



Appeal Decision

Site visit made on 7 May 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 May 2021

Appeal A: APP/L5810/D/20/3264155

12 Heidegger Crescent, Barnes, London SW13 8HA

- 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 Stavros Samartis against the decision of the London Borough of Richmond Upon Thames.
 - The application Ref 20/2509/HOT, dated 9 August 2020, was refused by notice dated 23 October 2020.
 - The development proposed is a 3 metre ground floor extension with 3 metre first floor extension above; Internal remodelling and new brick rear boundary wall on 3 sides; Demolition of existing conservatory and replacement garage door with matching design incorporating invisible door for access to refuse bins.
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Appeal B: APP/L5810/D/21/3273540

12 Heidegger Crescent, Barnes, London SW13 8HA

- 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 Stavros Samartis against the decision of the London Borough of Richmond Upon Thames.
 - The application Ref 20/3514/HOT, dated 8 December 2020, was refused by notice dated 9 February 2021.
 - The development proposed is a rear dormer roof extension and 2 no. front skylights.
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Decisions

Appeal A:

1. The appeal is dismissed.

Appeal B:

2. The appeal is dismissed.

Preliminary Matters

3. This decision deals with two planning appeals under s78 of the Town and Country Planning Act 1990. Whilst both appeals are to be considered individually under this process, as both cases are for the same site, and are similar in their nature and considerations; to avoid repetition and for the avoidance of doubt, I have dealt with both decisions within this single letter.
4. The application form's description for Appeal A refers to elements which do not require planning consent such as 'internal remodelling' and the 'demolition of the existing conservatory.' As such, these elements are not further discussed within this letter.

5. The Council's Decision Notice for Appeal A cites that the proposed garage door with 3 panels would be inappropriate by reason of its design and siting as the surrounding garage doors contain 4 panels. The applicant's Statement of Case¹ (SoC) notes that the submitted plan which shows 3 panels on the garage door is incorrect and that there are no changes to the panels. The garage door will only be modified by creating an invisible door into this garage door. It is clear to me that the plan showing 3 panels was made in error and that this component of the refusal reason has been adequately resolved and will not be further discussed within this letter.
6. I also understand that permitted development rights do not exist in this particular housing estate for elements such as the ground floor rear extension, and boundary walls. I have therefore made my decision on this basis.
7. The applicant's SoC for both appeals mentions policies of the London Plan 2016. Since the lodgement of these appeals, the London Plan has been superseded by the London Plan 2021. Whilst the planning application was not refused on the basis of London Plan policies, I have referred to the most recent version of the London Plan in this letter.
8. Appeal A includes a ground floor rear extension and boundary wall constructed of brick. The proposed extension has a depth of 3 metres and has a relatively modern and lightweight design with full height glazing to the rear. The projection of the extension would match similar extensions in the vicinity and would be generally proportionate to the form and composition of the appeal building. Turning to the proposed boundary wall, on my site visit I noticed another similar proposal for a brick wall, which although different to the current timber fence, was also of a high quality design and appearance. Whilst not ideal, the proposed brick boundary wall would be compatible with the local character of the area. Appeal B includes the insertion of two rooflights to the front roof plane which do not project above the plane of the existing roof and are of an appropriate size and appearance. The Council raised no objection to these elements and I have no reason to disagree with these findings. That said, these elements will not be further discussed in this letter.

Main Issue – Both Appeals

9. Taking the above into account, the main issue is the effect of the first floor rear extension and the proposed rear dormer window upon the existing building and the character and appearance of the locality.

Reasons – Both Appeals

10. The appeal site is a mid-terraced property which was constructed as part of the Barnes Waterside development in the late 20th Century. The Barnes Waterside development contains a planned estate with terraces, detached, semi-detached dwellings and apartment complexes. The Barnes Village Planning Guidance Supplementary Planning Document (BVSPD) lists the appeal site within Character Area 3 where dominant materials and features are listed as red brick, pale yellow brick, manufactured paving setts, green verges, hedges and planted avenues. Some of the opportunities listed within the BVSPD include the need to maintain the consistent design details and materials. Whilst the dwellings take on a pastiche of a quasi-Georgian type appearance, the dwelling

¹ Paragraph 5.12

- types, materials, design, together with landscaping, open spaces and a pedestrian friendly environment creates a high quality modern housing development which has a distinctive character.
11. The appeal site is part of a terrace of 16 dwellings which are aligned around a crescent with the central two dwellings and end two dwellings of the terrace having a portico. As the dwellings are attempting to emulate Georgian design, there is an inherent symmetry in design and materials throughout the estate with each of the dwellings in the terrace being three storeys tall, 2 bays wide with rusticated ground floor with 4 wide panelled garage door and yellow stock brick to the first floor and render applied to the second floor. The rear of the terrace backs onto a small area of greenspace which contains a pedestrian path that links through the estate. The rear of the terraces are prevalent from this thoroughfare and whilst there have been some alterations, such as ground floor rear extensions and small rear roof dormer windows, there remains an inherent symmetry in the design and high quality use of materials. Along with the modest designs, massing and materials of the dwellings, these elements contribute positively to the local character and distinctiveness of the locality.
 12. The proposed first floor rear extension would be constructed above a proposed ground floor extension and would be centrally placed, setback from either side boundary with a shallow pitched and gabled roof and would project as far as the proposed ground floor. The proposed extension at first floor level would give a sheer two storey wall to the rear which together with the side wall and height above surrounding rear extensions would have an overly complicated appearance that would be prominent and awkward in this particular row of symmetrical terraces. The presence of the first floor rear extension would not be a subservient addition and would cause detrimental harm to the symmetry, composition and the way the rear of the terrace is experienced. Whilst I appreciate the extension is to the rear, the rear is prominent from the pedestrianised greenspace and that the character and appearance of a locality is not limited to the front façade or from what can be experienced within the public realm.
 13. Turning to the proposed rear dormer, the extension takes up much of the rear roof plane and contains an internal balcony with full height glazing. The House Extensions and External Alterations Supplementary Planning Document (HESPD) supports Richmond Upon Thames Local Plan 2018 (LP) Policy LP1 which seeks that *'a significant area of the existing roof should be left beneath a new dormer and on either side of the dormer, thus setting the extension well in from either side of the roof. It may be more successful to incorporate two smaller dormers than one large dormer'* and that *'dormer windows should be smaller than that of windows of the floor below.'*
 14. This was shown to be the case in my site visits; whilst there was a variety in terms of single and two window dormers, there was a significant amount of roof space left with the dormers set into the roof plane and a larger setback from the ridge, eaves and edges of the roof. I did not experience any full height dormer windows with internal balconies. Whilst I appreciate that the HESPD does not specify an appropriate level of setback from the edges of the roof plane, it is clear to me that a significant amount of roof plane is not left in the proposed scheme. The size and proportions of the proposed dormer window are oversized and would be larger than the window below it. The proposed

dormer window would not be a subservient addition and would be a dominant and discordant proposal to the rear of the terrace.

15. I acknowledge a number of examples of planning approvals² for rear extensions and rear dormer windows within the applicant's SoC, however none of these example extensions relate to first floor rear extensions or contain rear dormer windows of an equivalent size to the proposal. The examples shown do however illustrate that the Council do accept the principle of ground floor rear extensions and dormer windows, however proposals need to be in accordance with LP Policy LP1 and associated guidance in keeping with the character and appearance of the host building and the locality. Whilst I agree with the applicant that the appeal building is not within a conservation area or is a listed building; the scheme still needs to be of an appropriate and subservient addition which reflects development plan policies regarding design, massing and responding to the local context and the character and appearance of the local area.
16. Consequently, in conclusion of this matter, the proposed first floor rear extension and dormer window would not reinforce the qualities of local character and distinctiveness and would be harmful to the character and appearance of the existing building and the locality. This would be contrary to LP Policy LP1 (which seeks that development is compatible with local character including the relationship to existing townscape, development patterns, views, local grain and frontages as well as scale, height, massing, density, landscaping, proportions, form, materials and detailing). The policy is also supported by the HESPD and BVSPD which seek to ensure that alterations and additions are appropriate and reflect the local character and distinctiveness of the area.
17. The applicant's SoC in both appeals refers to Policies 7.4 and 7.5 of the London Plan 2016, which were design related policies, and which have recently been replaced by the policies of the London Plan 2021. The Council do not refer to the London Plan policies, and given that there has been a clear conflict with the policies of the Council's Local Development Plan, there is no need to further test the proposed scheme against the policies of the London Plan.

Other Matters – Both Appeals

18. There are comments from interested parties in relation to the proposed developments and harm caused towards living conditions, with particular regards to overlooking, loss of light, safety concerns, sense of enclosure and loss of privacy as a result of the proposed developments. As both appeals have been dismissed for reasons of character and appearance, there is no further need to assess issues with regards to living conditions.

Conclusion – Both Appeals

19. For the reasons given above, I conclude that both appeals be dismissed.

J Somers

INSPECTOR

² Richmond Upon Thames Planning Ref: 15/0117/HOT 2 Heidegger Crescent; 17/3702 4 Heidegger Crescent; 08/3386/PS192 6 Heidegger Crescent; 18/4030/HOT 8 Heidegger Crescent; 14/1507/HOT 9 Heidegger Crescent; 14/3520/HOT 10 Heidegger Crescent; 18/0089/HOT 11 Heidegger Crescent; 16/4307/HOT 15 Heidegger Crescent; 17/3280/HOT 16 Heidegger Crescent;