



Appeal Decision

Site Visit made on 24 August 2021 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by Martin Seaton BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2021

Appeal Ref: APP/L5810/D/21/3274253

53 Observatory Road, Sheen, SW14 7QB

- 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 Mrs Lucie Rutherford against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 20/3302/HOT, dated 20 November 2020, was refused by notice dated 1 April 2021.
 - The development proposed is a single storey, rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey, rear extension at 53 Observatory Road, Sheen, SW14 7QB in accordance with the terms of the application, Ref 20/3302/HOT, dated 20 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) 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.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans: DWG No.01 (Nov 20), DWG No.02 (Nov 20) and DWG No.03 (Nov 20).
 - 4) The roof of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

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. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on

the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

4. The main issues in the appeal are:

- The effect of the development on the character and appearance of the terrace of properties; and
- The effect of the development on the living conditions of the occupiers of No. 55 Observatory Road (No. 55), with regards to outlook.

Reasons for the Recommendation

Character and Appearance

5. The appeal property is a mid-terrace dwelling. Along with the other houses in the terrace, the rear gardens are set at a lower level to the internal ground floor of the dwellings by circa 1m. The back door of the appeal dwelling currently opens onto an area of decking, with steps leading down to the garden. The gardens on the terrace are a reasonable size and border an alleyway to the rear, beyond which lie the rear gardens of the dwellings on Palmerston Road.
6. Many of the dwellings on this section of Observatory Road feature single storey rear extensions, including No.51 which neighbours the property to the east. It is acknowledged that the proposed extension would have a greater depth than the neighbouring extension and other extensions on the terrace. However, the use of a stepped roof design to address the level change and provide a gradual change in height from the rear of the house to the garden would soften the impact of the extension and prevent it appearing bulky or overly large. The incorporation of living roofs in the design will also help to harmonise the extension with the surrounding gardens.
7. The scale and design of the proposal is such that it would neither compete with nor overwhelm the appeal dwelling or garden and would not have an adverse impact on the character of the terrace. The use of materials to match the existing dwelling will also ensure the extension does not appear out of keeping or harm the character and appearance of the terrace, and this can be secured by imposition of a condition.
8. The proposal would have an acceptable impact on the character and appearance of the area and would accord with Policy LP1 of the London Borough of Richmond Upon Thames Local Plan (July 2018) (the 'Local Plan') which seeks to ensure that all development is of high architectural and urban design quality and compatible with local character.

Living Conditions

9. The proposed extension would abut the boundary with No.55. However, it has been designed so that the height decreases as the land levels change from the back of the appeal property to the garden which minimises the impact of the extension on the neighbouring property. I do not consider that the extension would be so large or prominent in height or depth that it would result in an unacceptable sense of enclosure for the occupants of No.55. This is helped by the generally open and spacious nature at the rear of the properties and the

outlook onto the gardens beyond the rear boundary. The proposed extension would not feel overbearing or have an unacceptable effect on outlook for the occupiers of No.55.

10. As such, the proposed development would accord with Local Plan Policy LP8, which seeks, amongst other things to ensure development protects the amenity and living conditions of neighbouring properties and does not have an overbearing impact or create a sense of enclosure.
11. Whilst I recognise that the proposal does not accord with guidance set out in Local Plan Supplementary Planning Document House Extensions and External Alterations (May 2015) which states that a 3m projection for a single storey extension on a terrace property is normally acceptable (and where this is exceeded the eaves height should be limited to 2.2m), it goes on to say that acceptability will depend on the particular circumstances of the site, which may justify greater rear projection. In this case, the design, materials and level difference at the site ensure unacceptable harm does not occur.

Conditions

12. I have considered the conditions suggested by the Council. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to better reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.
13. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. I have included a condition requiring the external materials to match the existing building to protect the character and appearance of the appeal property and terrace. I have also included a condition preventing the use of the roof of the proposed extension as a balcony or amenity area, to protect the privacy of neighbouring properties.
14. The council have suggested a condition requiring a Fire Safety Statement to be prepared. However, whilst I acknowledge the policy reference within the London Plan, I do not consider the application of such a condition to be reasonable in the context of the domestic scale and nature of the proposal as an extension to an existing single residential property. I am mindful that the condition would only be applicable to the accommodation provided by the extension and not the entire property, and therefore it is not necessary to make the scheme acceptable.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Elizabeth Davies

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 allowed.

Martin Seaton

INSPECTOR