



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/21/3288784

Elm Court, Marlborough Road, Hampton TW12 3RX

- 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 Mrs N McKinney against the decision of the Council of the London Borough of Richmond upon Thames.
 - The application Ref 21/3544/HOT, dated 11 October 2021, was refused by notice dated 8 December 2021.
 - The development proposed is a 2 storey side extension with a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a 2 storey side extension with a single storey rear extension in accordance with the terms of the application Ref 21/3544/HOT, dated 11 October 2021, subject to the following 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: Location plan, S01, S02, S03, S04, S10, S11, S20, TP01, TP02, TP03, TP05, TP10, TP11 and TP20.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted, including doors and windows, shall match those used in the existing building except as otherwise detailed on the application form.
 - 4) Prior to occupation of the extension hereby approved the first floor side window shall be glazed with obscure glass and shall be non-opening, unless the parts of the window and rooflights which can be opened are more than 1.7 metres above the floor of the room in which the glazing is installed. The window shall be retained in such condition thereafter.
 - 5) The development hereby permitted must be carried out in accordance with the provisions of the Fire Safety Statement prepared by Cameron Jones Planning Ltd submitted to the local planning authority on 11 October 2021 and retained as such thereafter.

Main issue

2. The main issue is the effect of the proposal on the heritage significance of Elm Court as a Building of Townscape Merit (BTM) and on the character and appearance of the local area.

Reasons

3. Elm Court is a sizeable Victorian house set back from this private road within a large plot. It is a handsome building identified by the Council as a BTM, so that it is considered to be a non-designated heritage asset in the terms of the National Planning Policy Framework (the Framework). Paragraph 203 of the Framework confirms that where applications would directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Elm Court's significance appears to stem mainly from its role as one of the older and finer buildings in the vicinity.
4. The proposal is for the removal of a small single storey side section of the house and its replacement with a 1 and 2 storey side extension, a single storey element of which would stretch out to the rear of the house. A previous proposal for a somewhat larger set of extensions was refused by the Council and dismissed at appeal last year¹.
5. Since that time the Council has granted a Certificate of Lawful Use or Development confirming that a single storey side/rear extension could be built in the same location under permitted development rights without the need for a planning application². That permitted development scheme would have a slightly larger footprint than the current proposal. The appellant argues that this forms a fall-back position for this appeal, but this matter is not crucial to my assessment.
6. The previous Inspector found no objection to the 2 storey element of that proposal, which was found to be appropriately subservient to the main house. The 2 storey section now proposed is similar in design, scale and siting and I find no objection to this aspect of the scheme.
7. The previous Inspector's key concern was that the single storey element would have extended close to the side boundary of the property and beyond both the rear elevation and the main front elevation of the house, making it over dominant and disproportionate. The current proposal has been reduced in both depth and width. It would be set over 3m from the side boundary at its closest point and its rear section would be little seen from the street. The removal of the previously proposed single storey section from in front of the 2 storey element would be a distinct improvement, giving the overall proposal a simpler form and a less cluttered appearance.
8. I note that Elm Court has been previously extended at 2 storeys on the other side so that the cumulative amount of extensions would be considerable. This is, however, a substantial house set within a spacious plot that is capable of accommodating this scale of extension. The proposed extension would be well

¹ APP/L5810/D/21/3275667

² Under the Town and Country Planning (General Permitted Development) (England) Order 1995.

detailed and proportioned to complement the existing house and would not crowd the boundaries.

9. I conclude that the proposal would not harm the heritage significance of Elm Court as a BTM or the character or appearance of the local area. It therefore accords with the aims of London Borough of Richmond upon Thames Local Plan Policies LP1 and LP4, the Council's Supplementary Planning Documents *House Extensions and External Alterations* and *Buildings of Townscape Merit* and the Framework, to ensure that development is of high architectural and urban design quality that is compatible with local character and preserves or enhances the setting, character and appearance of non-designated heritage assets.
10. I impose a condition specifying the relevant plans to provide certainty and another requiring the use of matching materials to protect the character and appearance of the house and the local area. A condition requiring obscure glazing of the proposed first floor side window as indicated on the plans is needed to protect neighbours' privacy. Finally, a condition requiring the implementation of the submitted fire safety strategy is also necessary for public safety in accordance with London Plan Policy D12.
11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR