



Appeal Decision

Site visit made on 5 December 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th December 2022

Appeal Ref: APP/L5810/D/22/3306378

16 Adelaide Road, Richmond Upon Thames, Teddington, TW11 0AY

- 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 Michael Foster against the decision of the London Borough of Richmond Upon Thames Council.
 - The application Ref 22/1012/HOT dated 28 March 2022, was refused by notice dated 13 June 2022.
 - The development proposed is demolition of existing ground floor extension, erection of a new ground floor and first floor extension and dormer extension to rear.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted a daylight/sunlight assessment, dated 31 August 2022, as part of this appeal. This is new technical evidence submitted following the decision made on 13 June 2022 which means that the Council, nor any interested parties who have already responded to the application and raised concern as to daylight and sunlight with regard to their properties, have not had chance to review and comment upon the documentation.
3. As a result of this on this occasion I do not find it appropriate to take this document into account within the determination of this appeal as I find that it would prejudice the interests of interested parties to rely on new evidence.

Main Issues

4. The main issues are the impact of the proposal upon i) the original building form and the design and Park Road Teddington Conservation Area and ii) the residential amenity of neighbouring occupiers (No. 8 Victoria Road) with regard to overshadowing and loss of light and No. 18 Adelaide Road with regard to outlook.

Reasons

Building Form and Conservation Area

5. The appeal site is a mid-terraced dwelling which is within a row of Buildings of Townscape Merit (BTM) as well as the Park Road Teddington Conservation Area (CA) (also within the Character Area 14 'Park Road' of the Hampton Wick and Teddington Village Planning Guidance). The host building has a pitched roof, ground floor lean-to and a two storey outrigger. Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that

special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the CA.

6. There are several elements to the appeal proposal, however, the first refusal reason is specific to the proposed rear dormer roof extension and the design of the proposed first floor rear window. The Council's delegated report confirms that the full width ground floor rear extension is acceptable, the first floor rear extension is acceptable in terms of design (apart from the window design) due to the lack of rigid uniformity to the rear of the row and that the front roof lights would be acceptable subject to conditions regarding them being conservation style. I have no reason to conclude differently on these elements following my site visit and based on the evidence before me. For this reason this first issue will focus upon the proposed rear dormer roof extension and the design of the proposed first floor rear window as noted in the first refusal reason.
7. Matters relating to scale, character and appearance will always to an extent be down to planning judgement. It is not possible to give such defined guidance or thresholds which would be genuinely applicable to the wide variety of properties such documents would be applied to by a decision maker. Despite this the House Extensions and External Alterations Supplementary Planning Document 2015 (SPD) is clear in its guidance that amongst other matters dormer windows and other roof extensions must not project over the ridgeline, should not dominate the original roof and should utilise appropriate materials.
8. The proposal is for a large flat-roofed dormer of a contemporary appearance in zinc finish with single-paned window design which does not match the style of the existing windows in the host building. It would project above the ridgeline as can be seen from the rear elevation plans and dominates the roof due to the proposed depth. The proposal is not consistent with the objectives of the overarching advice contained within the SPD nor the advice given at pre-application stage.
9. It should be kept clearly in mind that appearance is the outward, visible qualities whereas character is the sum of all the qualities which distinguish an area. Reduced visibility from the public realm may be relevant to an assessment of appearance, however, issues with character can still remain. Photographs in appendix 1 of the appellant's statement are noted, however, whilst they do show some varied form I find them of limited assistance in considering the impact of proposed dormer extension or window design upon which the refusal is based.
10. At the time of my site visit I noted that no. 14 and no. 18 Adelaide Road both have rear roof dormers, however, these are comparatively modest in size with notable set back from the eaves, no projection above the ridgeline and with more sympathetic materials. I find that dormer roof extensions are characteristic of the area but that those present on neighbouring properties are appropriate in terms of appearance due to their more modest scale and appropriate materials. They do not dominate the host roof structure.
11. The scale of that proposed is uncharacteristic and would dominate the roof of the host building as a result of its minimal set in from the sides and from the eaves as well as the choice of materials. Had the proposal been acceptable in terms of form and proportions then appropriate materials could have been secured via condition but in this case I find the depth, width, height and siting

- to be inappropriate. The proposal would be incongruous and visually intrusive which would fail to respect the host building form and the character of the CA though its impact upon appearance would be limited due to limited views of the site from the streetscene.
12. As outlined above the Council's refusal reason, in relation to the first floor rear extension, relates to the window design. The design of the proposed window is too modern and is at odds with the existing windows in the host building as well as those within the terraced row which is a BTM. This contributes further to the proposal cumulatively being incongruous.
 13. The National Planning Policy Framework 2021 (the Framework) states, in paragraph 199, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. I find the proposal would result in less than substantial harm to the CA as a result of the issues outlined above.
 14. In accordance with the Framework, paragraph 202, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The proposal is for alterations to a single residential dwelling and I have no evidence before me to support that the proposal would result in any public benefits or is securing optimal viable use to outweigh the weight which should be given to the harm which has been identified.
 15. In addition to this the appeal site is a BTM and, in accordance with paragraph 203 of the Framework, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The notable features of the BTM may be recorded more specifically with regard to the front, however, both the front and rear elevations of the house retain a relatively original aspect, with a later single-storey mono-pitched extension. It is key for any extensions to be sympathetic to the character of the host dwelling.
 16. Overall, on balance, the combination of impacts outlined would have an unacceptable impact upon the BTM row as a non-designated heritage asset as well as in terms of basic impact to the character of the host building even if it was not a BTM. The proposal would be contrary to London Borough of Richmond upon Thames Local Plan 2018 (LP) Policy LP1 which requires proposals to be of high architectural design and respect local character, LP Policy LP3 which seeks to protect the character and appearance of designated heritage assets and their setting and LP Policy LP4 which seeks to preserve, and where possible, enhance the character and setting of non-designated heritage assets including BTMs.
 17. The proposal is contrary to guidance with the Buildings of Townscape Merit Supplementary Planning Document 2015 as far as it seeks to avoid insensitive alterations and seeks to protect their character, the Design Quality

Supplementary Planning Document 2006 which seeks to secure high quality design that complements and enhances the character of a place and the guidance within the SPD regarding roof extensions as outlined above.

18. The Council appear to have attached a Conservation Area Statement relating to Rosecroft Gardens and not that relating to the appeal site. I note the Character Area 14 CA guidance within the Hampton Wick and Teddington Village Planning Guidance. Whilst the features are noted to be focused around Teddington Station I find the proposal would result in less than substantial harm to the CA due to the impact upon the character of the CA and the host building including as a result of inappropriate materials for the area where dominant materials are noted.

Residential Amenity

19. The Council's report confirms that the second refusal reason is specific to the amenity of no. 18 Adelaide Road (no.18) with regard to outlook and no. 8 Victoria Road (no. 8) with regard to overshadowing and loss of sunlight to the rear courtyard. It should be noted that outlook, overshadowing and loss of sunlight are differing matters and that outlook, specifically, is the basic ability to look outwards a reasonable distance.
20. No. 8 is east of the appeal and benefits from a small courtyard as amenity space. Given its siting and size of the outdoor amenity space, based upon the evidence within the original application documents, I consider there is very limited potential that this could be overshadowed to an unacceptable degree by the proposed first-floor extension given the distance from the boundary and existing development at no.18. In addition, the distance from the appeal site (and proposal itself) to the courtyard I do not find would likely result in a sense of enclosure which would warrant refusal.
21. The first floor extension would replace an existing two-storey outrigger and whilst it would be of the same width it would be of a greater depth (around 3m to the existing rear outrigger) than existing. This would result in an overall depth of 6m from the main rear elevation. The nearest facing first-floor window at no. 18 serves a bedroom and the proposal would be around 1.57m from the shared boundary. Based upon the evidence within the original application documents I consider there is strong potential that the proposed first floor extension, as a result of depth and distance from the boundary, could result in an unacceptable impact upon the amenity of no. 18 with regard to loss of light.
22. Notwithstanding this, even if evidence supported adequate light levels for no. 18 as a result of the proposal I do not find that this would overcome the potential impact upon outlook. The depth of the proposal in proximity to the shared boundary would, I find, result in a tunnelling effect in terms of general outlook for users of the nearest bedroom at no. 18 which would be detrimental to their amenity. I note that the existing built form is in breach of the 45-degree angle, however, the increased depth at first floor level would exacerbate this and impact upon occupiers basic ability to look outwards a reasonable distance.
23. Design, and amenity, are separate matters. The Urban Design Team response is specific to design in relation to the host building and general setting. Their comments do not relate to residential amenity and the pre-application advice

did raise concern with regard to adverse impact on neighbouring properties in terms of outlook in relation to the nearest facing window at first floor level.

24. The proposal would be contrary to LP Policy LP8 which requires proposals to protect the amenity and living conditions for occupants of existing, adjoining and neighbouring properties and guidance with the SPD which seeks to protect residential amenity and ensure that the overall size and position of rear extensions does not dominate its neighbours.
25. As outlined above, in procedural matters, I acknowledge the appellant has submitted further information but do not feel it is fair or appropriate to consider this without interested parties and the Council having had chance to comment upon it. Even if I had taken this document into account and found no refusal reason based upon residential amenity, the appeal would have still been dismissed as a result of my findings as to the first main issue.

Other Matters

26. I note that there are objections to the proposal. I have dealt with matters relating to design and residential amenity in the main body of this decision letter above. Objections have been made that the extension would contravene the SPD advice that such extensions should not be greater than half the width of the original building. This is acknowledged but it is noted that the proposal would replace an existing two-storey outrigger and would be of the same width as existing. In this case compliance with SPD advice is not considered relevant as a result of the existing built form.
27. Party Walls matters are not a planning matter and therefore are outside the scope of this appeal, annotated dimensions are not a requirement on drawings and fear of a precedent is not a material planning consideration. Each case must be assessed on its own merits against the facts of the case. Rooflights are not included in the planning assessment. The ground-floor extension is served by rear-facing windows which would not be impacted by the proposal and the overall the level of light and outlook to the room is not considered to be compromised. I do not find the proposal would result in an impact upon neighbouring amenities beyond what already exists in terms of loss of privacy and overlooking of rear gardens.
28. The appellant has referenced other applications at 12/0492/HOT and 11/0886/HOT at 18 Adelaide Road (next door). 11/0886/HOT was for a single storey rear infill extension and 12/0492/HOT was for two replacement rear dormers, alterations to roof pitch and rooflights. The proposals bear no resemblance to the combined proposals before me and do not include the first floor rear extension element nor the overall depth of proposed dormer. In addition such proposals would not have been assessed against the current Local Plan as is the starting point for the proposal before me in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004 albeit I note some SPD guidance would have been the same.
29. A large proportion of the appellant's case is based upon pre-application advice given by the Council, however, as noted it was the principle which was given a generally positive outlook but it did still raise some potential concerns. A written pre-application response was provided on 6 September 2021 and I find that the advice given confirmed the potential issues that have been subsequently utilised as refusal reasons with regard to outlook as well as not

dominating the original roof and suitable materials. In any case I find that the Council's report does reference the pre-application advice and I have no evidence before me to demonstrate the advice has not been taken into account during the determination of the application nor that appropriate analysis has not taken place.

30. Such pre-application advice is given without prejudice to the determination of an application and it is not within the scope of this appeal to consider the effectiveness of pre-application advice provided. As noted by the appellant there is no criteria preventing dormer window or main dwelling extensions providing scale, height, roof forms and key features are respected and this is confirmed by the Council. I have determined the appeal as presented before me on the merits of the case.
31. Similarly concerns with the handling of applications, publication of documents and opportunities to find solutions prior to approval are not matters which fall within the scope of this appeal. Some local planning authorities publish the planning officer's report, representations received from interested people and other documents relating to the application on their websites, but not all. As part of considering the merit of making an appeal the onus is on the appellant to make the necessary arrangements to view these documents.

Conclusion

32. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR