



Appeal Decision

Site Visit made on 13 July 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/L5810/W/21/3267582

7 Ailsa Road, Twickenham, TW1 1QJ

- 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 Fiaz Khan against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 20/2868/FUL, dated 25 September 2020, was refused by notice dated 20 January 2021.
 - The development proposed is a proposed side extension at second floor level, the replacement of the rear extensions with a single storey glazed extension and the loss of one 1 bedroom unit from 3 units into 1no. 4 bedroom flat and 1no. 3 bedroom flat.
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Decision

1. The appeal is allowed and planning permission is granted for a side extension at second floor level, the replacement of the rear extensions with a single storey glazed extension and the loss of one 1 bedroom unit from 3 units into 1no. 4 bedroom flat and 1no. 3 bedroom flat at 7 Ailsa Road, Twickenham, TW1 1QJ in accordance with the terms of the application, Ref 20/2868/FUL, dated 13 October 2020, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. Following the refusal of the application the new National Planning Policy Framework (the Framework) has been published. Comments were sought from the main parties on this, and where received have been taken into account in my decision. I consider that there have been no fundamental changes to national planning policy relevant to the main issues in this appeal and so no injustice has been caused to any of the appeal parties. I have considered the appeal on the basis of the revised Framework.
3. The scheme includes external alteration to both the side and rear of the existing building. The Council raise no concern in respect of the rear extensions and based on what I have seen, I have no reason to find differently. I have therefore focussed my consideration below to the side alterations.
4. During the course of the appeal, the appellant has submitted amended plans rectifying a previous discrepancy in respect of the omission of windows. The amendment was minor and there would be no prejudice to any party in me considering these revised details.

Main Issues

5. The main issues are:

- (i) the effect of the proposal on the character and appearance of the area, and
- (ii) whether the loss of a unit of accommodation has been sufficiently justified.

Reasons

Character and appearance

6. The site lies within the St Margaret's Conservation Area. I observed that the significance of this designated heritage asset lies, in part, in the quality of the existing buildings, which comprise predominantly detached villas, of high-quality design and detailing. The host property is considered to be a Building of Townscape Merit (BTM), due to comprising an example of one of these high-quality villas.
7. To the side of the property there is currently a flat-roofed extension which extends to the first floor. It is set back from the front elevation and its flat roof allows it to sit approximately at the height of the eaves of the property. The proposal would see the addition extended upwards to allow access to the second floor, which would include the addition of a pitched roof over. Nonetheless, the pitched roof would not extend to the highest part of the existing roof and the setback from the front elevation would be maintained. As a consequence, the subservient appearance of the side extension to the main building would remain. It would not be so large as to overwhelm or dominate the side elevation. Moreover, the inclusion of the pitched roof would allow the extension to assimilate more readily with the host property and the upward extension only would ensure that the separation between the appeal property and the neighbouring building would be retained. The proposal would necessitate the covering up of one of the existing side elevation windows at second-floor level, however this would not harm the overall appearance of the building. Where viewed from the surrounding area, the addition would not be overly dominant, nor incongruous within its context, particularly given that the symmetry of the host property was lost some time ago.
8. In my view, the proposal would remove the crude flat-roofed element of the existing building and replace it with a more appropriately designed addition. Thus, there would be no harm to the character and appearance of the area, including the significance of the CA, or to the host property, including its significance as a BTM. The proposal therefore accords with policies LP1, LP3 and LP4 of the London Borough of Richmond Upon Thames Local Plan (adopted July 2018) (the Local Plan), insofar as they seek to ensure development is of a high design quality, as well as that the significance of designated and non-designated heritage assets is conserved and, where possible, positively contributed to.

Loss of unit of accommodation

9. Policy LP38 of the Local Plan seeks to ensure that housing is not lost, unless it can be adequately demonstrated that the loss of units is outweighed by environmental, streetscene, transport or parking benefits.
10. The scheme would result in the loss of a single unit; currently the building comprises of two 3-bed units and one 1-bed unit. The proposed scheme would see this reconfigured to one 4-bed unit and one 3-bed unit. While the number

of bedrooms would therefore remain the same, one small unit would be lost. However, as I identify above, in my view there would be a benefit through the removal of an unsympathetic flat-roof and its replacement with a more appropriate pitched-roof addition. The Council's Planning Report further identifies that the energy rating of the property would be improved as a result of the proposal.

11. I find that in this case, these benefits are sufficient to outweigh the minor harm that would result from the loss of a single 1-bed unit of accommodation. The proposals therefore comply with policy LP38 in this respect.

Other Matters

12. Some concern has been raised in respect of the effect of the proposal on the living conditions of neighbouring occupiers, including the effect of overlooking. The Council have not objected to the proposal on these grounds, and based on what I have seen, including at the time of my site visit, I find that there are no reasons for me to consider differently. Thus, there would be no undue effect on the living conditions of neighbouring occupiers from the appeal scheme as shown.
13. The scheme makes no contribution towards affordable housing. This is based on a viability assessment which concludes that the scheme is not sufficiently viable to be able to support any such contribution. This assessment has been scrutinised by the Council's assessor in these matters. There has been no substantive evidence provided that would lead me to find differently in this respect.

Conditions

14. In the interests of certainty and to define the extent of the permission, I have imposed a plans condition. In order to ensure that the development has a satisfactory external appearance, I have also imposed material conditions and a condition in respect of the details of windows and doors, as well as a condition in respect of refuse storage facilities, although I do not consider it necessary to use a condition to limit refuse storage to only the approved facilities. I have imposed a landscaping condition, albeit I have simplified the suggested condition, also in the interests of ensuring that the development has a satisfactory external appearance.
15. So that the development addresses matters of sustainability appropriately, I have included conditions in respect of energy reduction and water consumption. In the interests of sustainable travel, a condition is necessary in respect of cycle parking. So that there is no detriment to the environment, a condition is necessary in respect of drainage details. In the interests of the safety of occupiers, I have also included a condition in respect of fire safety matters.
16. A condition has been recommended in respect of the replacement of any obscured glazing. There is little explanation for this condition and no detailed rationale for its inclusion. As such, I am unable to conclude that such a condition would meet the test of necessity. A condition is suggested in respect of requiring the development to accord with the approved Building Regulations in respect of access. However, as this is covered by a separate regime, there is nothing before me to show that a condition is necessary in this respect. Given

the scale of the development, I do not consider that a construction method statement is necessary. Furthermore, there is nothing that convinces me that the scheme would impact trees in the site and so a condition in respect of tree protection is not necessary.

Conclusion

17. For the reasons given above, I conclude that the appeal should succeed.

Martin Allen

INSPECTOR

Schedule of 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:
1:1250 scale Location Plan
Drawing numbers:
 - CPA/0619/7AilsaRoadProp Rev B dated 22/01/21
 - CPA/0619/7AilsaRoad/ExstF&R dated 04/08/20
 - CPA/0619/7AilsaRoadExst Rev A dated 22/01/21
 - CPA/0619/7AilsaRoad/ExstSide dated 04/08/20
 - CPA/0619/7AilsaRoad/PropF&R dated 04/08/20
 - CPA/0619/7AilsaRoad/PropSide Rev A dated 17/08/21
 - CPA/0619/7AilsaRoad/PropXsecAA dated 25/08/20
 - CPA/0619/7BAilsaRoad dated 15/07/19
 - CPA/0619/7cAilsaRoadProp Rev J dated 17/08/21
 - CPA/0619/7cAilsaRoad dated 06/06/19
 - CPA/0619/7CAilsaRoad/7C dated 30/12/20
 - CPA/0619/7AilsaRoad/PropSite Rev A dated 22/01/21
 - CPA/0619/7CAilsaRoad/Demolition
 - CPA/ 0619/7CAilsaRoadPropPlans Rev B dated 03/11/20
- 3) All new brickwork and render, including works of making good shall be carried out in materials, bonding and pointing to match the existing materials.
- 4) No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) No development above slab level shall take place until detailed drawings of the new external windows and doors to a scale of not less than 1:20 to show materials, sections and details of glazing have been submitted to

- and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6) The dwellings hereby approved shall achieve a 35% reduction in Carbon dioxide emissions beyond Building Regulations requirements (2013).
 - 7) The dwellings hereby approved shall not be occupied other than in accordance with the water consumption targets of 105 litres or less per person per day, and 5 litres or less per head per day for external water use.
 - 8) None of the buildings hereby approved shall be occupied until details of arrangements for the storage and disposal of refuse/waste have been submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be constructed and available for use prior to the first occupation of the building.
 - 9) No part of the development shall be occupied until details of cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority, such drawings to show the position, design, materials and finishes thereof. The approved facilities shall be constructed and available for use prior to the first occupation of the building.
 - 10) No part of the development shall be occupied until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development, as well as a programme for the implementation of all landscaping details. The development shall be carried out in accordance with the approved details.
 - 11) A) Prior to commencement of above ground works (excluding site investigations and demolition), a final detailed drainage design including drawings, supporting calculations and a Sustainable Drainage Proforma and associated drawings shall be submitted to and approved in writing by the Local Planning Authority. The detailed drainage design shall include verification of contaminant-free ground/soil, complete detailed site investigations to determine the depth of groundwater and infiltration rate of the soil, there shall be at least 1m between the top of the water table and base of any infiltration feature. If infiltration is not feasible on site, the proposed strategy shall include an attenuation tank before discharging at 1 l/s into the watercourse, this shall include a method for filtering surface water before it enters the watercourse. The applicant shall also include rainwater harvesting as part of the development. The approved details shall be implemented prior to the occupation of the units hereby permitted.

B) Prior to the occupation of the extensions hereby permitted, a detailed management plan confirming routine maintenance tasks and responsibility for all drainage components shall be submitted and approved in writing with the Local Planning Authority to demonstrate how the drainage system is to be maintained for the lifetime of the development. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for all of the proposed drainage components.

- 12) Prior to the commencement of above ground works, excluding any works of demolition, a Fire Safety Strategy shall be submitted to and approved in writing by the local planning authority. This shall include details that identify:
- a) unobstructed outside space for fire appliances to be positioned on, to be shown on a site plan
 - b) areas for use as an evacuation assembly point, to be shown on a site plan
 - c) appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
 - d) design measures that minimise the risk of fire spread
 - e) means of escape and an associated evacuation strategy for all building users
 - f) a robust strategy for evacuation which can be periodically updated and published
 - g) suitable access and equipment for firefighting.

The development shall not be implemented or occupied other than in accordance with the approved details, and shall be retained thereafter as approved.