

Appeal Decision

Site visit made on 18 October 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2022

Appeal Ref: APP/L5810/D/22/3296074

7 Hood Avenue, East Sheen, London SW14 7LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs Chris Pikett against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 21/4155/VRC, dated 3 December 2021, was refused by notice dated 31 January 2022.
 - The application sought planning permission for single storey rear extension. First floor side extension. Replacement garage door. Alterations to existing roof lights and windows and a new rear roof/dormer to the above property without complying with a condition attached to planning permission Ref 20/1690/HOT, dated 30 July 2020.
 - The condition in dispute is No U0085503 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans and documents, where applicable:
AM_2002_PL002; AM_2002_PL211 REV B; AM_2002_PL103; AM_2002_PL101;
AM_2002_PL104; AM_2002_PL102; AM_2002_PL105; AM_2002_PL100;
AM_2002_PL001; AM_2002_PL202 REV A; AM_2002_PL205 REV B;
AM_2002_PL201 REV B; AM_2002_PL207 REV B; AM_2002_PL206 REV B;
AM_2002_PL204 REV B; AM_2002_PL203 REV A; AM_2002_PL208 REV B;
AM_2002_PL209 REV A; AM_2002_PL200A REV A; AM_2002_PL210 REV B;
Heritage, Design and Access Statement; and Application Form, received by Council 22nd June 2020.
 - 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 allowed and planning permission is granted for the single storey rear extension. First floor side extension. Replacement garage door. Alterations to existing roof lights and windows and a new rear roof/dormer to the above property at 7 Hood Avenue, East Sheen, London SW14 7LH without complying with condition No U0085503 attached to planning permission Ref 20/1690/HOT, dated 30 July 2020 but subject to the conditions in the attached schedule.

Preliminary Matter

2. In seeking to vary condition U0085503 the appellants seek a larger new rear roof/dormer than that previously approved. The dormer is in situ, and I am therefore dealing with the appeal retrospectively.

Main Issue

3. The main issue is whether the development preserves or enhances the character or appearance of the Sheen Lane Conservation Area (CA).

Reasons

4. The appeal property is a two-storey semi-detached dwelling located in a residential street comprising of a mix of detached and semi-detached houses. The street lies partly within the CA with the appeal property being positioned within, but on the edge, of it. The CA is characterised by houses built between 1900-1935 with groups of similar properties giving the area an attractive cohesiveness.
5. The appeal property and its attached dwelling, along with the adjacent pair of semi-detached dwellings, have a distinct design with a striking central chimney stack that is set between two front gables. This distinct group of houses share several of the characteristics described in the Sheen Lane (East Sheen) Conservation Area 64 Statement document.
6. The Council have indicated, within its Officer Report that dormers approved in the vicinity of the site are set back from the eaves, much like the approved dormer in the original permission at the appeal site. The dormer before me is closer to the eaves than these other dormers.
7. The dormer, subject of this appeal, is set down from the ridge and its width broadly follows the alignment of the ground and first floor bay windows. As such, it does not appear excessively wide on the roof slope. The increased height of the dormer and its projection forward on the roof plane toward the eaves has resulted in a greater massing than the approved scheme. However, it is seen with the massing of the built form to its side, including the roof of the rear projecting extension and the dormer on the side elevation. In this context, the dormer does not appear unduly dominant in scale on the roof slope.
8. In this regard, the dormer's proportions, and its position on the host dwelling's roof slope, combined with its matching materials, windows and hipped roof form, results in a development that appears a sympathetic addition that does not harm the appearance of the host dwelling. Accordingly, there is no harm to the significance of the CA. Whilst it may not necessarily enhance, it does meet the statutory test of preserving the character of the CA.
9. To conclude, the development preserves the character and appearance of the Sheen Lane CA. I therefore find no conflict with Policies LP1 and LP3 of the Richmond Local Plan (2018) (LP), House Extensions and External Alterations Supplementary Planning Document (2015), the objectives of the Sheen Lane Conservation Area Statement or the provisions of paragraphs 130, 134, 135, 199 and 202 of the National Planning Policy Framework (2021). These stipulate, amongst other things, that the Council will require development to conserve and, where possible, take opportunities to make a positive contribution to the historic environment of the borough.

Conditions

10. Decision notices for the grant of planning permission under section 73 are also required to restate the conditions imposed on earlier permissions that continue to have effect and can include new conditions where reasonable. Accordingly, I

have considered the Council's suggested conditions. The standard three-year commencement condition is not necessary, as the development is retrospective, works have already commenced. The replacement plans condition is necessary in the interests of certainty. The condition restricting the introduction of a balcony and terrace is necessary in the interests of the living conditions of the occupiers of neighbouring properties. A materials condition is necessary in the interests of the long-term appearance of the development.

Conclusion

11. For the reasons given above, I conclude that the appeal should succeed.

Mr R Walker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: AM_2002_PL207REVC; AM_2002_PL206REVC; AM_2002_PL204REVC; AM_2002_PL203REVC; AM_2002_PL208REVC; AM_2002_PL209REVB and AM_2002_PL210REVC; AM_2002_PL002; AM_2002_PL211 REV B; AM_2002_PL103; AM_2002_PL101; AM_2002_PL104; AM_2002_PL102; AM_2002_PL105; AM_2002_PL100; AM_2002_PL001; AM_2002_PL202 REV A; AM_2002_PL205 REV B; AM_2002_PL201 REV B; and AM_2002_PL200A REV A.
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no part(s) of the roof of the building(s) hereby approved shall be used as a balcony or terrace nor shall any access be formed thereto.
- 3) No new external finishes (including fenestration), including works of making good, shall be carried out other than in materials to match the existing.

End of Schedule