



Appeal Decision

Site visit made on 16 November 2021 by C Glaister BSc (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2021

Appeal Ref: APP/L5810/D/21/3278633

69 Archway Street, Barnes, London SW13 0AS

- 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 Paul Mayes against the decision of the London Borough of Richmond upon Thames.
 - The application Ref 21/0763/HOT, dated 2 March 2021, was refused by notice dated 11 May 2021.
 - The development proposed is described as "Proposed ground floor internal alteration, front fence, bin storage, loft dormer extension and all associated works at 69 Archway Street".
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Decision

1. The appeal is allowed and planning permission is granted for a replacement front boundary wall and front door, new bin storage, a rear dormer roof extension to the main roof and outrigger with rooflights on the front roof slope, new rooflights to the existing single storey side/rear extension, and a replacement window on the first floor rear elevation at 69 Archway Street, Barnes, London SW13 0AS in accordance with the terms of application Ref 21/0763/HOT, dated 2 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: TQRQM21029180530798 (29 Jan 2021), and B73907 – 3100 A, B73907 – 3101 A, B73907 – 3200 A, B73907 – 3201 A, B73907 – 3300 A, B73907 – 3500 A (all dated March 2021).
 - 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.

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.

Procedural Matters

3. The Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021. Regard has been had to the revised national policy as a material consideration in the decision-making

process. However, in this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. There is therefore no requirement to seek further submissions on the revised Framework.

4. The description provided in the banner heading above is taken from the application form. The description used in the decision notice serves to describe the proposed development more accurately. In the interests of clarity, the appeal will be considered with regard to the description used in the decision notice.
5. The site is within the Thorne Passage Conservation Area (CA). The Council found no issue in relation to the effect of the development on the CA. There is no reason to disagree with the Council on this matter, and given that the existing roofscape of the street is characterised by development that is similar to the proposal, the character and appearance of the CA would be preserved.

Main Issue

6. The main issue is the effect of the rear dormer roof extension on the living conditions of the residents of 67 Archway Street, with regard to outlook and whether or not it would be overbearing or visually intrusive.

Reasons for the Recommendation

7. The appeal site is a mid-terrace property. No 69 has a rear ground-floor extension that is wider than its outrigger. There is considerable space between the outriggers of both 67 and 69 Archway Street. The proposed extension would remain within the confines of the original outrigger and the main body of the building.
8. The first-floor outrigger window which faces east at No 67 is obscure-glazed. For this reason, the roof extension would not limit outlook, be overbearing, or visually intrusive when considered with respect to this window. The first-floor window at the rear, on the main body of No 67, would have oblique views of the roof extension. Given the orientation of the window relative to the proposed roof extension, the distance between them, and the depth of the development, the degree to which outlook would be affected would be insignificant. Similarly, for the same reasons, no harm would arise with respect to overbearing or visual intrusion.
9. The London Borough of Richmond upon Thames Local Plan Supplementary Planning Document House Extensions and External Alterations (May 2015) (SPD) suggests development should abide by the 25-degree and 45-degree tests. The SPD indicates that this advice relates mainly to issues of sunlight and daylight. The Council have not suggested that there would be a loss of light to the occupiers of neighbouring residents, and this is not included in the reason for refusal. In any case, the individual circumstances of the appeal indicate that, despite any conflict with the guidance provided in the SPD, the development would be acceptable.
10. For these reasons, the rear dormer roof extension would not cause harm to the living conditions of the residents of 67 Archway Street, with regard to outlook, overbearing, or visual intrusion. It would therefore comply with Policy LP 8 of the London Borough of Richmond upon Thames Local Plan (July 2018) which seeks to protect the living conditions for occupants of new, existing, adjoining and neighbouring properties.

Conditions

11. Standard conditions relating to the commencement of the development and compliance with the revised plans, in order to provide certainty, are recommended. A condition ensuring the external materials match the existing building would be necessary in the interests of character and appearance. The Council have suggested a condition restricting the use of the roof. However, there is no reason to believe that any part of the roof would be used as a balcony or terrace or that access would be formed for that purpose. This condition would therefore be unnecessary.

Conclusion and Recommendation

12. The proposal is therefore seen to conform with the development plan as a whole. Based on the above, and having regard to all matters raised, I recommend that the appeal should be allowed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

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

K Taylor

INSPECTOR