



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/21/3285375

10 Park Road, Hampton Hill TW12 1HB

- 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 David Stappard against the decision of the Council of the London Borough of Richmond upon Thames.
 - The application Ref 21/2093/HOT, dated 9 June 2021, was refused by notice dated 26 August 2021.
 - The development proposed is the renewal and replacement of the existing roof, a rear dormer extension and installation of an air-conditioning unit at ground level.
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Decision

1. The appeal is dismissed and planning permission is refused insofar as it relates to the installation of an air conditioning unit at ground level.
2. The appeal is allowed and planning permission is granted insofar as it relates to the renewal and replacement of the existing roof and a rear dormer extension in accordance with the terms of the application Ref 21/2093/HOT, dated 9 June 2021, subject to the conditions in the attached Schedule.

Main issues

3. The main issues are:
 - i) Whether the proposal would preserve or enhance the character or appearance of the Hampton Hill High Street Conservation Area and an identified Building of Townscape Merit (BTM);
 - ii) The effect of the proposal on living conditions at the next door property, 12 Park Road, in terms of noise and disturbance; and
 - iii) Whether adequate arrangements would be made to minimise the risk to future occupiers from fire.

Reasons

Character and appearance

4. 10 Park Road is a handsome, 2 storey, late Victorian semi-detached villa which is located within the conservation area and is identified by the Council as a BTM

of local significance. The Council's conservation area study records that this conservation area is the busy centre of Hampton Hill - a largely residential area that also retains a distinctive traditional village high street character. This section of Park Road, which leads off High Street, contains a number of Victorian villas of high quality design and materials, set back from the street in a leafy setting. This creates a refined residential environment which contrasts with the somewhat more densely built up and more commercial character of the nearby section of High Street.

5. The Council's concern in regard to this issue is about the proposed dormer window on the rear roof slope. No heritage concerns are raised in regard to the proposed roof replacement and air conditioning unit. The Council's Supplementary Planning Document *House Extensions and External Alterations* (HEEA) advises that roof extensions should not dominate the original roof. It says that dormer extensions should not project above the ridgeline and that normally a significant area of the existing roof should be left beneath a new dormer and on either side.
6. In this case, the proposed dormer would leave space to both sides and would not be taller than the existing roof. It would not, however, leave any significant roof below the dormer. It would therefore meet most, but not all of the HEEA guidelines.
7. Despite this conflict with the HEEA, the proposed dormer extension would sit well within the roofscape. Most importantly, it would reasonably match the existing dormer extension on the other half of the pair (No 8), bringing a better degree of symmetry and balance to the rear elevation of this formally composed pair. This would be a benefit of the proposal, balancing any concerns about the scale of the roof extension.
8. I conclude that the proposal would preserve the character and appearance of the conservation area and the BTM. It therefore accords with the aims of London Borough of Richmond upon Thames Local Plan July 2018 (LP) Policies LP1, LP3 and LP4, the HEEA and the National Planning Policy Framework, to ensure that development is of high architectural and urban design quality that conserves the historic environment including conservation areas and non-designated heritage assets like this BTM.

Living conditions

9. The Council's concern here is about the potential for the proposed air conditioning unit to cause noise disturbance to residents at No 12 next door. No specifications for the unit and no noise report have been submitted with the application. Although this would be a normal domestic installation in an urban area and would be set several metres away from the house at No 12, in the absence of information about background noise levels, the noise which would be generated by the unit, hours of operation and mitigation measures, I find it inappropriate to deal with this matter by a condition. The potential need for mitigation measures such as noise fencing is a concern because any such measures might themselves require planning permission and could affect both the conservation area and neighbours' living conditions.
10. I conclude that it has not been demonstrated that the proposed air conditioning unit would not unacceptably harm living conditions at 12 Park Road due to

noise disturbance. The proposal conflicts in this respect with the aim of LP Policy LP8, to protect the amenity and living conditions of the occupants of neighbouring properties.

Fire safety

11. Policy D12 of the London Plan (March 2021) states that all development proposals must achieve the highest standards of fire safety, including matters of fire risk reduction, fire escape and provision for fire fighting. This proposal is for a small scale domestic development. Although this proposal could increase the use of the house, it would remain a single family residential property. I see no special constraints here and have no reason to doubt that a satisfactory fire safety strategy can be provided.
12. I conclude that, subject to a condition requiring the submission and approval of a fire safety strategy, adequate arrangements would be made to minimise the risk to future occupiers from fire. The proposal therefore does not conflict with this aim of London Plan Policy D12.

Conditions

13. In relation to the roof renewal and dormer extension only, I impose a condition specifying the relevant plans to provide certainty. A condition requiring the use of matching materials is necessary to preserve the character and appearance of the conservation area and the BTM. Finally, a condition requiring compliance with a submitted fire safety strategy is required for public safety reasons, in line with Policy D12 of the new London Plan. The Council has also suggested a condition limiting use of the house's roof as a balcony or terrace, but this does not appear to be necessary because there is no readily available roofspace for this type of use, which should require a separate planning permission anyway.

Conclusion

14. I have considered all other matters raised. A split decision is appropriate here because I have reached different conclusions on 2 completely separate and severable parts of the overall proposal. My concerns in regard to the issue of noise are significant enough for me to conclude that the part of the appeal relating to the air conditioning unit should not succeed. On the other hand, I conclude that the proposed roof renewal and dormer extension are acceptable and that part of the appeal should be allowed.

Les Greenwood

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, except insofar as they relate to installation of an air conditioning unit: 2101-000B, 2101-001B, 2101-002B, 2101-003B, 2101-004B, 2101-005B, 2101-007B, 2101-101B, 2101-102B, 2101-103B,

2101-104B, 2101-105B, 2101-106B, 2101-107B, 2101-108B, 2101-201B, 2101-202B and 2101-203B.

- 3) The materials to be used in the construction of the external surfaces of the new roof and extension hereby permitted shall match those used in the existing roof.
- 4) Prior to the first use of the loft accommodation hereby permitted, fire safety measures shall be implemented in accordance with a Fire Safety Strategy first submitted to and approved in writing by the local planning authority, including details that identify:
 - i) unobstructed outside space for fire appliances to be positioned on, to be shown on a site plan;
 - ii) areas for use as an evacuation assembly point, to be shown on a site plan;
 - iii) appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire, including appropriate fire alarm systems and passive and active fire safety measures;
 - iv) design measures that minimise the risk of fire spread;
 - v) means of escape and an associated evacuation strategy for all building users;
 - vi) a robust strategy for evacuation which can be periodically updated and published; and
 - vii) suitable access and equipment for firefighting.

The development shall thereafter not be occupied other than in accordance with the approved details, which shall be retained thereafter as approved.