



Appeal Decision

Site visit made on 15 July 2022

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th June 2022

Appeal Ref: APP/L5810/D/22/3297243

45 Pagoda Avenue, Richmond TW9 2HQ

- 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 Ladi Greenstreet against the decision of the London Borough of Richmond Upon Thames.
 - The application Ref 21/4171/HOT, dated 5 December 2022, was refused by notice dated 31 January 2022.
 - The development proposed is a rear loft extension with enclosed roof terrace on back addition with rooflights on front elevation and alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on: -
 - the character and appearance of the area and host property; and
 - the living conditions of the occupiers of the neighbouring properties, by virtue of overbearing impact.

Reasons

Character and Appearance

3. No.45 is a traditional mid-terrace property with a two-storey outrigger to the rear which extends partially across Nos. 45 and 47. The proposed dormer extension would sit on the existing flat roof of the outrigger, projecting approximately half its depth with the remainder to form a roof terrace enclosed by glazed balustrading.
4. The property already benefits from accommodation within the loft space with the rear elevation having been extended upwards. The proposal would significantly increase the bulk at roof level, and whilst I acknowledge that the dormer is designed to be set down from the ridge, its position and form is at odds with the scale of the property. Contrary to the appellant's position I do not find that it would break up the massing of the existing roof. Rather, in my view, the proposed dormer, balustrades and Juliet balcony would together have a cluttered and dominating appearance which would create an incongruous addition to the property.

5. The appellant has referred to the presence of similar outrigger dormers to two other properties in Pagoda Avenue. Details of these other schemes are not before me; however, the Council advise that these were constructed utilising Permitted Development Rights and are more limited in depth. Additionally, there is no indication that they also incorporate a terrace. Thereby, I do not find that these examples are directly comparable, and each proposal is to be considered on its own merits.
6. However, it was evident from my site visit that the adjoining property, No.47, utilises the outrigger roof as a terrace. The planning status of this terrace is unclear, but more significantly I did not observe any other terraces at an upper level in the locality. In my view, this existing terrace is more of an anomaly and not a feature of the prevailing character of the area. The Council's Supplementary Planning Document (SPD) - *House Extensions and External Alterations* indicates that using the roof of an extension as a balcony/terrace will normally be unacceptable. Whilst this is guidance, I find that the provision of the terrace, particularly given the height and design of the screening, would be an unsympathetic element which would be harmful to the visual appearance of the area.
7. The Council indicate that the other proposed alterations to the property comprising rooflights and a Juliet balcony would be acceptable, and I have no reason to disagree. Nonetheless I do not find that these alterations are enhancements which would outweigh the adverse impact of the dormer and terrace.
8. Overall, I find that the dormer and balustrades would be out of keeping with the host property and are of a form which fails to respond to the character and appearance of the area. Thereby, the development would be contrary to Local Plan¹ policy LP1 and the guidance within the SPD, which together seek to ensure development respects, contributes to, and enhances the local environment and character.

Living Conditions

9. The Council in their reason for refusal refer directly to an adverse impact on No.47. Nevertheless, I agree with the appellant that their description of the relationship between the properties, as set out in the officer's report, does not accord with the situation on the ground, and it is more likely that the reference should be to No.43.
10. Having regard to the existing relationships, and that the dormer would be of a more limited depth than the outrigger, in my view, the development would not significantly increase the sense of enclosure from the existing windows of either Nos.43 or 47. Therefore, I do not find that the proposal would have an overbearing impact which would be to the detriment of the living conditions of the occupiers of the adjoining properties, and would thereby accord with Local Plan policy LP8 (3).
11. The Council has also referred to various BRE tests, although no details are before me. Notwithstanding this, having found against the proposal on the other main issue the appeal in any event is to be dismissed.

¹ London Borough of Richmond Upon Thames Local Plan adopted 3 July 2018.

Other Matters

12. Pagoda Avenue is a close-knit area with an existing level of mutual overlooking. However, the elevated terrace would extend some distance from the main elevation and would permit wider views over the neighbouring properties and screening would be necessary to maintain privacy. As set above, I have found that the proposed balustrades would be visually intrusive and therefore this is not a matter which could be addressed via a condition. The appellant also suggests that the dormer would improve the privacy for the occupiers of the appeal property and No.47. Be that as it may, this is not an aspect which would outweigh the other harm I have found and any existing issues relating to overlooking from the existing terrace to No.47 are a separate matter.

Conclusion

13. For the reasons set out and having regard to all other matters raised the appeal is dismissed.

G Ellis

INSPECTOR