



Appeal Decision

Site visit made on 21 April 2021

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/L5810/D/20/3266643

34 Kings Road, Richmond, London TW10 6NW

- 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 Gibbs against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 20/2607/HOT dated 18/09/2020, was refused by notice dated 26 October 2020.
 - The development proposed is part two storey part single storey rear extension comprising alterations to existing roof. Enlargement of rear raised patio. Replacement front and 2 x side dormer roof extensions. 2 x replacement rooflights on front roof slope. 3 x rear dormer roof extensions. Enclosure of front porch. Replacement window on ground floor front elevation to facility use of garage as habitable floorspace. Replacement windows on first floor rear elevation.
-

Decision

1. The appeal is allowed and planning permission is granted for part two storey part single storey rear extension comprising alterations to existing roof. Enlargement of rear raised patio. Replacement front and 2 x side dormer roof extensions. 2 x replacement rooflights on front roof slope. 3 x rear dormer roof extensions. Enclosure of front porch. Replacement window on ground floor front elevation to facility use of garage as habitable floorspace. Replacement windows on first floor rear elevation at 34 Kings Road, Richmond, London TW10 6NW in accordance with the terms of the application, Ref 20/2607/HOT dated 18/09/2020, and the plans submitted with it, subject to the conditions set out in the schedule attached to this decision.

Procedural Matter

2. The Council altered the description of development. I understand the Appellant disputes the description of development on the basis that some elements shown on the proposed plans were approved under a previously planning application¹. Notwithstanding this I consider the Council's description of development more accurately describes the appeal proposal based on the plans submitted. I am also mindful that the 2017 approval expired in May 2021 and whilst works were due to commence in April, I cannot be sure that this occurred. I have therefore adopted the Council's description in the heading above rather than the Appellants description of development.

¹ 17/2049/HOT

Main Issues

3. The main issues in this appeal are the effect of (i) the proposed rear patio extension on the living conditions of the occupiers of neighbouring properties; and (ii) the effect of the proposed development on the character and appearance of the host property, the St Matthias Conservation Area, and the surrounding area in general.

Reasons

Living Conditions

4. I observed during my site visit that there is a degree of mutual overlooking between properties in the area. The proposed raised patio would run the width of the plot. There is mature planting between the appeal site and No. 32 which screen, to a degree, views between gardens, however there is minimal screening between No 34 and 36 Kings Road with clear views between gardens.
5. I understand that the raised patio extension is similar to the 2017 approved development at the appeal site which I give weight to. Notwithstanding this the patio would not exacerbate the existing levels of overlooking which currently occur and would therefore not diminish the enjoyment of the properties.
6. I conclude that the proposed development would not harm the living conditions of the occupants of neighbouring properties.
7. There is no conflict with Policy LP8 of the London Borough of Richmond upon Thames Local Plan (2018) (the Local Plan) which seeks to protect the living conditions of occupiers of neighbouring properties by ensuring that developments do not raise unacceptable overlooking issues.
8. There is no conflict with London Borough of Richmond Upon Thames Local Plan Supplementary Planning Document, House Extensions and External Alterations (2015) (the House Extension and External Alterations SPD) which seeks amongst other things to ensure privacy between buildings is retained.

Character and Appearance

9. The site is within a residential area within the St Matthias Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area.
10. The Conservation Area, in the immediate vicinity of the appeal site is characterised by dwellings of varying architectural styles. The appeal site, is a substantially extended property, set within a group of large detached dwellings. The varying styles of properties play a role in defining the historic character of the area which is part of the Conservation Area's significance as a heritage asset.
11. The appeal site is a wide plot with the existing property occupying a large proportion of the width. The site is in an elevated position on Kings Road notwithstanding this the property is viewed in the context of large detached properties of differing designs.

12. The site is also visible from Chester Avenue. Whilst the proposed rear extensions and alterations would add bulk to the existing property, the design would not be out of keeping, with the existing property and would not be incongruous to the surrounding area.
13. I observed during my site visit that the existing dormer roof projections unbalance the existing building. The proposed replacements whilst larger have been sensitively designed and are well proportioned to the roof, providing a balanced form of development.
14. The proposed extensions and alterations would be visible from neighbouring properties and the surrounding area however whilst substantial the proposed development would not be dominant, nor be overdevelopment of the property.
15. The Council did not raise concern with regard to the replacement of the garage door for a window and alterations to the front porch, based on the evidence before me I see no reason to disagree.
16. I find that the proposed development would not detract from significance of the Conservation Area. Paragraph 192 of the Framework indicates that the desirability of sustaining and enhancing the significance of heritage assets should be taken into account in determining planning applications.
17. I therefore conclude that the proposed development would preserve the character or appearance of host property, the St Matthias Conservation Area, and the surrounding area in general. There is no conflict with Policies LP1, LP3 and LP8 of the Local Plan which seek to ensure developments are a high quality of design which conserve the character of the area and protect the living conditions of occupiers of neighbouring properties.
18. There is also no conflict with the House Extension and External Alterations SPD and the Richmond and Richmond Hill Village Planning Guidance, Supplementary Planning Document (2016) and St Matthias Conservation Area Planning Statement which amongst other things seek to ensure visual continuity is retained and high standards of design are applied to developments.

Conclusion and Conditions

19. For the above reasons I conclude that this appeal should be allowed.
20. I have imposed a standard condition relating to the commencement of development and a condition specifying the relevant plans as this provides certainty. In order to safeguard the character and appearance of the area I have imposed a condition concerning materials.
21. I have imposed a condition restricting use of the roof areas as balconies/terraces to safeguard the living conditions of occupiers of adjacent properties. In order to safeguard trees a condition has been attached requiring the development to be carried out in accordance with the arboricultural details submitted with the application.
22. The Council have suggested a condition relating to screening of the northern boundary between the site and No. 36 as mutual overlooking already occurs it is not considered necessary to impose a condition requiring screening.
23. The Council have also suggested that a condition relating to the type of machinery used during onsite construction. I do not consider that the planning

permission should be dependent on such restrictions and so it is not necessary in planning terms.

C Pipe

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents: Plan No's: GI/RI/1 10 PA4, GI/RI/1 11 PA4, GI/RI/1 12 PA4, GI/RI/1 13 PA4, GI/RI/1 15 PA4, GI/RI/1 16 PA4, GI/RI/1 17 PA4, GI/RI/1 18 PA4, GI/RI/1 19 PA4, GI/RI/ 1250 and GI/RI/1 200 PA4.
- 3) The external materials to be used in the development hereby permitted shall match those used in the existing dwelling.
- 4) No part(s) of the roof of the building(s) hereby approved shall be used as a balcony or terrace nor shall any access be formed thereto.
- 5) The development hereby approved shall not be implemented other than in accordance with the principles and methodology as described within the approved Arboricultural details: Arboricultural Impact Assessment & Method Statement Ref AC.2017.089 & Tree Constraints Plan / Tree Protection Plan Ref: AC.2017.093, unless otherwise previously agreed in writing with the local planning authority.