



Appeal Decision

Site Visit made on 29 November 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2021

Appeal Ref: APP/L5810/D/21/3282654

215 Waverley Avenue, Twickenham TW2 6DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Vishnu Bhargava against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 21/1510/PDE, dated 24 April 2021, was refused by notice dated 19 July 2021.
 - The development proposed is a single storey 6m rear extension.
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Decision

1. The appeal is allowed, and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the GPDO for a single storey 6m rear extension at 215 Waverley Avenue, Twickenham TW2 6DJ in accordance with the application Ref 21/1510/PDE, dated 24 April 2021, and the details submitted with it including Drawing Nos PRA-2075-00, PRA-2075-01, PRA-2075-02, PRA-2075-03, PRA-2075-04, PRA-2075-05; and PRA-2075-06, pursuant to Article 3(1) and Schedule 2, Part 1, Paragraph A.4 (2).

Background and Main Issue

2. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 1, Class A of it do not require regard to be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework only in so far as they are a material consideration relevant to the prior approval matters.
3. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. The Council have not identified conflict with these other than paragraph A.4(7) of the GPDO that states where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. From the evidence before me I have reached the same finding.
5. Therefore, the main issue of the appeal is the effect of the proposed development on the living conditions of the occupiers of adjoining premises.

Reasons

6. The proposed extension would be of a greater height than the existing boundary treatments, be located on the boundary with 213 Waverley Avenue (No 213) and extend some distance from the rear elevation. Nonetheless, the nearest openings at 213 are set in from the boundary to some degree, tall and wide. These and the rear elevation of the largely glazed rear projection at 213 are orientated towards its garden rather than towards the appeal proposal. The rear projection is set away from the appeal site boundary with a relatively wider patio between.
7. Therefore, while of a greater depth than usually considered acceptable in the SPD¹, the outlook from the windows and the garden area at No 213 would not be unacceptably restricted.
8. The orientation of the properties and scale of the extension would result in some loss of daylight and sunlight at the rear of No 213. Nevertheless, this would be limited to certain times of the day and the extensive glazing would allow sufficient light to enter the rear rooms and the garden area of No 213.
9. The proposal would extend across the shared boundary with 692 Hanworth Road (No 692). Notwithstanding this, unlike the existing dwelling that covers part of the shared boundary, the extension would be set in further and would be substantially lower. In addition, there are no side windows proposed and there is an existing outdoor sitting area adjacent to the boundary with No 692 at present.
10. These factors and the scale of the extension would prevent any unacceptable effects on the outlook and privacy of the occupiers of No 692 and it would not result in significant additional noise and disturbance.
11. Given the separation from other properties and their gardens and the presence of existing boundary treatments and outbuildings, the proposed extension would not cause significant negative effects on the living conditions of their occupiers.
12. Consequently, the proposed development would not unacceptably harm the living conditions of the occupiers of adjoining premises. While there would be a technical breach of the SPD, insofar as they are a material consideration, the scheme would not be contrary to the amenity protection aims of the SPD and Policy LP8 of the London Borough of Richmond Upon Thames Local Plan.

Conditions

13. Conditions relating to matching materials, the commencement of the development and that the scheme is in accordance with the plans are not necessary as these are all addressed by the provisions within paragraphs A.3 and A.4 of the GPDO.
14. Conditions relating to roof pitches, upper floor windows and obscure glazing are not needed as the proposal is only single storey.

¹ London Borough of Richmond Upon Thames Local Plan Supplementary Planning Document House Extensions and External Alterations

Conclusion

15. I conclude that the appeal should be allowed.

Stuart Willis

INSPECTOR