
Appeal Decision

Site visit made on 12 June 2023

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2023

Appeal Ref: APP/L5810/D/23/3319417

175A Burtons Road, Hampton Hill, Hampton TW12 1DX

- 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 and Mrs H Gurney against the decision of the London Borough of Richmond upon Thames Council.
 - The application Ref 22/3778/HOT, dated 22 December 2022, was refused by notice dated 16 February 2023.
 - The development proposed is for a first floor extension to an existing single storey, semi-detached single family dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension to an existing single storey, semi-detached single family dwellinghouse at 175A Burtons Road, Hampton Hill, Hampton TW12 1DX in accordance with the terms of the application Ref 22/3778/HOT, dated 22 December 2022 subject to the conditions set out below:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in complete accordance with the following approved plans: 916.01, 916.02, 916.03, 916.04, 916.05, 916.07, 916.12 Rev B and 916.FSS.
 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.
 4. The development must be carried out in complete accordance with the provisions of the Planning Fire Safety Strategy, received by the Council on the 23 December 2022 and retained as such thereafter.
 5. The proposed landing window on the side elevation of the extension hereby permitted shall at no time be openable or glazed other than in obscured glass below a minimum height of 1.7m above first floor level.

Main Issue

2. The main issue is the effect of the appeal proposal upon the character and appearance of the area.

Reasons

3. The appeal site is located within a residential street comprising a variety of architectural styles, but predominantly two storey detached and semi-detached houses that have been altered and extended over time. There are example of two storey side extensions which in some circumstances are within touching distance of their immediate neighbour.
4. 175A Burtons Road is a flat roof single storey dwelling that is attached to the eastern flank elevation of 175 Burtons Road and appears incongruous within the street scene; much like a former first floor and pitched roof has been truncated.
5. The design of the first floor extension is such that it would not completely mirror its partner, nonetheless it would be similar to its scale and form and would not appear out of character with its built context, unlike the existing situation.
6. I acknowledge that the submitted proposal would effectively double the floor space of the existing dwelling, but I consider that this is a special case and whilst it could be argued that the extension is not subordinate to the existing dwelling, I consider that overall there would be a vast improvement in its visual appearance. Therefore whilst the scheme may conflict with the strict letter of the Supplementary Planning Document for House Extensions and External Alterations (2015) the proposal would harmonise with the original appearance of no175 and the vast majority of other dwellings within the road.
7. I note that the design before me is materially different to the previous application that was determined by the Council and whilst there would be limited separation at first floor level between itself and the neighbouring dwelling at 173 Burtons Road, nonetheless this would be in tune with the prevailing pattern of development within the immediate locality. Further, I consider that the existing visual gap over the roof of the host dwelling is not so special that it should be retained at all costs.
8. I therefore consider that the proposed development would enhance the character and appearance of the area and complies with Policy LP1 of the London Borough of Richmond upon Thames Local Plan (2018) which requires all development to be of high architectural and urban design quality; and to be compatible with local character, including the relationship to existing townscape, development patterns, local grain and frontages, as well as scale, height and massing.

Other Matters

9. I note the third party concerns with regard to the potential for a loss of light in the kitchen and first floor landing of 173 Burtons Road, as well as a loss of privacy in their garden. However, in response to this, the Council stipulated that the separation between the appeal dwelling and no 173 is approximately 1m at its narrowest point and that the scheme would not cause unreasonable overbearing or loss of light issues, having regard to the BRE's 45° test. I have been given no substantive reason to come to a different conclusion on this matter, however I consider that it is appropriate to impose a condition that ensures that the first floor landing window is non openable and obscurely

glazed where below a minimum of 1.7m above the relevant floor level in order to protect any potential for overlooking and consequent loss of privacy.

Conclusion and Conditions

10. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
11. Other than the standard time limit condition, the Council recommends that conditions are imposed that requires the development to be carried out in accordance with the approved plans, and that materials and finishes to be employed on the external faces of the development shall match the existing building. I consider these necessary in the interests of the character and appearance of the area.
12. Furthermore, I consider, for the reasons set out above, that it is necessary to ensure that the first floor window on the flank elevation be obscurely glazed with no opening element below 1.7m above its floor level, in the interests of protecting the living conditions of the occupants of no173 from overlooking. Furthermore, to ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor of London Plan Policy D12, I consider that it is necessary to ensure that the development is carried out in accordance with the submitted Planning Fire Safety Strategy.

C J Tivey

INSPECTOR