



Appeal Decision

Site visit made on 27 September 2022

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 10th October 2022

Appeal Ref: APP/L5810/W/22/3298617

Vesuvio Restaurant, 208 Hampton Road, Twickenham TW2 5NJ

- 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 Arben Jahja against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 21/4452/FUL, dated 27 December 2021, was refused by notice dated 1 April 2022.
 - The development proposed is retention and amendment of existing rear pergola including reduction in scale.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the determination of the application, the description of development was slightly amended by the council to better reflect what is being proposed. I have used the description on the decision notice for clarity.

Reasons

3. The main issue is the effect on the living conditions of neighbouring occupiers.
4. The Vesuvio Restaurant (the appeal property) is situated within a terrace of commercial properties, some with residential flats above. The properties have rear garden areas which have access through the ground floor premises or with rear access.
5. The block is an attractive 2-2.5 storey block set behind a substantial paved sections of terrace which allow external seating, planters and landscaping. The appeal property has a substantial pergola covering the seating area to the front.
6. The rear garden area of Vesuvio is currently occupied almost entirely by a glazed, enclosed pergola structure, which is unauthorised. There is a small area between the rear access to the restaurant and the entrance to the structure. The remaining area is surrounded by a substantial close-boarded fence. There is no landscaping around the structure. The roof is glazed, but at the site visit it was covered by what appeared to be a retractable cover.
7. Policy LP8 (Amenity and Living Conditions) (para 3) of the London Borough of Richmond upon Thames Local Plan (2018) (LP) states that '*The council will...*

ensure that proposals are not visually intrusive or have an overbearing impact as a result of their height, massing or siting’.

8. At the site visit, I noticed there were a number of first and second floor windows of adjacent residential flats directly overlooking the pergola structure.
9. I note from the officer’s report that the use of the garden area by restaurant customers is *‘not restricted by planning condition and would not in breach of planning control.’* However, it is my view that the use of such a garden area for occasional outside seating (weather permitting) would be a very different prospect to the creation of a permanent, large, enclosed structure to facilitate year-round usage by restaurant guests.
10. The appellants have attempted to mitigate the impact of the pergola by proposed the reduction to the size of the structure and proposed a small area of landscaping beyond. The overall height of the structure would remain the same. Given the location of the landscaping, it is unlikely that neighbouring occupiers would be able to see it. Overall, I consider the scale of the reduced structure would not significantly improve what is a poor outlook of a substantial structure from neighbouring residential rear windows.
11. To that end, I consider the proposed reduced scheme would be overbearing and visually intrusive to neighbouring residential occupiers, resulting in harm to living conditions and offence to policy LP8.

Conclusions

12. For the reasons given and having regard to all other matters raised, the appeal is dismissed.

Sian Griffiths

INSPECTOR