



Appeal Decision

Site visit made on 25 January 2023

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2023

Appeal Ref: APP/L5810/D/22/3308788

73 Windsor Road, Richmond Upon Thames TW9 2EJ

- 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 Joseph Price against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 22/1661/HOT, dated 23 May 2022, was refused by notice dated 19 July 2022.
 - The development proposed is: Erection of a rear and side infill ground floor extension including 3x new skylights (10.9m²); Erection of a loft conversion including (22.5m²); Erection of a rear pod extension over the existing rear outrigger in connection with the rear loft dormer (8.5m²); Installation of 2x rooflights to the existing front roof and 2x skylights to the flat roof of the loft and pod extensions; New rear windows to loft extension and pod extension; and New patio door-set at ground floor.
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Decision

1. The appeal is allowed and planning permission is granted for Erection of a rear and side infill ground floor extension including 3x new skylights (10.9m²); Erection of a loft conversion including (22.5m²); Erection of a rear pod extension over the existing rear outrigger in connection with the rear loft dormer (8.5m²); Installation of 2x rooflights to the existing front roof and 2x skylights to the flat roof of the loft and pod extensions; New rear windows to loft extension and pod extension; and New patio door-set at ground floor at 73 Windsor Road, Richmond Upon Thames TW9 2EJ in accordance with the terms of the application, Ref 22/1661/HOT, dated 23 May 2022, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The Council requested that I assess the proposal from 71 Windsor Road, notwithstanding the fact that the occupier of this property had not objected to the application. The occupier of No 71 permitted me to enter their home and view the appeal property from various windows.
3. The sole objection of the local planning authority relates to the proposed rear pod extension over the existing rear outrigger. No objection is raised to the other parts of the scheme and based on the information before me I have no reason to take a different view. I noted that a single-storey extension identical (or at least very similar) to that shown on the plans was already in situ at the time of my site visit.

Main Issue

4. The main issue is the effect of the proposed rear pod extension on the living conditions of the occupier of 71 Windsor Road, with regard to daylight and sunlight.

Reasons

5. The appeal property lies on the south side of Windsor Road and forms part of a continuous terrace. The properties at this end of the row were built to a common design with rear, two-storey outriggers with flat roofs. A number of these outriggers have been extended above with dormer style extensions. These vary slightly in design but they are of equivalent scale, form and materials. The scheme for 65 Windsor Road is a recent approval by the Council and will have been considered against current development plan policy and design guidance.
6. The proposed pod extension would be comparable to the existing dormers in terms of the relationship to windows in neighbouring properties. There is no explanation in the officer report as to why different decisions have been taken on proposals which, on the face of it, have an almost identical set of planning considerations.
7. No 71 has two rear facing openings at ground and first floors, together with a kitchen window in the side of its rear outrigger. The ground floor openings are already affected by the appeal property's outrigger which constrains outlook and natural light. The new pod extension would not be visible from these windows without the viewer craning their neck and given the existing relationship it is unlikely that the additional impact on natural light would be significant.
8. From the upstairs window in No 71 there is a view between two outriggers. The proposed pod extension would be visible on top of the right-hand outrigger, but it would not be especially prominent or intrusive. The appellant concedes that the scheme would not meet the Building Research Establishment daylight test but neither do those dormers elsewhere in the row. In my judgement, the appeal scheme would not have a significantly harmful impact on daylight within the affected room, plus the existing outrigger for No 73 is already likely to block sunlight late in the day due to its position due west of the affected window.
9. To conclude, having regard to my observations at the site visit, I am satisfied that the proposed pod extension would not have an unacceptable impact on the living conditions of the occupier of 71 Windsor Road. The Council's decisions for other dormers in the terrace have not been determinative but, mindful of the importance of consistency in decision-making, they add great weight to my finding that the appeal should be allowed. There would be no conflict with Policy LP8 of the Local Plan (2018) insofar as it seeks to ensure that development protects the amenity and living conditions for occupants of adjoining properties.

Conditions

10. In addition to the standard commencement condition, a condition is necessary to specify the approved plans in the interests of certainty. A further condition is needed to secure the use of matching materials, unless otherwise indicated on the drawings or application form. I have also attached the Council's suggested condition requiring the development to be carried out in accordance with the submitted Fire Strategy Statement, to ensure compliance with Policy D12 of The London Plan 2021.

Other Matters

11. The proposed dormer would not be an especially attractive structure, but given its position at the rear of the property and the existence of numerous other similar extensions in the terrace (which are now in the majority and therefore an established part of the character of the area) a refusal on character and appearance grounds would not be justified.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

Robert Parker

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: Drawing nos. 073WIN-CC-XX-PL-001 Rev A, 073WIN-CC-XX-EL-001 Rev B, 073WIN-CC-XX-EL-002 Rev B, 073WIN-CC-XX-EL-003 Rev B, 073WIN-CC-XX-EL-004 Rev B, 073WIN-CC-XX-GA-001 Rev B, 073WIN-CC-XX-GA-002 Rev B, 073WIN-CC-XX-GA-003 Rev B, 073WIN-CC-XX-GA-004 Rev B, 073WIN-CC-XX-SE-001 Rev B and 073WIN-CC-XX-SE-002 Rev B.
- 3) No new external finishes (including fenestration), including works of making good, shall be carried out other than in materials to match the existing, except where indicated otherwise on the submitted application form and drawings.
- 4) The development shall be carried out in accordance with the provisions of the Fire Safety Statement prepared by CATO Creative dated 20 May 2022 and retained as such thereafter.

*** END OF CONDITIONS ***