
Appeal Decisions

Site visit made on 17 November 2021

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 09th December 2021

Appeal A: Ref APP/L5810/C/21/3273268

33 Candler Mews, Twickenham TW1 3JF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr George Keppe against an enforcement notice issued by the Council of the London Borough of Richmond-upon-Thames.
 - The enforcement notice, numbered 20/0230/EN/UBW, was issued on 15 March 2021.
 - The breach of planning control as alleged in the notice is:
Without planning permission and within the last four years the unauthorised construction of a single storey roof extension at roof level to form a conservatory towards the rear of the property ("the Conservatory").
 - The requirements of the notice in section 5 are to:
 - (i) Remove the Conservatory; and
 - (ii) Remove from the Land any materials or debris resulting from complying with step 5(i) above
 - (ii) Restore this part of the Land to its condition prior to the breach of planning control
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal on ground (a) has been made, the application for planning permission deemed to have been made under section 177(5) of the Act falls to be considered.
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Appeal B: Ref APP/L5810/W/20/3262109

33 Candler Mews, Twickenham TW1 3JF

- 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 George Keppe against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 20/2287/HOT, dated 14 August 2020, was refused by notice dated 13 October 2020.
 - The development is a conservatory on roof top.
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Decisions

1. Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a single storey roof extension at roof level to form a conservatory towards the rear of the property on land at 33 Candler Mews, Twickenham TW1 3JF referred to in the notice.
2. Appeal B is allowed and planning permission is granted for a conservatory on roof top at 33 Candler Mews, Twickenham TW1 3JF in accordance with the terms of the application, Ref 20/2287/HOT, dated 14 August 2020, and the plans submitted with it (KKC/33/2020/A; KKC/33/2020/B).

Procedural Matters

3. Both appeals are associated with the same development, with Appeal B relating to a retrospective application for a conservatory which became the subject of an enforcement notice to which Appeal A relates.
4. On my site visit, the development did not appear to be visible in external views of the building. Taking into account a photograph submitted by the Council said to be taken in June 2020, in which the conservatory is visible from Candler Mews, it appears that the development (or at least the parts visible from the street below) had been removed by the time of my site visit. The appellant was subsequently asked for comment, including upon the photograph, but did not do so within the timescale requested.
5. Since the appeals were made, a revised National Planning Policy Framework (the Framework) came into force on 20 July 2021. The main parties were asked for any comments, and any received have been taken into account in the Decisions.

Appeal B; Appeal A ground (a) and the deemed planning application

Main issue

6. The main issue in both appeals is the effect of the conservatory on the character and appearance of the terrace row and locality.

Reasons

7. Notwithstanding being a higher structure than previously approved¹, the conservatory is/was a relatively modest development sitting somewhat to the rear of the roof parapet to the front of the property. As a consequence, when taken together with the height of the building and the screening effect of the parapet, the public views of it from the front of the building are reduced and largely restricted to its roof. Further, the orientation of the conservatory in relation to the roof of the building provides a degree of pleasant harmony between the rectangular-shaped sections of both designs. In such a way, the structure adds sympathetic interest to the property in the centre of the terrace and does not deleteriously affect the balance or uniformity of the building.
8. The building's rear abuts a railway line and I have seen no explicit concerns raised by those opposed to the development that the conservatory can be seen in views from that direction, or that its locus in any such views is harmful to character and appearance.
9. I have seen a photograph submitted from an interested third party, which appears to have been taken from a private residence within Candler Mews at a similar level to the development. With such photographs, it is difficult to assess visual impact due to uncertainties as to the degree of zoom focus that has been used to capture the image. Nether the less, the image does evidence that the conservatory is visible from the angle from which it has been taken. Such views of the development are limited, and in any respect the conservatory is relatively modest and of light appearance particularly in comparison with the bulk of the host building and these features are accentuated by its setback from the front façade.

¹ 18/2867/FUL and 18/1910/FUL

10. Accordingly, the modest development accords in these respects with the Council's Supplementary Planning Document (SPD) relating to 'House Extensions and External Alterations' (2015) which advises that roof extensions should remain 'in-scale' with the existing structure and should not dominate the original roof. Further, there is nothing jarring or inharmonious about the development's simple design which is not wholly discordant with that of the host building.
11. For these reasons, the development does not cause harm to the character and appearance of the terrace row and locality and accordingly is not in conflict with policy LP1 of the London Borough of Richmond Upon Thames Local Plan (2018), as supported by the SPD, which seeks to protect local character and design quality. It is also not in conflict with the design principles of the Framework.
12. An interested third party has raised concerns that the conservatory might increase traffic to Candler Mews and thereby cause parking problems. Given the modest nature and type of development, I am not persuaded that the risk of any such impacts is more than very slight and it does not affect my decision that the development is acceptable for the reasons I have given.
13. While I note that an interested third party has made a comment about a nearby Conservation Area said to encompass Amyand Park Road, I otherwise have no details and the Council has confirmed in its appeal submissions that the appeal site does not fall within a Conservation Area and is not situated adjacent to one.
14. The development complies with the development plan as a whole, and this is not outweighed by other considerations.

Conclusion

15. For the reasons given above I conclude that Appeal A should succeed on ground (a) and planning permission will be granted. The appeal on grounds (f) and (g) does not therefore need to be considered.
16. For the reasons given above I conclude that the appeal B should be allowed and planning permission will be granted.

Andrew Walker

INSPECTOR