



Appeal Decision

Site visit made on 19 April 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/L5810/D/22/3311358

1 Hood Avenue, East Sheen, Richmond Upon Thames, London, SW14 7LH

- 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 Ms Allison and Mr Jeary against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 22/2391/HOT, dated 29 July 2022, was refused by notice dated 15 September 2022.
 - The development proposed was described as the erection of '*Front, rear and side extensions; alterations to the roof form and fenestration*'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of front, rear and side extensions; alterations to the roof form and fenestration; replacement hard and soft landscaping and installation of cycle and refuse store to front; alterations to front boundary with vehicular and pedestrian gates at 1 Hood Avenue, East Sheen, Richmond Upon Thames, London, SW14 7LH in accordance with the terms of the application, Ref 22/2391/HOT, dated 29 July 2022, subject to the attached schedule of conditions.

Preliminary Matter

2. I have used the description in my formal decision that was given by the Council on their decision notice and which was repeated by the appellants on the appeal form. This better reflects the whole scope of the proposed development compared with that which was given on the application form and which I have quoted in the banner heading above.

Main Issues

3. The main issues are the effects of the proposal upon the character and appearance of the host dwelling and the Sheen Lane (East Sheen) Conservation Area, and upon pedestrian and highway safety with specific regard to the proposed vehicular gate.

Reasons

Character and Appearance

4. The appeal property is a two-storey, semi-detached dwelling located towards one end of a residential street comprising a mix of detached and semi-detached houses. Nos 1, 3, 5 and 7 Hood Avenue form a set of originally similar semi-

detached pairs. With the exception of two corner properties at the other end of the road, they are the only dwellings along Hood Avenue included within the Sheen Lane (East Sheen) Conservation Area (CA), which is principally a linear designation along Sheen Lane, the special character of which identified within the *East Sheen Village Planning Guidance - Supplementary Planning Document* (SPD) 2015 being the distinct and cohesive groups of similar detached and semi-detached residences dating from 1900-1935.

5. The Council has raised no concern with regard to the proposed single-storey side/rear extension, the front extension of an existing side extension or alterations to the roof over an existing attached garage. Neither have they objected in principle to works proposed within the front garden or to the front boundary enclosure. I have no reason to disagree with the Council's findings with regard to these elements.
6. The property has a two-storey outrigger to the rear with a hipped roof. The proposal would enlarge this by extending at two-storey to the side with matching materials and roof form, but with a flat crown. A hipped roof dormer is also proposed to the rear roof slope.
7. The Council have relied upon an aerial photograph to assert that the original two-storey outriggers to the group at Nos 1-7 (odd) are all unaltered and original. That is clearly wrong. The outrigger to the rear of No 7 Hood Avenue has been extended principally in the same form as proposed for No 1 under planning permission for extension works that was granted in 2020 (Ref 20/1690/HOT). These works were visible during my site visit, partially in views from the rear of the appeal property but also from Hood Avenue, where the sideways extension was evident. Crown roofs obviously do feature in the immediate area. Although the side elevation to the appeal property is more exposed when compared with No 7, when viewed in oblique views from Hood Avenue, the ridge line of the existing outrigger at No 1 is visible across the rear garden of 10 York Avenue. The ridge tiles to the outside edge of the new crown roof would give an equivalent perception. I find nothing about the proposed new roof form that would be unacceptable or unsympathetic.
8. Turning to the rear dormer window, contrary to the Council's view, I consider that the dormer would be adequately set up from the eaves, in from the sides of the roof and down from the ridge. It would be well-framed by the tiles of the existing roof slope and would be neither dominant nor intrusive in its setting. A suggestion that the size of the dormer should match that of the smaller dormer existing to the rear of No 3 fails to recognise the imbalance that already exists. Further still, the Council has failed to recognise the dormer existing at No 7, which is again similar in scale, form and appearance to that proposed at the appeal property. This was granted on appeal in November 2022 (Ref: APP/L5810/D/22/3296074). The Inspector concluded in that case that the dormer appeared as a sympathetic addition without harm to the appearance of the dwelling. My findings in this case are consistent with those of the Inspector in relation to No 7.
9. The proposed fenestration to the rear of No 1 at first-floor level and above would be contemporary in form, along with a small panel of inset timber cladding proposed between the first-floor windows on the enlarged outrigger. These features would match the contemporary floor to ceiling window/door openings and surrounds that are proposed to the rear at ground floor and

which the Council consider to be acceptable and which, in their view '*would not disrupt the existing window hierarchy*'.

10. I saw during my visit that the rear of No 1 is fairly tightly enclosed. Moreover, the limited amount of surrounding development is mixed, ranging from similarly traditional homes to an overtly modern building immediately to the rear. Given this, the window styles proposed at No 1 would not be entirely alien in their setting. I am also mindful that the existing windows are of poor replica Georgian style and that their replacement could be undertaken as permitted development. Added to this, I find merit in achieving a consistent look from ground floor upwards. When all of this is considered, on balance I find that the fenestration proposed to the rear of the property would adequately respect the appearance of the dwelling in its rear garden setting.
11. Part of the proposal includes an enlargement and minor remodelling of an original side dormer. The modifications would not result in any significant change to the scale or appearance of this feature. In my assessment, the dormer would be no more prominent than the existing and would remain as a subservient piece of the dwelling's overall roof profile. The Council's comparison with the dormer to the side of No 3 fails to recognise an imbalance that already exists between the two in terms of their shape and appearance, or that the dwellings, as a pair, are not able to be seen from Hood Avenue as a symmetrically arranged building due to the restricted width of the road which limits any views that can be had.
12. Part of the works to the frontage would include additional hardstanding within the front garden and a new boundary enclosure. These would encroach into the root protection area of a flowering cherry tree (tree T6) close to the front boundary of the property and which is categorised within the appellants' Arboricultural Report (AR) as of moderate quality and value in such a condition as to make a significant contribution. I agree that the tree is a valuable asset that contributes to the urban quality of the area and makes a positive contribution to the character and appearance of the CA.
13. The Council pointed out that the appellants' original AR failed to address T6 and that its position was incorrectly plotted on Drg Nos L+2122_10_100 Rev D and L+2122_15_100 Rev E. This has been addressed by submitted revised Drg Nos L+2122_10_100 Rev E and L+2122_15_100 Rev F with the appeal, along with a revised AR including Phase 1 and Phase 2 tree protection proposals that cover T6.
14. The Council has raised no comments regarding the information provided with the appeal and I have no reason to doubt that the tree protection proposals would avoid loss or damage to the tree, ensuring that it would continue to make a positive contribution to the street scene.
15. Overall, for the reasons given, I am satisfied that the proposed extensions and alterations to the dwelling would be appropriately sympathetic and respectful to the character and appearance of the existing building in terms of siting, design, height, bulk and mass. I am also satisfied that, with appropriate safeguards which could be secured by condition, the retention and long-term health of T6 could be achieved. The dwelling and its setting would continue to make a positive contribution to the character and appearance of the CA and as such its significance as a heritage asset would be unharmed. I therefore find no conflict with Policies LP1, LP3 or LP16 of the Richmond Local Plan 2018 (LP) or the aims

and objectives of the Council's *House Extensions and External Alterations SPD 2015* or the *East Sheen Village Planning Guidance SPD*. Between them these require development to display a high quality of design that relates to its local context and which, as a minimum, conserves the historic environment, including through the retention of trees with amenity value. Neither have I been directed to any specific conflict with the Council's supplementary planning guidance *Trees: Landscape Design, Planting and Care* or *Trees: Legislation and Procedure*.

Pedestrian and Highway Safety

16. The Council is concerned that, in the absence of any specific details accompanying the planning application, the proposed vehicular gate could open across the public footpath along Hood Avenue, to the detriment of pedestrian and highway safety.
17. The appellants have provided a drawing (L+2252_10_100 Rev A) as part of the appeal submissions to demonstrate that the proposed gate would operate on a sliding mechanism without encroaching beyond the confines of the appeal site.
18. The Council has raised no comments regarding the information provided with the appeal and I am satisfied that the installation could be secured by including reference to the relevant drawing in the plans condition. There would therefore be no harm to pedestrian or highway safety and no conflict with LP Policies LP44 or LP45 which, amongst other things, seek to ensure a transport network that is road and pedestrian safe.

Conditions

19. A condition requiring the development to be carried out in accordance with the submitted plans is necessary to provide certainty. The condition I have imposed includes the corrected plans that were submitted with the appeal and details of the proposed vehicular gate.
20. In the interests of maintaining the character and appearance of the area conditions are required to ensure that the proposed extensions and alterations are finished with materials to match the existing building and that trees on site are protected. I have amended the Council's suggested condition with regard to trees to require the tree protection measures to be carried out in accordance with the appellants' AR which incorporates all of the Council's suggested safeguarding measures but I have excluded reference to any trees being cut down, uprooted or destroyed given that they are afforded protection by the CA designation.
21. A condition restricting the use of the flat roofs over the rear extensions is necessary to safeguard the living conditions of neighbouring occupiers but I have amended the Council's suggested wording to allow for reasonable access for maintenance or emergency purposes. Given the existing arrangement of windows on the flank elevation of the property, I am not persuaded that a condition is required to restrict the new flank windows in terms of the glazing being fixed or obscured.
22. In order to ensure the highest standards of fire safety in accordance with Policy D12 of the London Plan 2021, I have included a condition that would require the development to be carried out in accordance with the Fire Safety Strategy submitted with the planning application. Given the relatively small-scale size of

the project, and in the absence of any stated development plan policy support or any further information, I do not consider control over the type of engine fuel for construction equipment or vehicles to be reasonable.

Conclusions

23. For the reasons given, and subject to the conditions imposed, I am satisfied that there would be no harm to the character or appearance of 1 Hood Avenue and that the character and appearance of the Sheen Lane (East Sheen) Conservation Area would be preserved. I am also satisfied that there would be no harm to road or pedestrian safety. Accordingly, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

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: Drg Nos L+2122_00_100 Rev A; L+2122_00_101 Rev A; L+2122_01 Rev A; L+2122_02 Rev A; L+2122_03 Rev A (Existing First Floor Plans); L+2122_03 Rev A (Existing Second Floor Plans); L+2122_05 Rev A; L+2122_06 Rev A; L+2122_07 Rev A; L+2122_10_100 Rev E; L+2122_10_101 Rev D; L+2122_10_102 Rev E; L+2122_10_103 Rev D; L+2122_15_100 Rev F, L+2122_15_101 Rev E and L+2252_10_100 Rev A.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building except where indicated otherwise on the approved plans.
4. No equipment, machinery or materials are to be brought on the site for the purpose of the development until all the trees shown on the Tree Constraints Plan (Ref 2022090/TCP002), as contained within the Arboricultural Report (AR) dated October 28 2022 Ref 2022009 v2.0, have been protected in accordance with section 6.2 of British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations (or in an equivalent British Standard if replaced) and in accordance with the AR's Tree Protection Plans Phases 1 and 2 (Refs 2022090/TPP001 and 2022090/TPP002). The scheme for the protection of the trees shall be maintained throughout the implementation of the development and until all equipment, machinery and surplus materials have been removed from the site. The development shall thereafter take place in accordance with the Arboricultural Method Statement at section 4 of the AR.
5. Access to the flat roof areas over the rear extensions hereby approved shall be for maintenance purposes only and the flat roofs shall not be used as a balcony or terrace.

6. The development shall be carried out in accordance with the provisions of the Fire Safety Strategy received by the Council on 25 July 2022 unless otherwise agreed in writing by the local planning authority.

John D Allan

INSPECTOR