
Appeal Decision

Site visit made on 15 March 2021

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2021

Appeal Ref: APP/L5810/D/20/3258950

37C Cambridge Park, Twickenham TW1 2JU

- 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 Ric Pakkiri against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 20/1878/HOT, dated 8 July 2020, was refused by notice dated 21 August 2020.
 - The development proposed is the erection of a two double-storey side extension, part two-storey part single-storey rear extension, rear dormer roof extension and four Velux windows on the front elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal, the Mayor of London published the London Plan 2021. I attach full weight to its policies. Both parties were given the opportunity to comment on any implications for the appeal.

Main Issues

3. These are the effect of the proposed development on:
 - the living conditions of surrounding occupiers, with particular regard to outlook at the adjoining houses, 37B and 38 Cambridge Park; and,
 - the character and appearance of the area, including the setting of the Cambridge Park Conservation Area.

Reasons

The effect on the living conditions of surrounding occupiers

4. While the proposal would intensify the present overlooking of the back gardens of the adjoining plots, the degree of this change, especially in the built-up area where there is a degree of commonly accepted mutual overlooking between adjoining plots, would not be harmful to the privacy of the adjoining occupiers.
 5. The extensions would not be so great or so close as to reduce the light entering the principal windows of neighbouring houses by a harmful degree. While No38 stands to the north-west of the proposed development, there is no evidence that its access to sunlight would be reduced over the present
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condition by a significant degree. Given that the additional footprint in the development is centred around the existing house, I can identify no harm from loss of access to daylight or sunlight in the houses or gardens of the adjoining plots.

6. Notwithstanding this, the proposed 2-storey rear extension would extend back into the plot across the full width of the existing house. No38 has a relatively short back garden with a lawn and an area for sitting-out. Because of the depth of its projection into the back garden, its height, and its proximity to No38, the 2-storey rear extension would be a visually intrusive element in the outlook from the back garden of No38.
7. No38 has an open space beside the house formed from the half-depth extension to its flank, which extends its limited garden space. The proposed 2-storey side extension to face No38, at such, height, depth, and proximity, would have an overbearing effect on the outlook of the occupiers of No38 using the side quarter of their back garden, formed by its set-back, rear building line.
8. On the other side of the plot, No37B has a basement level with a basement terrace close to the party fence between No38 and No37B, and windows to what appear habitable rooms close to the quoin of its back wall, on three floor levels. While there are evergreen trees on part of the boundary, the outlook from the rooms served by these closest windows at ground and first floor levels, would be diminished by a significant degree because of the height, depth, and proximity of the proposed 2-storey rear extension.
9. I appreciate that the proposed first-floor rear extension would not extend sideways beyond the flanks of the existing house. Nonetheless, the short depth and configuration of the garden of No38 would allow no reprieve from the intrusive effect of the 2-storey rear extension in the outlook of those occupiers. The openings of No 37B are set relatively close to the side boundary, making the over-enclosing effect of the proposed 2-storey rear extension prominent in the outlook of the occupiers in the rooms those windows serve.
10. The rear dormer would stay within the footprint and envelope of the existing house. While the rear ground floor extensions would extend beyond the rear building lines of No37B and No38, their relatively modest height, in lean-to form, would reduce any effect on neighbours' light and outlook. I find no harm to living conditions from the ground floor extensions and the dormer.
11. In conclusion, because of the 2-storey, rear extension, the proposed development would harm the outlook of the occupiers of No37B and No38. Because of the 2-storey side extension to the west flank, the proposed development would cause additional harm to the outlook of the occupiers of No38. The development would therefore conflict with policy LP8 of the Local Plan 2018 (LP) which protects the living conditions of adjoining properties, and with the National Planning Policy Framework (the Framework) which requires development to provide a high standard of amenity for existing users.

The effect on the character and appearance of the area

12. The relatively modern 2-storey houses in this section of the street are distinctive for their regularity, their architectural simplicity, and the coherence

of their compact, rectangular forms, set under pitched roofs, sharing a consistent pattern of openings and palette of materials.

13. While I note that some generous gaps have been retained between neighbouring houses in this area, part of the pattern of development now includes the tendency for houses to be extended sideways, diminishing the previously generous spatial setting around them, particularly in this section of the street. For instance, the houses on each side of No38 run as close or closer now to the side boundaries as the flank extensions in this proposal. So too the space between 38A and 38B, further along the street, whose lateral gaps this proposal would reflect.
14. In this diminishing spatial context, the side extensions, which from their stepping down and back, would appear as secondary elements to the main form of the house, would not harm the architectural order of the house or the spatial character now established in this section of the street. The ground floor rear extensions would be modest in scale, in balance with the existing house. Set under lean-to roofs, their forms would be sensitive to the design of the house.
15. However, the 2-storey rear extension would be capped in a flat roof, a form at odds with the pitched roof of the house, and the prevailing and distinctive form of the roofs of the houses in this section. It would appear as an insensitive form of roof in the surroundings where the architectural distinctiveness relies on the consistency of pitched roofs at high level. It would be conspicuous too, in public views from Vivienne Close.
16. Similarly, the dormer would have a long, box-like appearance, effectively turning the distinctive pitched roof at the rear into a flat-roofed, third storey. The combined effect of the dormer and the rear 2-storey extension would be a degradation of the characteristic roofscape of the house, undermining its distinctive appearance and its contribution to the townscape of this area.
17. Given that the harm I have identified is a visual harm, confined in views from behind the house towards the CA rather than in direct juxtaposition, views from which direction the houses in this section act as a screen, truncating the effect of the development on its setting, I find no harm to the setting of the CA which is significant for its historic character and the landscape and architectural interest of its buildings and layout. There would be no conflict with LP policy LP3 which protects designated heritage assets including their settings, nor with paragraphs 193 and 194 of the Framework which recognise that the significance of designated heritage assets can be harmed through development within their settings and which require great weight to be given to their conservation.
18. Nonetheless, because of the flat-roofed form of the 2-storey rear extension, and the size of the dormer in relation to the existing roof slope as well as its incongruous flat-roof form, the development would harm the appearance of the area. It would conflict with LP policy LP1 which requires development to be of a high architectural quality, to enhance the local environment and character, including in terms of form. It would also be at odds with the Framework, which, in paragraph 127, requires development to be visually attractive as a result of good architecture and to be sympathetic to local character.

Other Matters

19. I appreciate that No37B has a 2-storey rear extension with a flat-roof, as well as a mansard roof extension with a substantial flat roof section at high level. I am not aware of the circumstances which led to its construction, but its permission substantially pre-dates the present Local Plan and the Framework. Its form is in the minority in this section, where high level development is generally more sensitive to the surrounding architectural character. It does not, because of the harm identified, justify this proposal.
20. The 2-storey rear extension at 37 Cambridge Park does not extend the full width of the house as in this proposal. Though the roof is crowned, the dormers are small, unlike this proposal. The overall effect on appearance is more sensitive than this proposal. I acknowledge the extensions to the houses in Vivienne Close, some of which include similar box dormers. However, there are examples of smaller, more sensitively designed dormers closer to the appeal site, and a pitched rear roof, rather than flat, in the same section of this street.
21. While the Framework in paragraph 118e supports the use of air space above existing buildings, this is for new homes, where development would be consistent with the form of neighbouring properties, complying with local design policies and standards. Not the case here.
22. I note that some of the extensions from which I have identified harm are already covered by a certificate¹ of lawful use or development. Given the desire to extend the house, their construction represents a realistic fallback position. However, the certificate does not cover all of those aspects of the development which, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I have considered against the development plan, and found conflict. Though the fallback is a material consideration, because I have found this proposal to be more harmful, it does not lead me to a conclusion other than in accordance with the development plan.
23. Although the proposed development would provide additional living accommodation, maximising the use of existing housing as supported by the London Plan, this factor is of only limited positive weight. It would not outweigh the harm the development would cause to the living conditions of surrounding occupiers and to the appearance of the area, or the conflict with the development plan as a whole.

Conclusion

24. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR

¹ LPA Ref: 20/0883/PS192