



Appeal Decision

Site visit made on 1 June 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 JULY 2022

Appeal Ref: APP/L5810/D/21/3289462

33-35 Madrid Road, London SW13 9PF

- 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 Copus and O'Connell against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 21/2874/HOT, dated 17 August 2021, was refused by notice dated 27 October 2021.
 - The development proposed is described as "erection of front and rear dormer roof extensions to be constructed jointly with neighbour".
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of front rooflights; front and rear dormers roof extensions at 33-35 Madrid Road, London SW13 9PF in accordance with the terms of the application, Ref 21/2874/HOT, dated 17 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P01 B; P02 B; P03 B; P04 B; L01 A and L02 A.
 - 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture to those of the existing building.
 - 4) The extension hereby permitted shall not be used until all the flank windows (in the north-side elevation facing towards No. 37 and the south side facing elevation towards No. 31) at roof level have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.

Preliminary Matters

2. I have noted that the application has been made jointly under the surnames Copus and O'Connell. The appeal was originally made only under the name Mrs Magdalena Copus. However, a second appeal form was submitted to clarify the surnames of both of the applicants as the joint appellants. In correspondence

with the Planning Inspectorate, it has previously been confirmed that the appeal will proceed in the names as included on the planning application form.

3. I am obliged to use the description of the development as included on the planning application form which is different from how the Council described it on their decision. I have made a minor change in the decision above to reflect that there are 2 rooflights to the front and 2 dormers across the front and rear of the 2 properties.
4. My attention has also been drawn to a potential inaccuracy with the cross-section drawings not showing the position of the proposed rooflights in the crown roof. However, from the roof plan it is clear where they are proposed, and, even if the line of cross-section should have shown these, it does not alter my conclusion on these matters.

Main Issue

5. The main issue is whether the proposal would preserve or enhance the character or appearance of the Madrid Road Conservation Area (MRCA). Given the location in the MRCA, I am conscious of my statutory duty arising from section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Reasons

6. The MRCA is a residential neighbourhood, with the principal façades having a strongly symmetrical arrangement, consisting of two-storey semi-detached dwellings with gabled roofs. There are several street trees adding a verdant character to the streetscene. The appeal properties are set back from the road behind a front garden, albeit No. 35 has been arranged with a forecourt for off-street parking. I am told, and it is not disputed that these properties are characteristic of the distinctive arts and crafts style, with mock Tudor gables to the front.
7. At the rear, the appeal properties and their neighbours have more modest elevations lacking the architectural detailing of their front facades, some of which have had incremental alterations and additions, particularly at the roof level. This provides a varied character with differences in the scale of additions with a noticeable lack of coherence or symmetry. Consequently, the street scene provides distinctive and decorative front elevations, opposed to the varied and basic roofscape on the rear elevations. As such, it is the front elevations, coupled with their green setting, that contribute positively to the significance of the MRCA.
8. The development proposed includes a small front dormer window and rooflight to each property, a rear main roof extension and a rear extension that sits over an existing outrigger standing proud of the rear elevation of the building. In respect to the front dormer window, rooflights and rear main roof extension, the Council and appellant agree there is no harm to the MRCA, given other examples in the vicinity, and I concur with this assessment that this part of the proposal would therefore preserve the character and appearance of the MRCA.
9. The roof extension over the existing outriggers, with clay hung tiles and modest timber windows would be of generous proportions, infilling much of the roof over the outriggers. However, the scale of the extension would be read within the context of a much broader elevation at the rear. As noted above, in

the immediate vicinity of the appeal site, there are a number of properties with rear roof extensions of varying size and style, and within this context, the proposed development would not appear as an incongruous feature.

10. In regard to the wider setting and existing roof extensions, I note a degree of variation in respect to the amount of roofspace left at the end of the original outrigger along the rear of these buildings. The drawings before me highlight that the extension would be set off the end by 1.5m and given the overall variation at the rear, would not be out of keeping. The Council's Supplementary Planning Document: House Extensions and Alterations (SPD) 2015 provides guidance on roof extensions and requires that they should not dominate the original roof. Consequently, due to this set off, the extension would not be an overly dominant feature and would have a sympathetic design which would adhere to this guidance.
11. The proposal would not look out of proportion or too large in relation to either respective host dwelling or the surroundings. As a result, the proposed extension would cause no harm to the character, appearance or significance of the conservation area, and would be compatible with local character, building proportions, form, materials and detailing.
12. In relation to the main issue, the proposal would preserve the character and appearance of the MRCA and would not therefore harm its significance. This would comply with Policies LP1 and LP2 of the London Borough of Richmond Upon Thames Local Plan, adopted July 2018. In these respects, the proposed extension would also meet the design objectives of the SPD and the scheme would comply with Section 16 of the National Planning Policy Framework (the Framework).

Other Matters

13. Both the LPA and appellant draw my attention to an appeal decision at No. 9 Madrid Road (ref: APP/L5810/D/18/3216395), where the Inspector concluded the proposal would not be unduly prominent, dominant or incongruous to any detrimental extent, and thus would preserve the character and appearance of the host dwelling and MRCA. I have had regard to this decision. My conclusion is consistent with this decision, given the similarities, but nevertheless has been reached on the individual merits of this case.
14. I have had regard to the comments of interested parties which have been received. These include the effect on the living conditions of neighbouring properties, from the proposed development, in terms of privacy and overlooking. The Council consider these concerns can be mitigated through the use of an appropriate condition. I agree that this is necessary and have therefore included a condition to secure obscure glazing. I have also included a condition to ensure that suitable materials shall be used in construction. I have considered these in relation to the tests within paragraph 56 of the Framework and, that this together with the standard conditions are necessary in this case.
15. I have also had regard to the London Plan policy D12 that requires the submission of a Fire Safety Statement (FSS) on all planning applications. The Council have highlighted that a FSS has been submitted, and that the proposed development would need to accord with the relevant Building Regulations. Given that these regulations are controlled under separate legislation, a planning condition would be unnecessary.

16. None of these other matters raised outweigh or alter my conclusion on the main issue.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Robert Naylor

INSPECTOR