



Appeal Decision

Site visit made on 4 October 2022

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 4th November 2022

Appeal Ref: APP/L5810/D/22/3301910

4 Queens Road, Richmond Upon Thames, TW12 1DU

- 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 Sarah Thomas against the decision of the Council of the London Borough of Richmond upon Thames.
 - The application Ref 22/0769/HOT, dated 8 March 2022, was refused by notice dated 29 April 2022.
 - The development proposed is demolition of existing conservatory and replacement with a single storey flat roofed extension. Conversion of garage into utility room and shower/WC including replacing the current roof. Addition of flat roof dormer to rear pitch of the main roof to facilitate conversion of the loft into master bedroom suite.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing conservatory and replacement with a single storey flat roofed extension. Conversion of garage into utility room and shower/WC including replacing the current roof. Addition of flat roof dormer to rear pitch of the main roof to facilitate conversion of the loft into master bedroom suite at 4 Queens Road, Richmond Upon Thames, TW12 1DU in accordance with the terms of the application, Ref 22/0769/HOT, dated 8 March 2022 and the plans submitted with it, subject to the conditions listed in the Appendix.

Preliminary Matters

2. Following some consideration of the submissions of the main parties, I requested clarification from the council of their view of what elements (if any) of the appeal proposals would constitute permitted development under the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), Schedule 2, Part 1, Class B.
3. The council responded by providing details of a planning condition associated with the original planning permission for the development of which the appeal site is part (Ref 66/484) which states that the use of the associated garages is confined solely to that of garaging private motor vehicles. The condition appears to have been imposed in order to restrict any commercial uses within the garages, however, it is clear to me that this restriction applies to other uses ancillary to the host dwelling.
4. The council also state that the proposed extension being more than 3m in depth from the rear wall of the host dwelling would fall outside of the provisions of the GPDO and would therefore require planning permission.

5. Whilst the ground floor extension and changes to the garage were not reasons for refusal, I am satisfied that the proposal would, in part, still require planning permission in light of the restrictive condition limiting the use of the garage and the size of the flat roofed extension being beyond that which would constitute permitted development.
6. Finally, I note that the appellants have amended the dormer design to be smaller than originally proposed (as shown on plan P04A). Whilst an appeal is not the appropriate point to re-design a scheme, I am satisfied that the revised plans are not significantly different to the original proposals and that no third party would be prejudiced as a result of my consideration of the revised scheme.
7. I have proceeded to determine the appeal on the basis of the above.

Reasons

8. The main issue is the effect of the appeal proposals on the character and appearance of the area.
9. Queens Road is a residential street which includes a wide range of architectural styles including Victorian, Edwardian, inter and post-war dwellings. The appeal property, No4, is a modern (c.1980s), brick built, two-storey house of a simple, traditional design forming part of a semi-detached pair. No4 also has a driveway and single storey garage to the side.
10. Policy LP1 (Local Character and Design Quality) of the London Borough of Richmond Upon Thames Local Plan (2018) (LP) requires that development proposals take opportunities to improve the quality and character of buildings, spaces and the local area.
11. The House Extensions and External Alterations Supplementary Planning Document (2015) (SPD) provides guidance for extensions and alterations for householders. It sets out how new development should integrate into its surroundings in order to positively contribute to character and appearance. It specifically provides guidance for the extension and alteration of semi-detached dwellings where it is desirable to '*retain visual continuity*'.
12. The appellant sets out that the rear flat roofed dormer would constitute permitted development as defined by The Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1, Class B.1. Similarly, the appellants also assert that the proposed rooflights within the principal elevation of the dwelling would also constitute permitted development.
13. I agree that the rear dormer and rooflights would constitute permitted development. The proposed roof tiles, whilst different to the existing roof covering would also, in my view, constitute permitted development as they would not result in an enlargement of the roof nor overhang it.
14. To that end I do not find harm to the character and appearance of the area and no offence to policy LP1 of the LP, nor the SPD.

Conditions

15. I have applied conditions 1 and 2 as suggested by the council, in the interests of precision and to define the plans with which the scheme should accord.

16. Condition 3 has been applied in order to protect the character and appearance of the area. Condition 4 has been applied in order to protect the living conditions of neighbouring occupiers and the area more generally.
17. Condition 5 has been applied in order to ensure necessary fire safety measures are in place, in accordance with the Mayor's London Plan Policy D12.

Conclusions

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

Sian Griffiths

INSPECTOR

Appendix: Planning Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: E01, E02, E03, E04, P01, P02, P03, P04A.
- 3) No new external finishes (including fenestration), including works of making good, shall be carried out other than in materials to match the existing.
- 4) 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.
- 5) The development must be carried out in accordance with the provisions of the Fire Strategy Statement dated the 8th March 2022, unless otherwise approved in writing by the Local Planning Authority.