

Appeal Decision

Site visit made on 16 August 2022

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31ST August 2022

Appeal Ref: APP/L5810/D/22/3299944

108 Thompson Avenue, Richmond Upon Thames, TW9 4JN

- 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 Anjali Chandra against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 22/0917/HOT, dated 17 March 2022, was refused by notice dated 16 May 2022.
 - The development proposed is the erection of a part two, part single storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues. Firstly, the effect of the proposed two storey extension on the character and appearance of the host dwelling and the surrounding area, including the street scene of Thompson Avenue; secondly, the effect of the proposed two storey extension on the living conditions of occupiers of 110 Thompson Avenue with respect to outlook and visual amenity; and thirdly, the effect of the proposed extensions on the risk of surface water and groundwater flooding in the locality.

Reasons

3. The appeal dwelling is a traditional two storey end of terrace property set at the end of a cul-de-sac of similar houses. In common with its neighbours, it is constructed in brick with a tiled roof. The short terraces exhibit uniformity and a noticeable degree of symmetry with the end properties, including the appeal dwelling, being characterised by projecting, forward facing two storey gables. Architecturally the dwellings are pleasant but unremarkable. Some dwellings have undergone extensions including, at No 110, a large two storey side extension and at the appeal dwelling a single storey rear uPVC conservatory and a large loft extension with rear and side dormers.
 4. The appeal dwelling sits on a corner plot which is significantly wider than average and widens further towards the rear. The Council does not object to the proposed single storey extensions which would replace and extend the existing
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conservatory and project to the side of the dwelling, into an awkward and enclosed area. I agree that although large these would be unobtrusive and would not harm the character or appearance of the host dwelling or the surrounding area, including the street scene of Thompson Avenue from which they would be hidden.

5. The proposed two storey extension would be set back approximately 0.6m from the front of the dwelling at first floor with a noticeably greater set back at ground floor. The first floor would thus fly over a proposed parking space. The front elevation of the first floor would be less than half the width of the original dwelling but would widen towards the rear. The front elevation at ground floor would be about half the width of the original dwelling. The two storey extension would widen further to some two-thirds the width of the original dwelling at the rear.
6. In my view, the overall width, due to its set back from the front of the dwelling, the lower ridge height, its unobtrusive positioning and the existing roof dormers and proposed single storey extensions would not be excessive when seen from the rear. They would provide greater balance to the property which currently appears top-heavy due to the large rear dormer and its end of terrace position. The Council notes that the width at the rear would fail to comply with the standard set out in the Supplementary Planning Document, House Extensions and External Alterations (SPD), 2015, which advises that two storey side and rear extensions should not be greater than half the width of the original building. However, in this case where the entire rear and side are being extended and re-modelled I find that the aim of this restriction, which is to avoid an over-dominant extension, would be met.
7. Nevertheless, and notwithstanding the narrower width to the front, I consider that the proposed flying first floor, which would be visible obliquely from the street and seen clearly from neighbouring dwellings, would be an incongruous and unattractive feature that would materially detract from the traditional appearance of the dwelling which would otherwise be maintained when seen from the front and in the street view. Moreover, the front projection results in the need for a roof slope that fails to match the pitch of the original front roof. I am concerned that although this would be separated from the main front roof slope by the side dormer and front facing gable the difference would be noticeable, adding to the discordant appearance.
8. The appellant suggests that the flying first floor has been incorporated to achieve best use of space and provide an off-street parking space and points out that a setback of less than 1.0m, which the SPD says is a desirable distance, has been found acceptable elsewhere in the Borough. However, in this case I find it an awkward and unsympathetic feature that would have an unacceptable effect on the character and appearance of the host dwelling.
9. The Council raises concerns regarding the use of contemporary materials on the rear elevation and rear section of the side elevations. However, I consider that these would improve the somewhat bland appearance of the host dwelling and would result in a more coordinated appearance to the rear than is currently achieved. These materials would not be seen from the street since the front elevation and front of the side elevation would be in matching materials. Neither

would they be clearly visible from neighbouring dwellings owing to their set-back. Overall, I find the proposed materials acceptable.

10. It is concluded on the first main issue that the flying first floor element of the two storey extension proposed would have a materially harmful effect on the character and appearance of the host dwelling and the surrounding area, including the street scene of Thompson Avenue. In consequence, it would conflict with Policy LP1 of the Local Plan, adopted July 2018, the National Planning Policy Framework (NPPF) and the SPD which, taken together expect all development to be of high architectural and urban design quality such that it is visually attractive, sympathetic to local character and harmonises with the host building.
11. Turning to the living conditions of neighbours at 110 Thompson Avenue, this property sits at right angles to the appeal dwelling and its large, two storey side extension extends behind the front elevation of No 108, meaning it faces the existing blank side wall. The extension has front facing windows serving habitable rooms at both ground and first floor. Although the ground floor of the proposed extension at No 108 would be set back sufficiently such that it did not bring a blank side wall closer to the windows in No 110, the submitted plans indicate that the proposed flying first floor would result in a new first floor blank wall some 2.7m closer to the habitable room windows.
12. The Council states that the separation distance between this first floor side element and the mid-point of the windows would be some 5.15m. This is not disputed by the appellant. Explanatory text to Policy LP8 of the LP set out in paragraph 4.8.8 states that, in order to protect outlook and avoid visual intrusion, a blank side wall should be no closer to facing habitable room windows than 13.5m. In this case that distance is already not achieved. Nevertheless, the proposed extension would make the situation materially worse, resulting in a significant visual intrusion, notwithstanding that there would remain an open outlook over the shared driveway serving Nos 108 and 110 through part of the field of view.
13. It is concluded on the second main issue that the proposed flying first floor extension whilst having a modest effect on the wider outlook would be materially harmful to the living conditions of occupiers at 110 Thompson Avenue due to being visually intrusive when seen from habitable room windows in that property. In consequence, it would conflict with LP Policy LP8, the NPPF and the SPD which, taken together, expect all development to protect the amenity and living conditions of neighbouring occupiers with respect to, amongst other things, visual intrusion.
14. Turning to flood risk, the Council is concerned that the extensions would, in part, be subterranean. However, it is clear from the evidence, including the submitted plans, an additional section submitted with the appeal and my site visit, that whilst the existing conservatory appears to be set below the floor level of the original dwelling this is due to ground levels being lower behind the dwelling. The proposed extensions would be at the same level as the existing conservatory and dwelling and hence would be above ground. The extensions would not therefore be subterranean or form a basement and LP Policy 11 would not apply.

15. With respect to flood risk generally, the Council states that the site is in an area susceptible to surface water flooding and an area at greater than 75% risk of groundwater flooding. However, the appellant has submitted an extract from the plan on the Environment Agency's web site which shows that the site lies well within Flood Zone 1. The NPPF makes clear that Flood Risk Assessments are not normally required for householder development in Flood Zone 1.
16. It is not clear from the Council's evidence whether their concern extends beyond the matter of potentially subterranean development, which I am satisfied is not proposed. It is thus not clear from the evidence that the proposed extensions would materially increase the risk of surface water flooding and groundwater flooding in the locality. In consequence, I conclude on the third main issue that it has not been demonstrated that the proposed development would materially increase flood risk in the area. No objections have been received from consultees with respect to flood risk. I therefore find no conflict with LP Policy LP21 which seeks to ensure that all developments avoid or minimise contributing to all forms of flooding.
17. Notwithstanding my findings with regard to flood risk, for the reasons set out above and having regard to all other matters raised, including policies contained in the London Plan and the lack of objection from occupiers at No 110, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR