
Appeal Decision

Site Visit made on 12 July 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2021

Appeal Ref: APP/L5810/W/20/3258908

Flat 4, 47 Leinster Avenue, East Sheen SW14 7JW

- 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 Nick Wyllie against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref DC/KEM/20/0648/FUL, dated 27 February 2020, was refused by notice dated 20 April 2020.
 - The development proposed is First Floor Rear Extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the living conditions for the occupants of 45 Leinster Avenue; and
 - ii) the effect of the proposal on the character and appearance of the area.

Reasons

Living Conditions

3. The proposal would build above an existing ground floor extension, thereby creating a two-storey addition to the house with a pitched roof. The extension would be located close to the shared side boundary with No 45. This neighbouring property benefits from a single storey rear extension, however, that addition does not extend the full width of the rear of the property. Accordingly, it is set some distance off the shared side boundary. Within the original rear facing elevation of No 45, between the existing and proposed extensions, there is a large rear facing opening. In addition, in the side facing elevation of the neighbouring extension there are openings that would look towards the proposal.
4. Due to the proximity of the proposed extension to the neighbouring property, as well as the height and depth of the addition, the proposal would have a dominant presence when experienced from No 45. The proposed extension would appear imposing and create a strong sense of enclosure. Accordingly, when viewed from the openings within the neighbouring property, the proposal would appear overbearing and oppressive. As a consequence, it would be visually intrusive, and in my judgement, this would have a demonstrably

harmful effect on the living conditions for the occupants of the neighbouring property.

5. Due to the orientation of the properties, the proposed extension would be to the south of No 45. However, the eastern aspect of No 45 would not be affected by the proposal and therefore direct morning sunlight would still be received by the neighbour. I have no compelling evidence before me that the proposal would cause unacceptable overshadowing, and I also have no substantive evidence that the proposal would harm existing levels of daylight.
6. However, for the reasons identified above, the proposal would represent an overbearing and dominant addition when viewed from No 45. Consequently, I conclude that the proposal would harm the living conditions for the occupants of this property. Accordingly, it would fail to comply with Policy LP8 of the London Borough of Richmond Upon Thames Local Plan (2018) (LP) which requires all development to protect the amenity and living conditions for occupants of neighbouring properties.

Character and Appearance

7. The rear of the property incorporates a projecting gable end that spans approximately half the width of the rear elevation. Although the rear projection is only nominal, it is a dominant feature to the rear elevation of the property, providing some visual interest to the façade. At ground floor level, the building already benefits from a rear extension, the majority of which is of masonry construction and faced with render. This extension is wider than the rear facing gable end and the proposal would extend above it at the same width.
8. The proposed extension would extend the rear facing gable end into the site and in this respect, it would be sympathetic to the form of the original building. However, the width of the proposed extension would be wider than the gable end and consequently, an additional section of flat roof would be located to the side of the pitched roof. The proposed first floor addition would be wider than half the width of the dwelling. However, by incorporating the dominant pitched roof form, visually, the proposal would be sympathetic to the overall appearance of the dwelling. Moreover, due to the imposing nature of the gable end, I find that the small element of flat roof to the side would be suitably subordinate to the principal design feature. Accordingly, in my judgement, the proposal would integrate effectively with the existing building and would be sympathetic to its original form.
9. As a consequence, I conclude that the proposal would not harm the character and appearance of the area. It would therefore comply with Policy LP1 of the LP which amongst other things, requires development to respect the local environment and character.

Other Matters

10. The proposal would increase the floorspace within Flat 4, thereby delivering an improvement to the housing stock within the borough. This matter weighs in favour of the proposal, however, due to the scale of the development, the weight is limited, and does not outweigh the harm identified above. In addition, I agree with the appellant that the proposal would not materially alter privacy levels for the occupants of neighbouring properties. Due to the suburban

environment, a degree of mutual overlooking of property already exists and the proposal would not alter this in a meaningful way.

11. I also note reference to extensions approved and proposed at No 45. However, I do not have the full details of these proposals, and regardless, I am required to assess the proposal before me. On this basis, for the reasons identified above, I have found that the proposal would be harmful.

Conclusion

12. Although I have found that the proposal would not harm the character and appearance of the area, I have also found that it would harm the living conditions for the occupants of No 45. This is a matter of fundamental concern, and consequently, for the reasons identified above, the appeal is dismissed.

Martin Chandler

INSPECTOR