



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: 29 December 2022

Appeal Ref: APP/L5810/D/22/3305515

21 Trowlock Avenue, Richmond Upon Thames, Teddington, TW11 9QT

- 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 Markus Schmaus against the decision of the London Borough of Richmond Upon Thames Council.
 - The application Ref 22/1901/HOT dated 13 June 2022, was refused by notice dated 15 August 2022.
 - The development proposed is addition of a single storey glass canopy with retractable blinds located on the rear elevation of the property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.

Main Issues

3. The main issues are the impact of the proposal upon i) the amenity of neighbouring occupiers at 19 Trowlock Avenue (no. 19) with regard to overbearingness and visual intrusion and ii) the original dwellinghouse.

Reasons

Amenity of neighbouring occupiers

4. The appeal site is a two storey, detached, dwellinghouse which benefits from notable existing extensions as part of the previous renovation of the property with the existing single storey rear extension opening out onto a raised platform/patio area. The proposal, for a glass canopy, would measure approximately 3.5m in depth, 5.4m in width (across half the width of the existing rear extension) with a height of 2.79m. The Council's first refusal reason is not based upon privacy or natural light but is in fact based upon visual intrusion and overbearingness in relation to no. 19.
5. The canopy would be of simple design and would have retractable fabric blinds. It would extend from the existing single storey rear extension on an already raised platform/patio area. As confirmed in the appellant's statement, and extracts from the proposed plans approved in 18/0514/HOT, the existing single storey rear extension already projects 4m in depth from the original rear elevation of the host property. The proposed canopy would attach to this and

- would extend a further 3.5m from this extension resulting in an overall projection, from the original rear elevation of the host dwelling, of 7.5m.
6. Whilst the proposal may well not increase floor space in the traditional sense, it would part cover the existing raised patio. The appellant confirms that the proposal is designed to allow the garden area to be utilised in all weather conditions suggesting not irregular use of the proposed blinds when it is sunny, windy or similar as protection is required for users. Blinds are proposed to the side and rear elevations, the side being close to the shared boundary with no. 19¹. When the blinds are down the proposal would appear as a solid structure during such periods of use. This, combined with the depth of the existing single storey rear extension, would result in a 7.5m rear extension close to shared boundary line with no. 19 of solid visual appearance.
 7. In addition to this depth along the shared boundary line, the patio area where the canopy would be installed is raised and is therefore on higher ground than the patio areas and garden area of neighbouring no. 19 which is not extended at the rear. The combination of cumulative depth and overall height in comparison to the neighbouring property means that I find that the proposal would cause an overbearing impact on neighbouring no. 19 as well as being visually intrusive when viewed from the no. 19 itself and from the patio area immediately against their rear elevation. This would have an unacceptable impact upon the residential amenity of occupiers of no. 19.
 8. The proposal would be contrary to Richmond Borough Upon Thames Local Plan 2018 (LP) Policy LP8 which requires that all new development protects the amenity and living conditions of neighbouring properties and ensure that proposals are not visually intrusive or overbearing as a result of height, massing or siting.

The original dwellinghouse

9. As noted above under the first main issue the existing single storey rear extension projects 4m in depth from the original rear elevation of the host property. The proposed canopy would extend a further 3.5m from this extension resulting in an overall projection, from the original rear elevation, of 7.5m. It is noted, from the aerial photograph, that other properties along Trowlock Avenue have also been extended but I have no evidence before me to suggest any are of the cumulative scale and depth as is before me within this appeal where the host property has already been extensively extended. Those properties which have been extended in the aerial photograph appear consistent with what is already at the appeal site, along with raised patio areas. The scale proposed within this appeal would, therefore, be uncharacteristic.
10. The proposed structure is likely to have been designed with dimensions which relate to the existing dwelling as it stands today; however, the proposal fails to take account of the cumulative impact of the existing extensions in relation to the original host dwelling. Overall the proposal would result in an extension that is 7.5m from the original rear elevation. I do not find that this would result in a subservient/subordinate addition especially when the blinds are closed, the proposed canopy and existing extension would visually detract from the appearance of the rear elevation of the host dwelling. Adding on to the existing extension would dominate the already extensively extended host

¹ Demonstrated in the side elevation drawing 34777-06

dwelling as a result of an extension on an extension which would appear bulky and cluttered compared to other extensions in the area.

11. A lack of objection to proposals is a neutral consideration. The Council do not raise concern with regard to harm to the original building in terms of physical impact. The fact the proposal is demountable carries no weight which would assist the proposal in overcoming the issues I have identified above.
12. The proposal would be contrary to LP Policy LP1 which requires development to demonstrate an understanding of the site context and be compatible with local character in terms of scale, height, form, materials and detailing.

Other Matters

13. The appellant's comments regarding lack of correspondence with the case officer is noted, however, the handling of the original application is not a consideration within the scope of this appeal and the appeal is not accompanied by an application for costs. I have assessed the proposal on its own merits based upon the evidence before me against the relevant LP policies.
14. The Council reference a Supplementary Planning Document within their report; however, this is not referenced within the refusal reasons and in addition I have not been sent copies of the document as part of this appeal. I have, therefore, been unable to consider this as part of the proposal before me.

Conclusion

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

Eleni Randle

INSPECTOR