

Appeal Decision

Site visit made on 16 August 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6th September 2022

Appeal Ref: APP/L5810/D/22/3295255

15 Vicarage Road, Hampton Wick, Kingston Upon Thames, KT1 4EB

- 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 Mr Martyn Booth against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 21/4422/HOT, dated 23 December 2021, was refused by notice dated 14 February 2022.
 - The development proposed is the installation of hip-to-gable and dormer to rear; glazed Juliet balcony and installation of rooflights.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. In the interests of accuracy, I have utilised the Council's description of the proposal used in its decision notice in preference to that used in the original application form.

Main Issues

3. The main issue are the effects of the proposal; (a) on the character and appearance of the host property and its surroundings, and (b) on the living conditions of neighbouring residents with specific reference to privacy.

Reasons

4. The appeal property comprises half of a pair of gabled semi-detached dwellings, located in a predominantly residential street displaying a variety of house styles and designs. The pair stands on a corner and is sited at an angle to the neighbouring property to the west. Thus, the appeal dwelling's north-west facing side elevation and roof is almost wholly exposed to view when approaching from the west.
5. Significant changes are proposed to the roof, including a hip to gable conversion, the installation of a large dormer at the rear, and roof lights. Although the appellant argues otherwise, the outcome in my view would be the creation of a bulky, top-heavy and unsightly roof structure, very prominent in the street scene, especially when approaching from the west. The remaining

elements of symmetry in this pair of semis would be destroyed, resulting in the creation of an unbalanced, and incongruous building.

6. Reference has been made to the Framework¹, but to my mind, the scheme represents a clear example of poor design. The Government attaches considerable importance to design and advises that '*development that is not well designed should be refused, especially where it fails to reflect local design policies*'. I propose to follow that guidance here.
7. The appellant points me to several other examples of dormers in the locality, but none that I saw, including those in the submitted photographs, were as visually harmful or objectionable as the proposal subject of this appeal.
8. I therefore conclude that the proposed development would harm the character and appearance of the host property and its surroundings. Accordingly, I find the proposals to be in clear conflict with those provisions of LP² policy LP1 requiring the design of development to demonstrate a thorough understanding of the site, and to relate well to its existing context.

Living conditions

9. A large window would be inserted in the rear dormer, together with a Juliet balcony. Given their relative angled positions, the window would directly face No 15a's rear garden. For the reasons set out in the appeal statement, the appellant argues that No 15a's rear garden '*is already protected from any potential overlooking*'. I do not agree.
10. I assessed this issue during my site visit from the appeal property's first floor rear bedroom window. I could see directly into a significant proportion of No 15a's rear garden over the appellant's newly built garden room. Since the proposed dormer window would be set at a higher level, and would be larger than the bedroom window below, more of No 15's rear garden would be directly overlooked than at present – at relatively close quarters from a greater height. This would lead to harmful loss of privacy for the neighbouring residents, which would be accentuated when the dormer window was open, given the provision of a Juliet balcony; the perception of being overlooked would thus be heightened.
11. In making this assessment I have given some weight to the appellant's point that a degree of mutual overlooking is inevitable in urban locations. However, the extent of direct overlooking resulting from this proposal would be unacceptable.
12. The appellant says that a rear dormer window has already been permitted at the appeal premises in the recent past³. He continues, "*A rear facing dormer window was considered acceptable in that case so it is unclear why in this instance overlooking and loss of privacy are raised as a reason to refuse permission*". Having looked at the documentation in respect of that proposal I find that the approved rear dormer window was not only far smaller than proposed now, but that the permission was conditional on the window concerned being obscurely glazed and rendered unopenable up to a certain height. No views over

¹ National Planning Policy Framework 2021 paragraph 134.

² Richmond Local Plan 2018

³ Council Ref. 21/1910/HOT

No 15a's garden would thus be available, and no overlooking would have occurred.

13. I therefore conclude that the proposed development would harm neighbouring living conditions by reason of unacceptable overlooking leading to harmful loss of privacy. Accordingly, I find a clear conflict with that provisions of LP policy L8 requiring all new development to protect the amenity and living conditions of occupants of existing, adjoining and neighbouring properties.

Other matters

14. I have taken account of all other matters raised in the representations, including the planning history, but none outweighs those considerations which led me to my conclusions.

G Powys Jones

INSPECTOR