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## Appeal Decision

Site visit made on 17 May 2022 by M Long

**Decision by K Taylor BSc (Hons) PGDip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 July 2022**

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**Appeal Ref: APP/L5810/D/22/3293369**

**5 Sidney Road, Twickenham, TW1 1JP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
  - The appeal is made by Mrs Anna O'Connell against the decision of the Council of the London Borough of Richmond upon Thames.
  - The application Ref 21/4254, dated 7 December 2021, was refused by notice dated 20 January 2022.
  - The development proposed is a single storey side infill extension.
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### Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single storey side infill extension at 5 Sidney Road, Twickenham, TW1 1JP in accordance with the application Ref 21/4254, dated 7 December 2021, and the details submitted with it including Drawing Nos 144-P-020 (Revision C), 144-P-021 (Revision C), 144-P-022 (Revision C) and 144-S-001 (Site Location) pursuant to Article 3(1) and Schedule 2, Part 1, Paragraph A.4(2) of the GPDO.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Preliminary Matters

3. Plans relating to a revised scheme were submitted during the application stage but were not used by the Council in its determination. I must consider this appeal on the basis of the plans accepted by the Council, therefore the revised plans do not form part of my recommendation.
4. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO (as amended), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
5. Paragraph A.4(7) to Part 1 requires the local authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received. As an objection was received by the

Council, they assessed the impact of the proposal on all adjoining neighbours. My consideration of this appeal has been made in the same manner.

### **Main Issues**

6. I consider that the main issues in this appeal are:

- whether the proposal would be granted planning permission by Article 3(1) and Schedule 2, Part 1, Class A of the GPDO; and,
- the impact of the proposed development on the amenity of adjoining premises (No 3) with regard to whether there would be an overbearing effect.

### **Reasons for the Recommendation**

7. Located on the northern side of Sidney Road, the appeal site is a mid-terrace dwelling with a two-storey rear outrigger that is setback from the tall, shared boundary fence with No 3. No 3 also has a two-storey outrigger that is similarly setback from the shared boundary resulting in an enclosed space between the two outriggers. No 3 has a large, glazed door on the rear wall of the main dwelling and windows serving habitable rooms on the outrigger that face towards the appeal site.

8. The proposed infill extension would project approximately 4.7 metres from the rear wall to meet the depth of the outrigger's rear elevation. The proposed eaves would be approximately 3 metres at the shared boundary with No 3 and rise to approximately 3.85 metres at the point where the extension meets the outrigger, forming a pitched roof. It would incorporate large, glazed openings.

*Whether the proposal would be granted planning permission by the GPDO*

9. The Council sets out that the proposal would not comply with Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.1(j) which does not permit development if the enlarged part of the dwellinghouse extends beyond a wall forming a side elevation. The Technical Guidance 2019<sup>1</sup> indicates that side and rear extensions that infill the area between the rear and a side elevation, such as the proposed scheme, are acceptable. As the proposal is a single-storey extension that would not exceed 4 metres in height and have a width that is not greater than half of the original dwellinghouse, there would be no conflict with the sub-criteria of Paragraph A.1(j).

10. The Council also indicates conflict with Paragraph A.3(a), which requires that the exterior materials are of a similar appearance to those used in the construction of the existing dwellinghouse. The Council has stated grey windows would not be visually similar, however, the submitted plans do not indicate the colour of the powder coated aluminium framed glazing. As this material is available in multiple colours, the proposal is not considered to necessarily conflict with this criteria. Any approval granted by this appeal is subject to the conditions set out in Paragraph A.3.

11. As such, the proposed development would not conflict with the criteria of Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.1(j) nor Paragraph A.3(a) of the GPDO.

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<sup>1</sup> Page 23 of the Ministry of Housing, Communities & Local Government Permitted development rights for householders Technical Guidance (September 2019).

### *Living Conditions*

12. Given the existing tall boundary fence and enclosed nature of the space between the outriggers at Nos 3 and 5, the proposal would not result in an unacceptable overbearing effect or further harmful sense of enclosure. The eaves would project above the shared boundary, however, the proposal's single-storey design and the setback of the outrigger at No 3 from the boundary would prevent an unacceptable tunnelling effect or reduction of outlook from the ground floor openings at No 3. While a reduction of the eaves would limit views of the proposal from No 3, I must determine this appeal using the drawings considered by the Council during the application stage.
13. The SPD<sup>2</sup> states single-storey extensions on terraced properties are usually acceptable if they project no further than 3 metres, however the final test of acceptability will depend on the particular circumstances on the site, which may justify a greater rear projection. While the proposal would exceed 3 metres to meet the depth of the outrigger, this is not unreasonable on a terraced property in this context and would not result in undue visual intrusion. The SPD states in such instances, the eaves height should be limited to 2.2 metres, however this is not indicated to be required in all cases. In any event, the SPD is not adopted policy and, in this prior approval process, rear extensions are principally assessed on their effect on the amenity of any adjoining premises. Any conflict with the SPD does not form an overriding consideration in this appeal process.
14. Due to the orientation of the terrace, there would be no harmful reduction of light available to the occupiers of No 3. Whether the scheme complies with a 45-degree test when applied to the rear facing windows at No 3 is not an overriding consideration in the prior approval process. Given the extension's distance from the other adjoining properties, there would be no harm to the amenity of their occupiers.
15. Overall, the proposed development would not unacceptably harm the living conditions of the occupiers of any adjoining premises. The proposal would accord with Policy LP8 of the Local Plan, adopted July 2018, which seeks to ensure proposals do not have an overbearing impact as a result of their height.

### **Conclusion and Recommendation**

16. For the reasons given above, I recommend that the appeal should be allowed and prior approval should be granted.

*M Long*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

*K Taylor*

INSPECTOR

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<sup>2</sup> The Local Plan Supplementary Planning Document House Extensions and External Alterations 2015