



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/22/3305300

21 St Georges Road, Twickenham, TW1 1QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Dr David Moroney against the decision of the London Borough of Richmond Upon Thames Council.
- The application Ref 22/1390/VRC dated 29 April 2022, was refused by notice dated 27 June 2022.
- The application sought planning permission for adjustments to an existing single storey rear extension, a two storey side extension including garage, re-configuration of rear elevation to provide a balanced facade and replacement of glazing to main body of the house with traditionally detailed timber framed double glazed windows without complying with condition 2 attached to planning permission Ref APP/L5810/D/17/3189273 (17/3089/FUL allowed on appeal), dated 7 March 2018.
- The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: 001-01 (A); 001-02 (C); 002-01 (A); 002-02 (C); 003-01 (A); 003-02 (C); 005-01 (A); 005-02 (C); 020-01 (A); 020a-02 (C); 020b-01 (A); 020b-02 (C); 021-01; 021-02 (C); 022a-01 (A); 022a-02 (C); 022b-01 (A); 022b-02 (C); 023-01; 030-01; 032-01; 033-01; 023-02 (B); 030-02 (B); 032-02 (B) and 033-02 (B).
- The reason given for the condition is: For the avoidance of doubt and for reasons of proper planning.

Decision

1. The appeal is allowed and planning permission is granted for adjustments to an existing single storey rear extension, a two storey side extension including garage, re-configuration of rear elevation to provide a balanced facade and replacement of glazing to main body of the house with traditionally detailed timber framed double glazed windows at 21 St Georges Road, Twickenham, TW1 1QS in accordance with the application Ref 17/3089/FUL dated 15 August 2017, without compliance with condition number 2 previously imposed on planning permission Ref 17/3089/FUL (allowed at appeal - APP/L5810/D/17/3189273) dated 7 March 2018 and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents, where applicable: 001-01 (A); 002-01 (A); 003-01 (A); 003-02 (C); 005-01 (A); 020-01 (A); 020a-02 (C); 020b-01 (A); 021-01; 021-02 (C); 022a-01 (A); 022a-02 (C); 022b-01 (A); 022b-02 (C); 023-01; 030-01; 032-01; 033-01; and 032-02 (B), approved 7 March 2018 and 002-02 (K); 005-02 (E); 020B-02 (F); 022B-02 (F); 023-

02 (F); 030-02; 033-02 (C), 033-02 (C); and Application Form (dated 29 April 2022);

- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
- 3) The joinery, including windows and doors, to be used in the construction of the development hereby permitted shall be timber;
- 4) The roof area of the 2-storey side extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Procedural Matters

2. I have utilised the description of the original planning permission as taken from the header of the Inspector's decision letter in APP/L5810/D/17/3189273.

Main Issue

3. The main issue is the impact of the proposal upon the host property, visual continuity of dwelling frontages along the street and wider locality and the setting, character and appearance of the Conservation Area.

Reasons

4. The condition in dispute (for which variation is sought) is a plan condition as outlined in the header of this decision letter. The variation seeks to allow garage doors as approved to be replaced with a set of French doors with sidelights to match those approved, and installed, to the rear elevation, internal space occupied by garage to be used as a Family Room and a Flue to DEFRA rated wood burning stove to side of property. The Council's report confirms that there is no objection in principle to the conversion of the internal garage to habitable space and that the flue would be set back from the front elevation and therefore it would be limited in visibility from the front elevation. The flue would protrude above the two Storey side extension roof but this was not considered to have impact upon the host dwelling or the surroundings.
5. Based upon the evidence before me, and my site visit, I have no evidence to conclude differently on these two elements and in that regard this appeal will focus on the final element upon which the refusal reason was based - the replacement of the garage door with French double doors and side window panels.
6. The appeal site is a large, three-storey, detached dwelling located within a large plot within the St Margaret's Estate Conservation Area (CA). The property itself is a non-designated heritage asset being a Building of Townscape Merit but no explanation is before me as to the reasoning for this designation and no further information has been provided in that regard. In considering whether to grant planning permission with respect to any buildings or other land in a CA, Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 (the Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the CA. In this context preserving can also be taken to mean doing no harm.
7. It is not evidenced by the Council how the proposal would negatively impact the host property itself. The proposed French doors are, I find, suitable in the

context of the host property, and have made clear attempts to appropriately match the existing fenestration to the front elevation as well as matching French doors already found in the host dwelling in general.

8. The Council's assessment of the unacceptability of the proposed French doors and side windows is limited. The report evidences no assessment in relation to the side lights and, in relation to the doors, it is only stated that when considering the surrounding streetscape and wider conservation area there are no other examples of doors in this location and that the proposal would clearly be an incongruous addition within the streetscape and the fenestration pattern of the properties in the locality. The Council conclude that the doors fail to be consistent with the character of the CA.
9. At the time of my site visit I walked along St Georges Road and found both the character and appearance of properties along the road to be very varied. I did not find there were notable fenestration patterns and indeed noted that there were in fact examples of windows not dissimilar in nature within the street. The proposal before me is not, therefore, uncharacteristic and given the varied nature of properties within the dwelling frontages I find the proposal would do no harm to the host dwelling, nor the visual continuity of dwelling frontages along the street or wider locality. The proposal would preserve the CA in accordance with the Act and paragraph 199 of the National Planning Policy Framework 2021 (the Framework) as a result of no harm.
10. Varying the plan condition, to allow the outlined changes, would not materially alter the development for which permission was originally granted. The proposal would be consistent with Richmond Borough Upon Thames Local Plan 2018 (LP) Policy LP1 which seeks to ensure development respects, contributes to and enhances the local environment and character by ensuring compatibility with local character including the relationship to existing townscape, views, materials and detailing. The proposal would also be consistent with LP Policy LP3 which requires development to conserve the historic environment of the borough and ensure that all proposals in CAs are required to preserve the character or appearance of the CA.

Other Matters

11. The Council's refusal reason references the Supplementary Planning Document: House Extensions and External Alterations. Despite this no assessment against this document has been provided within the Council's decision which supports why this document was included in the refusal reason stated and the document is not listed under Supplementary Planning Documents on page 5 or 6 of the Council's report. I have no evidence before me to allow me to take this guidance into account.
12. Permitted development rights could be exercised once the development is completed, meaning the same outcome could be achieved simply by approaching it in a differing order i.e. installing the amendments upon completion. This is a fallback position which, whilst noted, is not realistically required on this occasion as I find the proposal appropriate for the reasons outlined above.
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. A lack of objection is a neutral consideration.

Conditions

14. As an appeal under S78 of the Town and Country Planning Act 1990 , S73 can be used to make minor material amendments if there is a condition on the original permission which lists the approved plans which can be varied. Given I am allowing this appeal, this essentially grants a new permission for the development subject to the modified condition. For this reason it is necessary to restate all the conditions to which the new permission will be subject and this is reflected in the Council's suggested conditions, without prejudice, in the event the appeal is allowed.
15. I am satisfied that the conditions meet the necessary tests within the Framework and I have re-applied all of the conditions of the original permission; however, the time condition is not in this case necessary as from my site visit I can see that development has already commenced. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. I have, however, adjusted the plan references as they do not appear to reference the revision versions against the drawing numbers and referenced the date of the application form itself, as opposed to the received date.
16. A materials and joinery condition is required to ensure the proposal is finished satisfactorily. A condition preventing use of the roof of the extension from being used as a roof garden, balcony or similar amenity area is required to protect the amenity of neighbouring properties.

Conclusion

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

Eleni Randle

INSPECTOR