



Appeal Decision

Site visit made on 8 February 2023

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2023

Appeal Ref: APP/L5810/D/22/3308503

39 York Avenue, East Sheen, Richmond Upon Thames, London, SW14 7LQ

- 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 Nick McNulty against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref DC/DPA/22/2031/HOT, dated 24 June 2022, was refused by notice dated 16 August 2022.
 - The development proposed is ground floor rear extension, first floor side extension with hipped roof and installation of rear dormer roof extension and rooflights on front and side roof slopes.
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Decision

1. The appeal is allowed and planning permission is granted for ground floor rear extension, first floor side extension with hipped roof and installation of rear dormer roof extension and rooflights on front and side roof slopes at 39 York Avenue, East Sheen, Richmond Upon Thames, London SW14 7LQ in accordance with the terms of the application, Ref DC/DPA/22/2031/HOT, dated 24 June 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved drawings YAS_102 Rev A; YAS_203 Rev A; YAS_205 Rev A; YAS 206 Rev A and Fire engineering submission ref PB/RT/459/2020.
 - 2) Notwithstanding the illustrations shown on the approved plans, unless within 6 months of the date of this decision the facing materials for the dormer window are changed to match those of the main roof of the dwellinghouse, the dormer window shall be removed and the roof returned to its original pitch. Upon implementation of the change of facing materials specified in this condition the materials shall thereafter be maintained. In the event of a legal challenge to this decision, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters

2. I was able to see the extension when I visited the site. My understanding is that the plans reflect what has been constructed.

Main Issue

3. The effect of the development on the character and appearance of the area.

Reasons

Character and appearance

4. The property is a two-storey detached dwelling with accommodation in the roof. The area is suburban in character with a mixture of architectural designs and styles. Many of the dwellings in the surrounding area appear to have been altered, extended and many have had roof alterations, including dormer windows of varying styles.
5. The rear dormer is visible from the street from certain angles, as it projects above the side extension ridgeline and is level with the ridge of the main house. The London Borough of Richmond Upon Thames Local Plan Supplementary Planning Document House Extensions and External Alterations (May 2015) (SPD) states that dormer windows must not project above the ridgeline either fully or partially. In this case, the site circumstances, modest extent of the partial projection above the ridge and the great variety of dormers and other roof alterations on properties in the area visible from the street, I do not consider the development to be overbearing, visually intrusive or incongruous to the extent that it causes an unacceptable level of harm to the character and appearance of the area. Accordingly, notwithstanding the guidance contained within the SPD, the dormer is acceptable. Nevertheless, I consider that altering the facing tiles of the dormer to match those of existing roof (Redlands Rosemary Clay Mixed Brindle), would be necessary to ensure the dormer reflects the character and appearance of the existing dwelling. This can be secured by condition.
6. The side and single storey rear extensions are in keeping with the main dwelling. In addition, the alterations to the fenestration reflect the materials of the existing fenestration and are not at odds with the design of the dwelling, therefore are acceptable.
7. For these reasons, I conclude that the development does not affect the character and appearance of the area. As such, it does not conflict with Policy LP 1 of the London Borough of Richmond Upon Thames Local Plan (adopted 3 July 2018) and parts 4 and 12 of The National Planning Policy Framework (The Framework) which between them require developments to be sympathetically designed, compatible with local character and relationship to existing townscape and to ensure that decision making is in accordance with the development plan.

Other Matters

8. The extension results in additional windows facing over the rear garden. Whilst that means it is possible to see into neighbouring gardens, this does not materially increase overlooking beyond what takes place from the existing rear windows in the property. I conclude from the evidence before me and from my observations on site, that the proposal as a whole would not have a detrimental effect on the living conditions of neighbouring occupiers, therefore this matter does not weigh against the development.
9. I note that the development has taken place other than in accordance with the planning permission previously granted (reference 20/1371/HOT). The planning system is remedial rather than punitive. As such, I need to deal with the

development as submitted. This matter does not weigh against the development.

10. I understand that the site is in Flood Zone 2. However, I note that the Council considered the proposal did not affect flood risk. Given that the proposal comprises extensions to an existing property that are largely above ground level, they do not increase the risk of flooding to occupiers, nor the risk of flooding elsewhere.

Conditions

11. I shall impose a condition specifying the relevant drawings including the fire engineering information as required by the development plan, in order to provide certainty. A condition is necessary for the facing materials of the dormer to match those of the roof of the existing dwelling to maintain the character and appearance of the area.
12. I have not included a condition removing rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 relating to the use of and access to flat roofs. My attention has not been drawn to specific rights to enable this use. Such rights should be removed only in instances where they are precisely defined. I consider that the removal of these rights as suggested is not necessary or reasonable.

Conclusion

13. For the reasons set out above and having regard to the development plan as a whole and all other matters raised, the appeal is allowed.

N Duff

INSPECTOR