

Appeal Decision

Site Visit made on 10 August 2021 by Emma Grierson BSc (Hons) MSc MRPTI

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2021

Appeal Ref: APP/L5810/W/21/3269605

2 Argyll House, Ham Street, Ham, Richmond TW10 7HD

- 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 Jacek Zajac against the decision of the London Borough of Richmond Upon Thames.
 - The application Ref 20/2803/FUL, dated 6 October 2020, was refused by notice dated 2 December 2020.
 - The development proposed is a roof extension with new dormer, loft conversion to habitable space, two roof windows facing front, one roof window facing side and two windows towards rear garden.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Main Issue

4. The main issue in the appeal is the effect of the proposed development on the character and appearance of the host dwelling and surrounding area.

Reasons for the Recommendation

5. The appeal site is occupied by a two-storey semi-detached property which is subdivided into two self-contained flats. The appeal property and the attached neighbouring property forms one of a set of three matching pairs of semi-detached dwellings on Ham Street. The consistency in design and materials is a notable feature of the matching properties, including the hipped gables and

corresponding two storey projecting wings to the front and rear, again with hipped roofs which tie-in to the principle roofslope. The roofs appear to be largely unaltered and add significantly to the character of the row of matching properties. The surrounding area is residential in nature with a block of flats to the south separated from the appeal site by a public footpath.

6. Views of the proposed dormer would be limited from Ham Street due to its location on the rear elevation with side views largely blocked by the existing roof and rear outrigger. However, it would be somewhat visible from the public footpath to the side of the property and surrounding properties to the rear of the site, including the adjacent block of flats.
7. The proposed rear dormer has been slightly set back from the eaves and set in from the side elevations, however its height would match that of the host property. The excessive height of the dormer, along with its significant size and bulk covering a large proportion of the available roof space, would result in a dominant addition to the roof. The appellant maintains that the dormer would only take up approximately half the width of the original visible roofspace. However, that would appear to be a measurement taken from the eaves level of the property. The ridgeline is much narrower due to the tapering effect of the hipped gable and the dormer would take up the majority of the available roofslope when viewed across the ridge of the property. In addition, the bulky and box like proportions would contrast awkwardly with the hipped profile of the original roof of the property and those of neighbouring dwellings. Therefore, on account of its size and design the proposal would be contrary to the guidance within section 8 of the House Extensions and External Alterations Supplementary Planning Document (2015) which states that dormers should not dominate the original roof and should be sensitive to existing character, for example, including hipped profiles as appropriate instead of flat roofs.
8. It is noted that it would be difficult for the windows set within the dormer to match those on the first floor of the dwelling. However, the large windows proposed would further add to the dominant nature of the dormer, creating a top heavy appearance to the property. This would be to the detriment of the character and appearance of the host dwelling, group of terraces and the surrounding area.
9. The Council have no objections to the proposed loft conversion, rooflights and additional window on the front elevation and, due to the limited impact of these parts of the proposal on the character and appearance of the host dwelling, I find no reason to disagree with this.
10. However, for the reasons above, I consider that the proposed dormer window would have a harmful impact on the character and appearance of the host dwelling and the surrounding area. Therefore it would conflict with policy LP1 of the London Borough of Richmond Upon Thames Local Plan (2018) which states that development proposals will have to demonstrate a thorough understanding of the site and how it relates to its existing context, including character and appearance.

Other Matters

11. Other dormers within the surrounding area have been brought to my attention. However, the appellant indicates that these examples were constructed under

permitted development rights and therefore did not seek planning permission. Therefore, they are not directly comparable to the appeal before me.

12. The appellant indicates that they cannot enjoy permitted development rights for the proposed development which is against the general principle of equality. It would appear that permitted development rights have been removed from properties in the area under an Article 4 Direction¹ issued by the Council. Insufficient information has been presented to enable me to understand why such rights have been removed but it is not uncommon for Council's to withdraw permitted development rights in the wider interest of protecting the character and appearance of an area. Such decisions may strike a balance between wider public interests and the rights of individuals. It is not for me to question the decision to withdraw permitted development rights in the context of this appeal. Planning permission is required for the development and I must consider the proposal on its individual merits.
13. The appellant maintains that the proposal would improve the economic, social and environment condition for the occupiers of the appeal dwelling and notes that no objections were received from neighbouring occupiers or co-owners. I recognise that the proposal would increase the size of the property but little information is before me in terms of the needs of existing occupants and the existing flat provides three bedrooms and comfortable living space. Consequently, any private benefits of increased living space would not outweigh the harm found to the character and appearance of the property and the surrounding area.
14. The appellant has raised a number of concerns regarding the conduct of the Council during the application regarding the information provided during pre-application stage, the level of communication and a site visit not being undertaken. Nevertheless, these are procedural issues which do not affect my consideration of the planning merits of the proposal.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole, and I recommend that the appeal should be dismissed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Chris Preston

INSPECTOR

¹ Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)