



Appeal Decision

Site visit made on 9 November 2022

by A Veevers BA(Hons) PGDip (BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/L5810/W/22/3294461

13 Manor Road, Twickenham TW2 5DF

- 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 S Kohli, Octa Asset Management, against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 21/2788/FUL, dated 4 August 2021, was refused by notice dated 21 December 2021.
 - The development proposed is to convert the building containing 9no. flats to 4no flats (Use Class C3), car parking, extension to existing basement, two storey rear extension, replacement fenestrations at front of the property, replacement and new fenestrations to rear and rear patio.
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Decision

1. The appeal is allowed and planning permission is granted to convert the building containing 9no. flats to 4no flats (Use Class C3) , car parking, extension to existing basement, two storey rear extension, replacement fenestrations at front of the property, replacement and new fenestrations to rear and rear patio at 13 Manor Road, Twickenham TW2 5DF in accordance with the terms of the application, Ref 21/2788/FUL, dated 4 August 2021, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr S Kohli, Octa Asset Management, against the Council of the London Borough of Richmond Upon Thames. This application is the subject of a separate Decision.

Preliminary Matters

3. I have taken the description of development from the Council's decision notice as this more accurately describes the proposed development. I note that interested parties were consulted on this basis and the appellant has no objection to this change. Consequently, I am satisfied that no party will be prejudiced by my use of it. I have proceeded on this basis.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the host building, a Building/s of Townscape Merit (BTM) and wider area; and,
 - The living conditions of the occupiers of 12 and 14 Manor Road (No.12 and No.14), with particular regard to outlook.

Reasons

Character and Appearance

5. The appeal property is one half of a broadly matching pair of semi-detached Victorian villas set back from Manor Road behind boundary walls and railings. The pair are identified as BTM, recognised as such in the Council's Supplementary Planning Document Buildings of Townscape Merit 2015 (SPD-BTM). This document sets out the importance of BTM and the intention to preserve and enhance their character and appearance. The appeal site is located adjacent to the Belmont Road Conservation Area (CA).
6. The supporting text to Policy LP 4 of the London Borough of Richmond upon Thames Local Plan 2018 (RuTLP) defines BTM as "buildings, groups of buildings or structures of historic or architectural interest, which are locally listed due to their considerable local importance". The policy, in accordance with paragraph 203 of the Framework¹, sets out that "the Council will seek to preserve, and where possible enhance, the significance, character and setting of non-designated heritage assets, including Buildings of Townscape Merit".
7. Both the appeal property (No.13) and the attached No.14 have a strong symmetry in terms of their materials, form and fenestration to the front and rear elevations. Two blocks of semi-detached villas of similar appearance lie opposite the appeal site; however, other properties along Manor Road vary in size, age, type and form.
8. The proposal would include the reinstatement of timber sash windows to the front elevation of the appeal property along with a traditional front door. These measures would enhance the appearance of the building. To the rear, the existing outrigger would be demolished and replaced with a larger extension which would also include an extension to the existing basement.
9. Although relating to house extensions rather than flatted development, the Council's Supplementary Planning Document House Extensions and External Alterations 2015 (SPD-HE) sets out that two storey side and rear extensions should not be greater than half the width of the original building. Even if the guidance was applied to the appeal property, the width of the proposed two storey extension would be only marginally greater than half the width of the original building. Due to its position, design and height, it would not dominate the building's original scale and character. The proposal would be seen in the context of a residential area with various building forms and vegetated gaps in between. As a result it would not have an overbearing appearance.
10. The proposed fenestration alterations would unbalance the appearance of the pair of semi-detached properties when viewed from the rear and although the appeal property and No.14 are BTM, their interest primarily relates to their frontage design. Furthermore, even though there would be a significant number of new openings, their positioning and materials would harmonise with the scale and appearance of the proposed extension and unsightly existing pipework would be removed. Consequently, the proposed extensions and fenestration alterations would preserve the appearance and character of the BTM.

¹ National Planning Policy Framework

11. I note that the Council refer to the garden setting of the BTM in the officer report. At my site visit I saw that the rear garden of No.13 already includes a large area of hardstanding for residents parking. I also saw several other similar parking areas to the rear of residential buildings in the area. The proposed alterations to the rear garden area of No.13 would not be substantially different to the present arrangement. Subject to securing provisions for landscaping on the site by the imposition of a condition, the proposal would not be aesthetically harmful to the setting of the BTM.
12. The appeal site is visually separate from the adjacent CA by long gardens and intervening vegetation; therefore, the proposal would have no effect on the setting of the CA and I am satisfied that the proposal complies with the heritage protection policies of the Framework in this regard.
13. I conclude that the proposal would preserve the character and appearance of the host building and surrounding area. It therefore complies in this respect with the aims of the RuTLP Policies LP1, LP4 and LP38, the SPD-HE, the SPD-BTM and the Framework, which, together, seek to ensure that development is of high architectural and urban design quality that conserves the historic environment of the Borough including non-designated heritage assets.

Living Conditions

14. The flank wall of 12 Manor Road (No.12) faces the flank wall of the appeal building and contains obscure glazed bathroom windows at first floor and clear glazed windows to a kitchen on the ground floor. A driveway to access the rear of the appeal site and a boundary fence lie between the flank walls.
15. The proposed rear extension would replace the majority of an existing two storey outrigger. The outlook from the existing ground floor windows of No.12 is dominated by the existing high fence along the boundary. Whilst it may currently be possible to obtain an angled view towards the sky from these windows, at present this is significantly obstructed by the existing large flank wall of No.13. Due to the height and projection of the proposed extension relative to No.12, it would not appear substantially different or more imposing than the outlook that already exists when viewed from within No.12.
16. The detached property of No.12 incorporates a large rear extension, including a balcony at first floor level, and a large rear garden area which is enclosed by a fence and vegetation. Although the proposed extension would be larger in scale than the existing outrigger when viewed from the balcony, it would not extend beyond the rearward built limits of No.12. Given this, and the flat roof design of the proposal together with the separation distances between the balcony and the proposed flank wall of the extension, there would be no significant harm to the outlook of the occupiers of the balcony. Furthermore, when viewed from the rear garden of No.12, the proposal would be seen in the context of the large extension to No.12 along with other rear extensions in the area and would not be overbearing or dominate the outlook.
17. The proposed extension along the boundary with 14 Manor Road (No.14) would be of a similar height and projection as the existing extension. The two-storey element of the proposal above ground level would be further away from the boundary with No.14 and as such, would not significantly affect the outlook from rooms within No.14. The garden area for residents of No.14 is reasonably large and although the proposed extension would be visible when using the

garden, due to the separation distance and intervening boundary fence, it would not appear discordant or overly dominant. The proposal would not therefore result in an overbearing development when viewed from the rear garden of No.14.

18. For the reasons set out above, the proposed development would not harm the living conditions of the occupiers of No.12 or No.14, with particular regard to outlook. It would accord with Policies LP8 and LP38 (B) of the RuTLP which aim, amongst other things, to ensure the living conditions for occupants of new, adjoining and neighbouring properties are protected. I also find no conflict with the guidance contained in the SPD-HE which, amongst other things, seeks to prevent development which appears overbearing.

Other Matters

19. I have had regard to matters raised by a neighbouring resident regarding light. However, having carefully considered the matter, due to the separation distance, together with the height and depth of the proposed extension, I do not disagree with the Council's conclusions that the proposal would not harm the living conditions of adjoining or nearby residents.

Conditions

20. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the Planning Practice Guidance (PPG)² in terms of the use of planning conditions. I have undertaken some re-ordering and minor editing of the conditions proposed by the Council in the interests of precision and clarity. Both main parties have had the opportunity to review the proposed conditions.
21. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty and a condition requiring details of materials to protect the character and appearance of the BTM.
22. A condition requiring details of construction management is necessary to preserve highway and pedestrian safety on and about the site and to protect the living conditions of nearby residents during the construction phase. However, I have amended the wording of the Council's suggested condition as some elements are not proportionate to the development proposed. This condition is a pre-commencement condition to ensure appropriate management of the demolition and construction phases at an early stage to minimise risks for neighbouring occupiers and the environment and to ensure details are available to contractors before work commences. The appellant has not objected to the inclusion of this pre-commencement condition.
23. A condition requiring a Structural Basement Impact Assessment Report is necessary to safeguard the structural integrity of the building and neighbouring buildings and maintain the character and appearance of the locality in accordance with Policy LP11 of the RuTLP.
24. Conditions relating to flood risk, energy credentials, fire safety and building regulations are necessary to be implemented in accordance with the submitted details to prevent flooding in the area, in the interest of energy conservation,

² PPG Paragraph: 003 Reference ID: 21a-003-20190723; revision date: 23 07 2019

to ensure the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12 and to ensure inclusive access in accordance with Policy LP35 of the RuTLP to ensure homes to meet diverse and changing needs.

25. I have amended and rationalised the Council's suggested condition relating to hard and soft landscaping into two separate conditions for clarity. These conditions are necessary to ensure vehicles could safely manoeuvre within the space and that the communal amenity space would be of a high quality, useable and functional and both are required to preserve the character and appearance of the site and surrounding area. However, I have removed reference to utility services as this is unreasonable in the context of the scale of the proposal and I have no information before me to suggest that there are any historic landscapes on the site, therefore I have also removed this part of the suggested condition. I have amended the implementation of the approved soft landscaping works to be carried out in the first planting and seeding seasons following the occupation of the first flat due to the seasonal nature of planting.
26. Conditions requiring details of ecological enhancement of the site and details of lighting are necessary to protect and enhance biodiversity in accordance with Policy LP 15 of the RuTLP and to protect the living conditions of neighbouring residents. I also consider the provision of details of external lighting prior to installation is necessary to minimise the effects of light pollution in the interests of biodiversity and the living conditions of neighbouring residents.
27. I note that the details provided of refuse/waste and cycle storage have been accepted by the Council. I consider the inclusion of a condition requiring such storage are provided on the site prior to occupation of the proposed flats are necessary to ensure waste is kept within the confines of the property and to ensure future occupiers are encouraged to travel sustainably.
28. I have given careful consideration to the use of a restrictive condition which would prohibit the use of the roof to the extension as an amenity area, having regard to the PPG's advice on the inclusion of such conditions. In this instance, given the proximity of the proposed flat roof extension to No. 12 and No.14, the Council's suggested condition is necessary to protect the living conditions of neighbouring residents with regard to privacy, however I have amended the wording of the condition for precision.

Conclusion

29. The proposal would accord with the development plan and there are no material considerations that indicate that a contrary decision should be taken. Therefore, for the reasons given, the appeal should be allowed.

A Veevers

INSPECTOR

Schedule of 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:
 - 130-3EX-00 Existing Site Plan
 - 130-3EX-01 Existing Block Plan
 - 130-3X-02 Existing Lower Ground floor & Ground Floor Plan
 - 130-2EX-03 Existing First Floor & Second Floor Plan
 - 130-2EX-04 Existing Third floor & Roof Plan
 - 130-3EX-05 Existing Side Elevation
 - 130-3EX-06 Existing Front & Rear Elevations
 - 130-3EX-07 Existing Sections
 - 2107-1377-SO1 Rev P2 Existing Floor Plans and Photographs
 - 2107-1377-SO2 Rev P2 Existing Floor Plans and Photographs
 - 130-3GA-01 Proposed Block Plan
 - 130-3GA-02 Proposed Lower Ground Floor & Ground Floor Plan
 - 130-3GA-03 Proposed First Floor & Second Floor Plan
 - 130-3GA-04 Proposed Third Floor & Roof Plan
 - 130-3GA-05 Proposed Side Elevation
 - 130-3GA-06 Proposed Front & Rear Elevation
 - 130-3GA-06 Proposed Front & Rear Elevation
 - 130-3GA-07 Proposed Sections
 - 130-3GA-08 Proposed Bike & Bin Storage Details
 - 2107-1377-SO3 Rev P2 Proposed Lower Ground and Ground Floor Structural General Arrangement
 - 2107-1377-SO4 Rev P2 Proposed Upper Floors Structural General Arrangement
 - 2107-1377-SO5 Rev P2 Proposed Structural Sections and the Proposed Outline Construction Sequence
- 3) No development shall take place, including any works of demolition, until a Construction Management Plan (to include any demolition works) has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be adhered to throughout the construction period for the development
- 4) The external surfaces of the development hereby approved (including fenestration) shall not be constructed other than in materials details/samples, the details of which shall first be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) The development hereby approved shall not be carried out except in accordance with the measures set out in a Structural Basement Impact Assessment Report which shall first be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of the basement, including works of demolition and excavation. Should, during the course of construction and through monitoring, an occurrence be identified regarding structural, foundation or ground movement to

neighbouring properties, the applicant shall immediately notify the Local Planning Authority.

- 6) The development shall be carried out in accordance with the provisions of the Herrington Consulting Limited Flood Risk Assessment, Surface Water Management Strategy and Basement Screening Assessment dated July 2021 and retained as such thereafter.
- 7) The development hereby approved shall be carried out in accordance with Section 6.0 of the C80 Solutions Energy Statement dated June 2021.
- 8) The development hereby approved shall be carried out in accordance with Sections 2.0 and 3.0 of the submitted CIAO Fire Safety Strategy.
- 9) The development hereby approved shall not be constructed other than in accordance with Part M4(2) of The Building Regulations 2010 (as amended).
- 10) No part of the development shall be occupied until full details of hard surfacing and boundary treatment works have been submitted to and approved in writing by the Local Planning Authority. The details shall include proposed finished levels; means of enclosure; car parking layouts (including swept path analysis); other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. furniture, play equipment, or other storage units).

All hard surfacing and boundary treatment works shall be carried out in accordance with the approved details prior to the occupation of any part of the development.

- 11) No part of the development shall be occupied until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); detailing the quantity, density, size, species, position and the proposed time or programme of planting of all shrubs, hedges, grasses etc., together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first flat. All tree, shrub and hedge planting included within the specification shall be carried out in accordance with BS 3936:1986 (Parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS 4043: 1989, Transplanting root-balled trees; and BS 4428:1989, Code of practice for general landscape operations

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 12) The development hereby approved shall not be occupied until an Ecological Enhancement Plan has been submitted to and agreed in writing by the Local Planning Authority. The plan shall include details of specific products/dimensions and locations (including proposed aspect and height) of ecological enhancement works and a proposed maintenance regime. The works shall thereafter be implemented in accordance with the approved details.
- 13) The development hereby approved shall not be occupied until the refuse/waste storage facilities indicated on Drawing No. 130-3GA-01 have been provided. The refuse/waste storage facilities shall remain thereafter for occupiers of the development.
- 14) The development hereby approved shall not be occupied until the cycle parking facilities indicated on Drawing No. 130-3GA-08 have been provided in the location indicated on Drawing No. 130-3GA-01. The cycle parking facilities shall remain thereafter for use by occupiers of the development.
- 15) Prior to installation, details of all external lighting - including locations, technical specifications, horizontal lux plan shall be submitted to and agreed in writing by the Local Planning Authority. Lighting shall thereafter be installed in accordance with these details.
- 16) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

END