



Appeal Decision

Site visit made on 20 December 2022

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 01 February 2023

Appeal Ref: APP/L5810/W/22/3304468

15 and 17 Grove Road, Richmond upon Thames, Twickenham TW2 5NH

- 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 Finbarr and Ciara Macklin against the decision of the London Borough of Richmond upon Thames.
 - The application Ref DC/LCA/22/0362/HOT, dated 4 February 2022, was refused by notice dated 31 May 2022.
 - The development proposed is ground floor side and rear extensions, plus joint first floor rear extensions to adjoining properties.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the appeal site is taken from the Decision Notice. The address on the Decision Notice accurately reflects that the proposal is located across two properties.
3. Ground floor extensions have been constructed to the rear of both properties. The extensions are not shown on the drawings submitted with the appeal and I have no evidence to indicate whether the extensions have been consented or if consent is required. I have therefore assessed the proposed development against the drawings submitted to the Council during the planning application.

Main Issues

4. The main issues of the appeal are:
 - the effect of the proposed first floor extensions on the character and appearance of the area; and,
 - the effect of the proposed first floor extensions on the living conditions of the occupants of 13 and 19 Grove Road with particular reference to loss of outlook, sunlight and daylight.

Reasons

Neighbouring Amenity

5. The proposed first floor extensions do not comply with the 45 degree rule, outlined within BRE Standards. A 45 degree line from the midpoint of 13 Grove Road (No. 13) and 19 Grove Road's (No.19) first floor windows would be breached by the proposed first floor extensions. The proposed extensions

therefore do not comply with the Extension and External Alterations SPD¹, in relation to the impact of rear extensions on daylight and sunlight experienced by neighbouring occupants.

6. I note that the rear gardens on this side of the road project in a northerly direction and they are of a modest depth compared to the height of the surrounding buildings; as such, the amount of natural light experienced to the rear and within the gardens of these properties is limited. The addition of new large extensions would further add to the massing at the rear of these properties and increase overshadowing, worsening the existing situation.
7. The first floor rear windows of neighbouring properties, No. 13 and No. 19, both serve bedrooms, and they are the only windows serving that respective bedroom. Given the proposed development does not comply with the 45 degree rule and the lack of alternative windows, the amount of daylight and sunlight experienced by occupants of No. 13 and No. 19 would be reduced in those bedrooms. This would have unacceptably harmful effect on the living conditions of the occupants of No. 13 and No. 19 as habitable rooms would be overshadowed for longer periods of the day.
8. It has been put to me that reducing the depth of the proposed first floor extensions, to comply with the 45 degree rule, would lead to an impractical design. However, the proposed depth of the first floor extensions, is not justified given the resultant loss of daylight and sunlight that would be experienced by occupants of No. 13 and No. 19.
9. Only one window of No. 13 offers direct views of the proposed extension to No. 15, and it is obscurely glazed. There would be no direct views of the proposed first floor extension at No.17 from No. 19. Given views of the proposed extensions would largely be indirect and the distance from neighbouring windows to the proposed first floor extensions, the outlook experienced by occupants of No. 13 and No. 19 would not be harmfully affected.
10. The appellant contends that the proposed ground floor extensions would be considered permitted development and rear extensions, which appear similar to the proposed ground floor extensions, have been constructed. However, I have not been provided with a certificate of lawfulness or confirmation that prior approval has been given to confirm single storey extensions could be lawfully constructed. Whilst I believe the appellants have the intention to construct single storey extensions to both properties, I can only ascribe the fallback position limited weight until its lawfulness is confirmed. Even if the fallback position was considered lawful and realistic, it would not justify the identified harm when considering the proposed development including the first floor extensions.
11. In relation to the extensions at No. 11 and No. 13, I'm unaware of the internal layout of 9 Grove Road and how daylight and sunlight experienced by the occupants has been affected by the rear extension to No. 11. I am also unaware of the circumstances which preceded the approval of planning permission for the rear extension to No. 11 and whether a daylight/sunlight assessment was submitted with that application. The existence of a similar

¹ London Borough of Richmond Upon Thames Local Plan Supplementary Planning Document, Housing Extensions and Alterations, May 2015.

extensions at No. 11 and No. 13 therefore does not form a precedent for the proposed first floor extensions to the appeal properties.

12. I recognise the support from neighbouring residents, and lack of objection in relation to the impact on their living conditions. However, the identified harm would be permanent.
13. I conclude that the proposed first floor extensions would have an unacceptably harmful effect on the living conditions of the occupants of 13 and 19 Grove Road with particular reference to sunlight and daylight. The appeal scheme is therefore contrary to Policy LP8 of the London Borough of Richmond Upon Thames Local Plan (Local Plan), 3 July 2018, which seeks to protect the amenity and living conditions for occupants of adjoining properties.

Character and Appearance

14. There is a prevalence of rear extensions to properties on Grove Road of varying design and scale. Although most of the extensions appear subservient to the host dwelling there are some examples of large two storey extensions including the extensions at No. 11 and No. 13.
15. Whilst the proposed first floor extensions are large and would not appear subservient to the original dwellings, they are similar in scale and design to other extensions in the area. I therefore consider that they would be in keeping with the character and appearance of the area.
16. The proposed first floor extensions would not comply with the Extensions and External Alterations SPD as they would appear flush with one another and create a terracing effect. However, the presence of rear extensions built up to the property boundary on this side of Grove Road is common. Given the particular circumstances of this appeal, I do not consider the conflict with the Extensions and External Alterations SPD is a determinative factor when considering the effect of the proposed development on the character and appearance of the area.
17. I conclude that the proposed development would not have an unacceptably harmful effect on the character and appearance of the surrounding area. The appeal scheme is therefore compliant with Policy LP1 of the Local Plan, which seeks to ensure development respects the local character.

Other Matters

18. I acknowledge that the extended properties would provide additional bedrooms, capable of accommodating families with young children. It is also understood that the appellant has considered alternative options for providing additional accommodation. However, it would be unjustified to allow the appeal on these grounds, given the permanent harm that would be caused to the living conditions of neighbouring residents.
19. I have not been provided with substantive evidence that there is a shortage of affordable three-bedroom homes in the area, capable of accommodating young families. Even if I was to conclude that there is a need for affordable three-bedroom homes in the area, the benefit would be limited as the appeal scheme only includes the conversion of two properties. Accordingly, the provision of two three-bedroom homes does not lead me to a different conclusion on the acceptability of the appeal proposal.

20. The conduct of the Council during the determination of the planning application is outside of my scope when considering the acceptability of the appeal scheme.

Conclusion

21. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm.
22. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR