



Appeal Decision

Site visit made on 10 September 2021

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021.

Appeal Ref: APP/L5810/D/21/3275667

Elm Court, Marlborough Road, Hampton TW12 3RX

- 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 Ms Nikki McKinney against the decision of the Council of the London Borough of Richmond-Upon-Thames.
 - The application Ref 21/0746/HOT, dated 1 March 2021, was refused by notice dated 26 April 2021.
 - The development proposed is described on the application form as "side and rear extension to ground floor. First floor side extension and addition of bay window to front LHS at first floor. New Rooflights to side and rear
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Decision

1. The appeal is dismissed in so far as it relates the side and rear extension to the ground floor and the first floor side extension. I allow the appeal in so far as it relates to the addition of a bay window to the front left hand side at first floor level and new rooflights to side and rear at Elm Court, Marlborough Road, Hampton TW12 3RX in accordance with the terms of the application, Ref 21/0746/HOT, dated 1 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2020-27 12C; 13B, 14C, 15B, 16C, 17C, 18B, 19C, 21B and 22A, in so far as they relate to the works approved.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are:
 - (i) the effect of the proposal on the character and appearance of host property and the surrounding area; and
 - (ii) whether the proposed development would be safe for future occupiers, with particular regard to fire safety.

Reasons

Character and Appearance

3. The appeal property is a large detached 2-storey dwelling with accommodation within the roof. It is located in a private residential road comprising large detached houses set back from the street, which gives the area a relatively spacious and verdant character. The appeal property is a notably handsome Victorian house and has been identified by the Council as a Building of Townscape Merit (BTM). As such it is a non-designated heritage asset and therefore Chapter 9 of the National Planning Policy Framework (2021) (the Framework) is a key consideration.
4. The proposal would primarily comprise the removal of the single-storey element at the side of the house and the erection of a part single, part 2-storey side extension. In terms of its height, the addition would be subordinate to the host building. The first floor element would be set away from the front and rear elevations of the property and the side boundary of the property and therefore also reasonably subservient. However, the ground floor element would extend close to the side boundary of the property and protrude beyond both the rear elevation and the principal part of the front elevation of the house.
5. Due to its extensive footprint the proposal would be an overly dominant and disproportionate addition that would result in unacceptable harm to the character and appearance of the property and the surrounding area. The harm would be less than substantial. In accordance with the Framework, that harm should be weighed against any public benefits of the proposal, including securing its optimal viable use. There are however no public benefits resulting from the proposal.
6. For these reasons I conclude that the proposal would have an unacceptable effect on the character and appearance of the host property and the surrounding area. It therefore fails to accord with the Framework and Policies LP1 and LP4 of the London Borough of Richmond-Upon-Thames Local Plan. The former states that new development should achieve a high standard of architectural and design quality and that it should respect, contribute to and enhance the local environment and character. The latter states that the Council will seek to preserve, and where possible, enhance, the significance, character and setting of non-designated heritage assets, including Buildings of Townscape Merit. There is also conflict with the aims of the Council's Buildings of Townscape Merit and House Extensions and External Alterations Supplementary Planning Documents (2015).
7. The proposal also includes the formation of a bay window at first floor level in the front elevation of the house, the replacement of the garage door with 3 tall windows and the installation of rooflights. I am satisfied that these aspects of the proposal would not result in unacceptable harm to the character or appearance of the host property or the surrounding area. As these works are all physically and functionally separate from the side addition a split decision can be issued.

Fire Safety

8. Policy D12(A) of the London Plan (2021) states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. The policy outlines the information that should be provided with planning applications whilst also recognising that fire safety compliance is covered by Part B of the Building Regulations.
9. I am satisfied that the information provided with the appeal adequately responds to, and accords with, the aforementioned policy.

Conditions

10. I have considered the conditions suggested by the Council having regard to the National Planning Policy Framework and Planning Practice Guidance. In addition to the standard time limit condition, I consider a materials condition is required to safeguard the character and appearance of the area. Furthermore, for the avoidance of doubt and in the interests of proper planning, a condition requiring the approved development to be carried out in accordance with the approved drawings, where applicable, is imposed.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail in respect of the side extension and succeed in respect of the bay window and rooflights. A split decision is therefore issued.

S Poole

INSPECTOR