The Planning Inspectorate

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/21/3282225
59 Ormond Crescent, Hampton TW12 2TQ

- 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 Amit Sharma against the decision of the Council of the London Borough of Richmond upon Thames.
- The application Ref 21/0223/HOT, dated 22 January 2021, was refused by notice dated 16 June 2021.
- The development proposed is a first floor side extension and new roof with loft accommodation.

Decision

1. The appeal is dismissed.

Preliminary matters

2. The National Planning Policy Framework was revised in July 2021, after the appeal application was refused by the Council 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.

3. I base my decision on the amended plans that were submitted during the course of the application, which reduced the scale of the proposed extension. An amended version of the proposed second floor plan was not provided by the Council, but this was not necessary as the other plans were sufficiently clear for me to assess the proposal.

Main issues

4. The main issues are the effects of the proposal on:

   i) living conditions at 61 Ormond Crescent next door, in terms of the impact on outlook and light;

   ii) the character and appearance of the house or the local area; and

   iii) fire safety.

Reasons

Living conditions

5. 59 Ormond Crescent is a 2 storey detached house with a large single storey section wrapping around one side and the back. The proposal would introduce a first floor over much of that single storey element and would also replace and raise the main roof of the house.

6. The Council's Supplementary Planning Document *House Extensions and External Alterations* (HEEA) advises that extensions that create an unacceptable sense of enclosure or appear overbearing when seen from neighbouring gardens or rooms will not be permitted. It furthermore says that development should not cause any significant loss of daylight or sunlight to habitable rooms in neighbouring properties.

7. No 61 next door is a dormer bungalow with a deep plan so that some rooms in the middle of the house rely on side windows for light and outlook. In particular, a ground floor study has only one window which at present looks out onto the single storey side section of No 59. If the proposal was built, this window would face a very long expanse of 2 storey high wall only a few metres away. This would over-dominate the room's outlook and would also block out enough of the sky to substantially darken the room through loss of general daylight. I note that a 2m high boundary fence could potentially be erected here, but the proposal would affect outlook and light much more than such a fence.

8. I give less weight to the protection of side windows like this than I would give to main windows at the front and back of the house, but nevertheless find that the impact on this one window to a habitable room would be so severe as to be unacceptable. A living room area also relies to some extent on side facing windows for light and outlook but is part of a through room with large glazed doors at the back so would not be unacceptably affected. There would be a much more limited impact on a rear facing first floor bedroom window. My attention has also been drawn to a first floor bathroom rooflight, but again that effect would be minor and a bathroom is not a habitable room which requires good light and outlook.

9. I conclude that the proposed first floor extension would unduly harm living conditions at the next door house, 61 Ormond Crescent, due to harm to the outlook from and daylighting to the existing ground floor study. It therefore conflicts with the aims of London Borough of Richmond upon Thames Local Plan (LP) Policy LP8 and the HEEA, to protect the amenity and living conditions of the occupants of neighbouring properties

Character and appearance

10. Ormond Crescent and nearby streets are characterised by a varied mix of large detached houses and dormer bungalows, some of which are deep in plan with long 2 storey side walls visible in the street scene. No 61 is in a prominent position at the head of a T-junction and the proposal would increase its height and bulk significantly. Nevertheless, its architectural style would continue to fit in well with the area and its scale would be similar to many other houses nearby. The proposed first floor extension would be modest in width, set back

at the front and set down from the main roof so that it would be appropriately subservient to the form and scale of the house. The Council refers to an unbalanced form being created, but the form of the house would if anything be better balanced with the proposed extensions.

11. I conclude on this issue that the proposal would not harm the character or appearance of the house or the local area. It therefore accords in this respect with the aims of LP Policy LP1 and the HEEA, to ensure that development is of high architectural and urban design quality that is compatible with local character.

Fire safety

12. Policy D12 of the new London Plan (March 2021) states that all development proposals must achieve the highest standards of fire safety, which includes matters of fire risk reduction, fire escape and provision for fire fighting. The Council is concerned that insufficient information has been submitted to show that this policy would be complied with. 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 could be required by condition if permission were to be granted.

13. 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.

Other matters

14. I have considered all other matters raised. I recognise the appellant's need to extend the house to provide care and support for a relative. It has not been shown, however, that such provision could not reasonably be made in a way that would be more compatible with neighbours' living conditions. I also note the appellant's frustration with the way that his proposals have been dealt with by the Council, but must decide this appeal on its planning merits.

Conclusion

15. Although I find in favour of the proposal on 2 of the 3 main issues, my concerns in regard to the issue of living conditions are compelling enough for me to conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR