

Appeal Decision

Site visit made on 12 May 2023

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 June 2023

Appeal Ref: APP/L5810/W/22/3303606
36 Queen's Road, Teddington, TW11 0LR

- 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 Mike Parr against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 21/3419/VRC, dated 1 October 2021, was refused by notice dated 2 March 2022.
 - The development is extensions and alterations to the side and rear of the dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for extensions and alterations to the side and rear of the dwelling at 36 Queen's Road, Teddington, TW11 0LR in accordance with the terms of the application Ref 21/3419/VRC, dated 1 October 2021, subject to the conditions set out in the attached Schedule.

Preliminary and procedural matters

2. In 2020¹ the appellant was granted permission to carry out extensions and alterations to the host property. Works proceeded but departures from the approved plans were made.
3. The original application leading to this appeal sought to vary condition number U0079433 imposed on the 2020 permission. The condition provides:
The development hereby permitted shall be carried out in accordance with the following approved plans and documents, where applicable.
4. There followed a list of the approved plans. The appellant has submitted amended plans reflecting the changes made and wishes to have these listed in a revised condition instead of those originally approved.
5. However, I saw that the works were substantially complete - some limited decoration remained. The appellant, in effect, wishes to retain the works already carried out.
6. In the circumstances, I shall deal with the appeal as if the original application had been made under section 73A of the Act² rather than section 73. Having

¹ Ref 19/3847/HOT dated 27 March 2020

² The Town and Country Planning Act 1990 (as amended)

regard to the Court of Appeal's judgement in *Lawson*³ I am satisfied that this is the appropriate course to follow. Accordingly, the description of the development is appropriately amended.

7. The appeal property is designated as a Building of Townscape Merit (BTM), a locally listed building. The Council's SPD⁴ explains that these are buildings that may not possess sufficient interest to warrant statutory listing, but '*are of significance to the history and character of the environment*'. It is a heritage asset in the terms of the Framework⁵, albeit non-designated.
8. The Council has drawn my attention to what it considers to be factual inaccuracies in the appellant's grounds of appeal. These have been noted.

Main Issue

9. The main issue is the effects of the development on the character and appearance of the host property and its surroundings.

Reasons

10. In response to the appellant's claim that the BTM designation relates more to the front elevation than the rear, the Council clarifies that the designation relates to the whole. The Council further explains that The Teddington Society's Planning Group is working with the History Group to assemble a Directory of Buildings of Townscape Merit (BTMs) and Listed Buildings in Teddington. It submitted a link to photograph of the appeal property taken from the Directory, showing it and No 38 which are described as:

'..a pair of semi-detached Victorian houses, brick built, painted, under slate roof, sash windows and door with ornamental lintels and decorative work retained. They have small front gardens.'

11. The photograph shows the pair as having fairly shallow-angled hipped roofs. Since then, however, the appeal property has undergone significant changes at roof level. In 2016 and again in 2018 the Council permitted the development of a hip to gable roof alteration with rear dormer loft conversion and installation of rooflights in the front elevation. I am not aware of which of the permissions was implemented, but the pair's original symmetry has been compromised at the front, and the rear elevation's appearance has been materially altered by the insertion of what I would describe as a large, rectangular box-shaped roof extension.
12. The Council's main concerns relate to the removal and replacement of a first floor rear bay window⁶, the enlargement of the rear extension's roof, the insertion of a parapet and a column to support the rear extension, in part, so as to allow the insertion of folding doors. The Council considers that the rear elevation would appear '*..consumed by extensions/modern additions ... and the appearance of the rear of the original BTM would be heavily compromised resulting in harm..*'

³ *Lawson Builders Ltd v Secretary of State for Communities and Local Government* [2015] EWCA Civ 122,

⁴ Buildings of Townscape Merit, Supplementary Planning Document 2015

⁵ Glossary - The National Planning Policy Framework

⁶ The appellant contends that the bow window was not an original feature, but a relatively modern replacement for the original casement window.

13. To my mind, however, taking account of the scheme approved in 2020 and the earlier permitted box dormer, the unauthorised changes made are relatively minor in the context of the rear elevation, taken as a whole. They are well designed and now that the alterations are complete, appear perfectly acceptable to me given the context. Moreover, the lower parts of the rear elevation are effectively screened by extant development, so that the changes made to the approved scheme have no impact on the public realm.
14. I therefore conclude that the development, as implemented, has not harmed the character or appearance of the host property or the surrounding area. Accordingly, I find the scheme as-built accords with those provisions of LP⁷ policies LP1 and LP4 in that the design demonstrates a thorough understanding of the site, relates well to its existing context, and preserves the significance, character and setting of a non-designated heritage asset.

Conditions

15. Since the development is substantially complete and external areas acceptably landscaped and hard surfaced, the Council's first 4 suggested conditions are unnecessary. In the interests of protecting neighbouring privacy, I shall impose the suggested condition restricting the use of the flat roof formed by the ground floor extension.
16. The officer report draws attention to a window to be inserted in the side elevation in the following terms:
- A first floor side window is proposed which would face No. 38. It would not impact on the privacy of No. 38 as it would be obscure glazed and non-opening above 1.7m. In the event permission was granted an obscure glazing condition would be reasonable.*
17. No such condition has been suggested by the Council in its questionnaire response, but I consider it to be necessary in the interest of protecting neighbouring privacy.

Other matters

18. I have taken account of all other matters raised in the representations, including the references to the Council's SPD⁸ and the Framework⁹, but none outweighs those considerations which led me to my conclusions.

G Powys Jones

INSPECTOR

⁷ Richmond Local Plan 2018

⁸ House Extensions and External Alterations, Supplementary Planning Document 2015

⁹ The National Planning Policy Framework 2021

SCHEDULE OF CONDITIONS

- 1). The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
- 2). Unless already installed, within 3 months of the date of this permission, the side window serving bedroom 3, as shown on submitted Drawing 2 Rev F, shall be fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.