



Appeal Decision

Site visit made on 16 August 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/L5810/D/22/3300210

11 Somerset Road, Teddington, TW11 8RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land carried out without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs Tyson against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 22/0248/VRC, dated 10 January 2022, was refused by notice dated 21 March 2022.
 - The application sought planning permission for proposed erection of single-storey rear and side wrap-around extension without complying with a condition attached to planning permission Ref 21/3727/HOT dated 21 December 2021.
 - The condition in dispute is No U0116581- Approved drawings which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans and documents, where applicable. 001, 002, 010, 011; received 27 October 2021. 0110A, 0120A; received 21 December 2021. Fire Safety Statement; received 27 October 2021.*
 - The reason given for the condition is: *To accord with the terms of the application, for the avoidance of doubt and in the interests of proper planning.*
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Decision

1. The appeal is dismissed.

Preliminary and procedural matters

2. The original planning permission was granted subject to conditions, including that in dispute. The main purposes of the condition are to avoid doubt as to the approved plans and to ensure that the development is carried out in accordance with them.
3. The appellant seeks to vary the approved plans. In the originally approved plan a single storey side/infill extension was approved. Seen in plan section, this resembles a lean-to, with a sloping roof directly facing 9 Somerset Road. The approved plans show 3 large glazed and 2 smaller glazed openings inserted in the sloping roof. The appellant wishes to substitute another 3 large opening for the 2 smaller openings, making a total of 6 glazed openings in all. In effect, there would be a continuous strip of glazed openings in the sloping roof.

Main Issue

4. Having regard to the above, the main issue is the effect of increasing the amount of glazing on the living conditions of neighbouring residents with particular reference to light pollution.

Reasons

5. The Council says that the originally submitted plans for the approved application showed a pattern of fenestration like that proposed now. The original proposal was unacceptable to the Council, and accordingly, the appellant modified the proposals to that eventually approved. The appellant now wishes to revert to the plans originally submitted with the previous application.
6. The Council's position is that the amount of glazing proposed in the sloping roof is excessive and would prove harmful to the occupants of the next-door property by reason of light pollution. The appellant disputes this, describes the Council's concerns as being based on 'a subjective view', and says that the Council has approved similar arrangements elsewhere.
7. Neither of the parties has produced calculations in support of their arguments, and no explanation has been provided as to why the additional larger openings are required. However, it appears to me that the principal reason why the additional glazed openings may be required is to enable more light to enter the room below during the day. It follows that, if this is the case, more artificial light will leave the property on dark evenings and at night through the additional openings than would otherwise be the case were this appeal not allowed.
8. Given the close proximity of No 9, and that its windows, including bedroom windows, directly look out at or overlook the proposed strip of glazing, I can understand the Council's concern. To my mind, the continuous glazed strip, when illuminated, has the potential to cause harm by reason of additional light pollution and consequent nuisance to the neighbouring residents, harming their living conditions.
9. I therefore conclude that varying the condition in the manner proposed would harm neighbouring living conditions by reason of an unacceptable level of light pollution during the hours of darkness. Accordingly, a clear conflict arises with that provision of LP policy L8 requiring all new development to protect the amenity and living conditions of occupants of existing, adjoining and neighbouring properties.
10. All other matters raised in the representations have been taken into account, including the appellants' references to other approved schemes. However, whilst some weight has been given to those decisions, I have treated this appeal on its merits, as required. No other matter raised in the representations outweighs those that led me to my conclusions.

G Powys Jones

INSPECTOR

