



Appeal Decision

Site visit made on 6 April 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2023

Appeal Ref: APP/L5810/W/22/3301689

25 York Street, Twickenham TW1 3JZ

- 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 Rajabali of Agrapo Limited against the decision of London Borough of Richmond upon Thames Council.
 - The application Ref 22/0326/FUL, dated 2 February 2022, was refused by notice dated 21 March 2022.
 - The development proposed is a two storey rear extension to first and second floors to create two self-contained flats, and relocation of the external flue duct of the ground floor restaurant and associated cycle store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the appeal form and the decision notice, as this describes the proposal in its entirety.
3. A Unilateral Undertaking dated 10 November 2022 has been submitted during the appeal process (the UU). I have taken this into account in the determination of the appeal.
4. The absence of a contribution to affordable housing formed one of the Council's reasons for refusal. The UU includes such a contribution, and the extent of that contribution is agreed between the main parties. As this is not a matter in dispute I have considered it under Other Matters, rather than as a main issue.

Main Issues

5. The main issues are:
 - The effect of the proposal on the character and appearance of the area, including the Twickenham Riverside Conservation Area (the TRCA), and;
 - The effect of the proposal on the living conditions of the occupants of the neighbouring properties, with particular regard to the outlook and lighting of the first floor flat at No.27 York Street.

Reasons

Character and Appearance

6. The site lies within the TRCA, originally designated for its historic and architectural value as the original village core and river frontage. The Conservation Area Study¹ describes that York Street was created in the 1890s as the main route out of Kings Street to Richmond and that there are groups of buildings within this commercial centre which stand out for their quality of details. This part of York Street is heavily enclosed by historic terraced buildings of predominately three storeys with many displaying decorative detailing above the ground floor level, including stone window reveals and decorative front gable features.
7. The appeal site is also designated as a Building of Townscape Merit (BTM) and forms part of a group of buildings with the same designation. The Local Plan 2018 (the LP) describes these as being of historic or architectural interest and worthy of protection. The appeal building is one with a decorative frontage but has a simple rear elevation of stock brick and a projection to its first floor landing level. The juxtaposition of decorative front elevations and more simple rear elevations is characteristic of buildings in this area, and contributes positively to the significance of the TRCA and the group of BTMs.
8. Other nearby buildings have been extended to varying extents to the rear and No.21-23 York Street (neighbouring to the west) has a different rear building line which appears to be of more recent construction. However, the rear extensions within this terrace generally retain a subordinate appearance to the main buildings, primarily due to the combination of their width and heights, which do not project as high as the main eaves level. As such the main buildings are distinguishable from the rear extensions.
9. The proposed extension would be level with the main eaves and would appear notably taller and more dominant than the others in this terrace. It would cover a significant proportion of the main rear wall and, together with its height, would notably reduce the ability to distinguish the extension from the main building. As such it would fail to appear subservient to the building. While the rear elevation is acknowledged to make a lesser contribution to the significance of the conservation area and the BTM, the proposal would nonetheless cause harm to the attributes which contribute positively to their significance. Similarly, while visibility of the rear elevation is more restricted, I observed that there are spaces and windows to the rear of the site from where views of the extension would be possible.
10. Rear extensions rising to the eaves level have been evidenced within a nearby terrace on Kings Road. These are not within a conservation area and, in any event, they form part of the established rhythm of the rear elevations in that terrace. As such their circumstances differ to the appeal before me.
11. For the reasons given, the proposed extension would cause harm to the character and appearance of the area, as well as harm to the significance of the BTM and the TRCA. Special attention is given to the desirability of preserving or enhancing the character or appearance of the TRCA, and I give considerable importance and weight to the harm identified.
12. The harm to the designated heritage asset of the TRCA would be less than substantial. In line with paragraph 202 of the National Planning Policy Framework (the Framework), that harm should be weighed against the public

¹ Twickenham Riverside and Queen's Road Conservation Area Study 1998

benefits of the proposal. The proposal would provide two self contained units of accommodation which would contribute to the Council's housing stock. These would be in a sustainable location with good accessibility to services and facilities as well as public transport. There would also be a financial contribution to affordable housing secured by the UU as discussed below. Together these benefits attract moderate weight, given the extent of the contributions and particularly as the site already provides a five bedroom flat, limiting the net additional units to one.

13. As such the public benefits of the proposal would not outweigh the harm identified to the designated asset. For the same reasons it follows that the harm to the non designated asset of the BTM is not outweighed, in line with the provisions of paragraph 203 of the Framework.
14. In conclusion on this main issue, the proposal would cause harm to the character and appearance of the area, as well as harm to the significance of the TRCA and the host building as a BTM. The proposal would conflict with policies LP1, LP3 and LP4 of the LP, which together relate to preservation of local character, designated and non designated heritage assets. There would also be conflict with the objectives of the 'House Extensions and Alterations' 2015 and 'Design Quality' 2006 Supplementary Planning Documents (SPDs) insofar as they relate to securing good design and extensions that complement existing buildings and local character.

Living Conditions

15. The proposed rear extension would be positioned close to two rear windows of No.27 York Street which serve residential accommodation. The Council's concerns relate to the first floor rear facing window, which serves a bedroom. The 'House Extensions and External Alterations' SPD 2015 includes guidance relating to the impact of extensions on sunlight and daylight of neighbouring habitable rooms. It references Building Research Establishment (BRE) standards, including a 45 degree test, which is shown should be undertaken on both the elevation and floorplan.
16. The supporting plans show the 45 degree line on the floorplan would pass the test, but on the elevations the test would fail as a result of the combination of the height and proximity of the proposed extension to the first floor window of No.27. As the existing kitchen projection is set at a lower level, I am not convinced that this already restricts daylight to the window. While daylight would still be received over the projections to the east of the window, there is not strong evidence to suggest the resulting daylight levels would remain acceptable for this bedroom. Overall, and in the absence of substantive evidence to the contrary, the proposal would cause a harmful reduction in daylight received by the first floor window of No.27.
17. Similarly, by reason of its height and position, the extension would heavily enclose that window to its western side. The new flank wall would appear prominent and restrictive in the outlook from that window and would create oppressive conditions within the affected bedroom.
18. By reason of its distance from the window, I do not consider that the telephone exchange behind provides a significant restriction to outlook, nor is there evidence to suggest that it restricts daylight to the window in question. I note the configuration of windows and projections at 31 Garfield Road, however the

Council state that the affected windows serve a hallway. As such the circumstances are not comparable to the appeal scheme.

19. The rear elevations of the buildings are north facing, and as such existing levels of sunlight would be very limited. As such it is unlikely that the proposal would cause a harmful reduction in sunlight received by the first floor window of No.27. However, this would not mitigate for the harmful impacts on daylight and outlook.
20. For the reasons given, the proposal would cause harm to the living conditions of the occupants of No.27, through causing a harmful reduction in daylighting and outlook to its first floor rear window. The proposal would conflict with Policy LP8 of the LP and the 'House Extensions and External Alterations' SPD 2015, which require development to protect the amenity and living conditions of neighbouring properties.

Other Matters

21. The UU would secure a financial contribution to affordable housing, as well as the removal of entitlement to parking permits and an associated monitoring fee. Based on the evidence before me, including evidence from the Council regarding the affordable housing need and the role of financial contributions, the affordable housing contribution would meet the tests set out in the Framework and the Community Infrastructure Levy Regulations. As such it has been given weight as a benefit of the proposal, as described above.
22. As the obligations are not significantly contested issues, and as the outcome of an assessment of the other obligations would not make a difference to the outcome of the appeal, these are not matters I need to consider further.

Conclusion

1. For the reasons given, there are no material considerations that are worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal is therefore dismissed.

C Shearing

INSPECTOR