

Appeal Decision

Site visit made on 16 August 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 January 2023.

Appeal Ref: APP/L5810/D/22/3299679

11 Warwick Road, Hampton Wick, Kingston Upon Thames, KT1 4DW

- 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 Nicholas Cumbers against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 21/0766/HOT, dated 7 March 2022, was refused by notice dated 11 May 2022.
 - The development proposed is a single storey, side infill extension to rear; demolition of existing old UPVC conservatory to be replaced with double storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey, side infill extension to rear; demolition of existing old UPVC conservatory to be replaced with double storey side extension at 11 Warwick Road, Hampton Wick, Kingston Upon Thames, KT1 4DW in accordance with the terms of the application Ref 21/0766/HOT dated 7 March 2022, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are the effects of the proposals on: (a) the character and appearance of the host property and its surroundings, and (b) on the living conditions of the residents of 10 Warwick Road with particular reference to outlook and visual impact.

Reasons

Character and appearance

3. The appeal property is designated as a Building of Townscape Merit (BTM), a locally listed building. The Council's SPD¹ explains that these are buildings that may not possess sufficient interest to warrant statutory listing, but '*are of significance to the history and character of the environment*'. It is a heritage asset in the terms of the Framework², albeit non-designated.

¹ Buildings of Townscape Merit, Supplementary Planning Document 2015

² Glossary - The National Planning Policy Framework

4. The property stands within a short cul-de-sac. Both sides of the road are lined with terraced dwellings of similar designs. The appeal property is at the end of one of the terraces, beyond which are trees leading to a railway cutting. The Council has not identified or assessed the particular significance of the appeal property but describes the dwellings within the terrace as being *characterised by their canted bay windows, overhanging corbelled eaves and decorative terracotta elements*. Also, their front elevations are predominantly red-bricked.
5. Both terraces are attractive, notwithstanding that some have been rendered or painted, and in one case, unsympathetically extended to the side. I note from the Borough's register of BTM that all the properties in the street are so designated. Judging from this and my own observations, the appeal property's significance, to my mind, derives from its contribution in being part of an attractive terrace. The front elevation of the terrace, taken as a whole, contributes positively to the local townscape.
6. The appeal property's side and rear elevations contrast sharply with the front in terms of form, appearance and materials. Rather than the striking red brick at the front, the other elevations are comprised of London Stock brickwork. There is none of the stylish embellishment or decoration seen at the front, all is rather plain. More significantly, the appeal property's side and rear elevations are concealed from general view and are very well screened by trees.
7. In the light of the above, the two proposed extensions, being restricted to the rear of the property, would have no material impact on the building's intrinsic qualities from which it derives its' significance, or on the street, or public realm. As to design, the Council's comments unfavourably on the modernity of the proposed fenestration and the proposed limited area of flat roof. However, I do not share the Council's view on these matters. To my mind, the extensions are well designed in the sense that they are of an appropriate scale, form and appearance, which will marry harmoniously with the host property without causing harm.
8. I conclude that the proposed extensions would sit acceptably in their restricted visual and spatial contexts without harming the character and appearance of the host property or its surroundings. Accordingly, the proposals accord with those provisions of LP³ policies LP1 and LP4 in that their design demonstrates a thorough understanding of the site, relates well to its existing context, and preserves the significance, character and setting of a non-designated heritage asset.

Living conditions

9. The proposals involve a single storey infill extension, with the side wall being taken to the common boundary with No.10 Warwick Road. The Council's SPD⁴ on extensions provides that infill extensions to Victorian properties, as is this, are fairly typical around the Borough. It provides a guideline to the effect that where the depth of the extension exceeds 3m, as would be the case here, the eaves height should be limited to 2.2m to mitigate the sense of enclosure to the immediate neighbouring residents.

³ Richmond Local Plan 2018

⁴ House Extensions and External Alterations, Supplementary Planning Document 2015

10. The proposed eaves level exceeds the guideline provided in the SPD by about 300mm. Some side windows in No 10 would look out at the proposed side wall of the extension. However, the outlook from these windows is currently limited and constrained, being towards a fence on the common boundary, and No 11's two storey side elevation.
11. Having looked closely at this aspect during my site visit, I take the view that the eaves height proposed, being only slightly above that advised in the SPD, would not materially affect the outlook from No 10. Nor would the proposal, in comparison with what would be acceptable in the terms of the SPD's guidelines, prove to be visually intrusive to neighbouring residents. Whilst not decisive in my considerations, I note that, on being consulted on the proposal, No 10's residents did not object.
12. I therefore conclude that the proposed development could proceed without harming neighbouring living conditions. Accordingly, I find no conflict with that provision of LP policy L8 requiring all new development to protect the amenity and living conditions of occupants of existing, adjoining and neighbouring properties.
13. Having regard to both main issues identified at the outset, I have found that the proposal is acceptable. I shall therefore consider the issue of conditions.

Conditions

14. In the interests of visual amenity, I shall impose a condition in respect of external materials, although it will vary from that suggested by the Council.
15. It is necessary, in the interests of certainty that the development shall be carried out in accordance with the approved plans.
16. To ensure compliance with policy D12 of the London Plan I shall impose the Council's suggested condition relating to Fire Safety.
17. The footprints of the approved extensions do not affect any trees. However, to gain access to the rear of the property to construct the development, it is likely that building contractors will need to use land to the side of the house. Should this be the case it is possible that some trees may need removing or become damaged. The Council's condition in respect of trees has been noted, but as far as I am aware, there is no plan showing "retained trees". In the interests of visual amenity, I shall impose different conditions requiring any trees on site to be recorded and any removed during construction to be replaced.

Other matters

18. I have taken account of all other matters raised in the representations including the references to the planning history, to the London Plan and the Framework, but none outweighs those considerations which led me to my conclusions.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1). The development hereby permitted shall begin not later than three years from the date of this decision.
- 2). The development hereby permitted shall be completed in accordance with the following approved plans: Ref 1.1 Rev 01; 1.2 Rev 01; 2.1 Rev 01; 2.2 Rev 01; 2.3 Rev 01; 2.4 Rev 01; 2.5 Rev 01; 3.1 Rev 01; 3.2 Rev 01; 3.3 Rev 01; 3.4 Rev 01 & 3.5 Rev 01.
- 3). The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those described in the submitted documentation and plans, and they and the materials used in making good, as far as reasonably practicable, shall match those used in the existing building.
- 4). The development hereby permitted shall be carried out in accordance with the provisions of the Fire Safety Statement received at the LPA on 16th March 2022 unless otherwise approved in writing by the Local Planning Authority.
- 5). The development hereby permitted shall not commence until a survey of all existing trees within the application site has been carried out, and a plan showing the position of the trees, their crown spreads, and their species has been submitted to the Council together with an indication of those that are likely to be removed.
- 6). If during the construction of the development hereby permitted any trees within the site are removed, destroyed, or die, a scheme for replacement trees and a time frame for their planting shall be submitted to the local authority for its written approval within 2 months of the substantial completion of the development. Any replacement trees shall be planted within the time frame set out in the approved scheme. If any replacement trees are removed, destroyed, or die within 5 years of being planted, they shall be replaced in the next planting season with trees of a similar species.