



Appeal Decision

Site visit made on 31 January 2022

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2022

Appeal Ref: APP/L5810/D/21/3280009

35 Church Street, Hampton TW12 2EB

- 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 Paul Donnelly and Ms Sara Hirschorn against the decision of the Council of the London Borough of Richmond upon Thames.
 - The application Ref 21/1186/HOT, dated 1 April 2021, was refused by notice dated 4 June 2021.
 - The development proposed is a single storey ground floor side infill extension, a dormer to the second floor and an enlarged opening to the garden.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The National Planning Policy Framework was revised in July 2021, after the application was refused but before the appeal was submitted. I take this revised policy into account, but do not consider that the changes to the Framework significantly affect the consideration of this appeal.

Main issue

3. The main issue is the effect of the proposal on living conditions at neighbouring properties, in terms of any potential overlooking from the proposed roof terrace.

Reasons

4. 35 Church Street is a semi-detached house in a tight-knit area of development near to the junction with High Street. The appeal proposal includes 3 elements: a small side extension; more glazing at ground floor level at the back; and the installation of a high level dormer window with a small roof terrace. The Council raises no objections to the first 2 of these. Its concern is about the impact of the proposed roof terrace on neighbours' privacy.
5. The Council's Supplementary Planning Document *House Extensions and External Alterations* (HEEA) advises that extensions should not result in any substantial loss of privacy to adjoining dwellings and gardens, and that using

the roof of an extension as a balcony will normally be unacceptable for that reason. In this case, the area of terrace proposed would be fairly small and inset into the roof, but would still enable people at No 35 to gain elevated, close range views over a number of neighbouring gardens and rear windows, intruding significantly on the privacy of those residents.

6. I take into account that there is already a high degree of mutual overlooking in this urban situation. I note that the Council raises no objection to overlooking from the proposed dormer window, which would also provide views of neighbouring properties. I consider that overlooking from a high level terrace like this would be significantly more intrusive than overlooking from a dormer. Overlooking from a roof terrace is different in extent and quality, because the structure of a dormer window tends to limit the range and quality of views.
7. There are a few other roof terraces in the immediate vicinity. The Council advises that the use of the newish roof terrace at 27 Church Street is limited to maintenance purposes only by a planning condition, presumably due to concerns about overlooking. First floor level terraces at the back of 2 nearby High Street properties give some views of neighbouring properties, but these are from a much lower level. It also appears that there is a high level roof terrace on another High Street property. That terrace is, however, positioned to mainly overlook the street rather than neighbouring properties. I also note that no neighbours have objected to the proposed roof terrace and take this into consideration. None of these factors are sufficient to override my concerns about the impact this development would have on neighbours' privacy.
8. I conclude that the proposed roof terrace would unacceptably harm living conditions at the properties to the rear of No 35 due to overlooking and loss of privacy. This element of the proposal therefore conflicts with the aims of London Borough of Richmond upon Thames Local Plan Policy LP8 and the HEEA, to protect the amenity and living conditions of the occupants of neighbouring properties.
9. No 35 is within the designated Hampton Village Conservation Area, where special regard must be given to the desirability of preserving or enhancing the character or appearance of the area. This is a handsome period house with a well detailed frontage that contributes to the character of the conservation area. The side and rear elevations are plainer in design and have some capacity for change. The proposed extensions and alterations have been well designed to fit in with and complement the architecture of the house and would have little visual presence in the public realm. I find that the proposal would preserve the character and the appearance of the conservation area.
10. For the reasons set out above in respect of the main issue, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR