance the natural environment.

Living conditions

6. The proposed outbuilding is to be built on the shared boundary with no. 40 Kilmington Road, with a width of 7.2 metres and a ridge height of 5.1 metres. It would significantly increase the size and scale of the built form facing the neighbour in comparison to the existing arrangement, thereby adding material bulk to the built form in close proximity to the boundary.
7. In doing so, this would create a considerable extent of built form which would dominate the outlook from the rear amenity area of no. 40 in a manner which would be overbearing and oppressive, and materially worse than the existing situation. I note that the proposal would reflect the general scale of the Coach House Annexe immediately adjacent, however this building is set further forward towards Kilmington Road and consequently has a different relationship with no. 40.
8. I acknowledge that there would be no unacceptable loss of light or privacy as a result of the development, however these matters do not outweigh the harm I have identified above.
9. Based on the foregoing I conclude that the proposal would have an adverse effect on the living conditions of the occupiers of no. 40 Kilmington Road with particular regard to overbearing impact. It would thus conflict with policy LP8 of the LP which seeks to ensure that development protects the amenity and living conditions of occupiers of neighbouring properties. It would also conflict with the advice in the Framework which seeks to ensure safe and healthy living conditions.

Character and appearance

10. The appeal site presently contains single storey outbuildings at the rear of the garden and there are other similar examples in the rear amenity areas of houses in the neighbourhood. The appeal proposal would be two-storey in nature, of a scale and design which would reflect that of the Coach House Annexe immediately adjacent.
11. The Council argues that the proposal should be single storey to reflect other similar outbuildings in the area. However, I note that the appeal dwelling and surrounding properties are not locally or statutorily listed and the appeal site is not located in a conservation area. Amongst other things, there are differences in building heights, materials and other detailing. To my mind these characteristics create variation in built form and such differences add to the visual interest of the area.
12. Having these factors in mind, I consider that the formation of the outbuilding would not be markedly at odds within this context and it would be of an acceptable scale and design. The two-storey nature would not result in a bulky

or cramped appearance and overall the proposal would assimilate harmoniously with the locality.

13. I conclude that the scheme would not cause harm to the character and appearance of the area. It would meet the provisions of policies LP1, LP8 and LP39 of the LP, which require development to enhance the local environment, to prevent visual intrusion and reflect the character of the surrounding area. It would also be consistent with the Framework which states that good design is a key aspect of sustainable development.

Conclusion

14. Although there would be no material harm to the character and appearance of the area, the appeal proposal would have an adverse effect on a mature tree on the site and the living conditions of the occupants of neighbouring houses. Consequently I conclude that the appeal should be dismissed.

C Hall

INSPECTOR