

Appeal Decision

Site visit made on 6 June 2023

by G Powys Jones MSc FRTPI

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

Decision date: 30 June 2023

Appeal Ref: APP/L5810/D/23/3315650
16 Montrose Avenue, Twickenham, TW2 6HB

- 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 Yuvraj Nirwal against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 22/3058/HOT, dated 9 October 2022, was refused by notice dated 19 January 2023.
 - The development proposed is a first floor extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a first floor extension at 16 Montrose Avenue, Twickenham, TW2 6HB in accordance with the terms of the application Ref 22/3058/HOT, dated 9 October 2022, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issue is the effect of the proposal on the character and appearance of the host property and its surroundings.

Reasons

3. The appeal property is a semi-detached dwelling set in a street showing typical suburban characteristics. It has been extended before with a side/rear, mainly flat roofed two storey extension, and another full width ground floor extension at the rear. The appellant wishes to extend the bathroom on the first floor at the rear.
4. The proposed development is described as '*very small*' in the grounds of appeal. The Council agrees that, in itself, the proposal could possibly be described in these terms, but considers it should be assessed in the context of the extensions already carried out to the house and to those already approved or consented¹.
5. On this basis, the Council considers that the cumulative effect of this and the other extensions would materially affect the character and appearance of the dwelling at the rear to its detriment, it would represent overdevelopment and the proposal would breach the guidance contained in its SPD² that '*two storey*

¹ The appellant points out that these are already built.

² Supplementary Planning Document – House Extensions and External Alterations

side and rear extensions should not be greater than half the width of the original building, to ensure the extension does not over-dominate the building's original scale and character'.

6. I understand the Council's points, but do not share its view. To my mind, the extension sought can properly be described as small and would fit in neatly within the gap between the existing flat roof first floor extension and the wide bedroom bay window which occupies the original wall of the dwelling at the rear. Little remains of the original character of the dwelling at the rear because of the alterations and additions already carried out. Having regard to its design, this small addition, in my view, would be unobtrusive, and would be successfully subsumed within the whole without causing visual harm or giving rise to an overdeveloped appearance.
7. Moreover, the rear of the dwelling is visually sheltered. A railway in cutting lies to the north with trees, a high fence and outbuilding providing screening from this direction. The existing first floor extension would largely mask views of the proposed extension from a significant proportion of the domestic gardens to the west; the extension could be seen from a limited number of private gardens to the east, but it would be set against the backcloth and profile of the existing first floor extension. The proposed extension would therefore be barely noticeable if built.
8. I conclude that having regard to the particular circumstances of the case the SPD's guidance on the width of extensions need not be slavishly adhered to. This small extension would sit harmoniously in its much-changed visual context without harming the character and appearance of the host property or its surroundings. Accordingly, the proposals accord with those provisions of LP³ policy LP1 requiring the design to demonstrate a thorough understanding of the site and relates well to its existing context.

Conditions

9. In the interests of visual amenity, I shall impose a condition in respect of external materials, although it will vary from that suggested by the Council.
10. It is necessary, in the interests of certainty that the development shall be carried out in accordance with the approved plans.
11. To ensure compliance with policy D12 of the London Plan I shall impose the Council's suggested condition relating to Fire Safety.
12. I consider a further condition restricting building times is necessary so as to protect neighbouring amenity.

Other matters

13. I have taken account of all other matters raised in the representations including the representations made by a local resident which relates principally to the nuisance claimed to have been caused to residents arising from building works recently carried out in this part of the street. A condition regarding hours of building is imposed so that people may enjoy their gardens at reasonable times.

³ Richmond Local Plan 2018

14. Comments are also made by the resident in respect of the alleged overdevelopment, which I have already dealt with, and impact on neighbours by reason of the extension's effect on sunlight and daylight. The officer report assesses possible impacts on neighbouring amenity and I share the conclusion reached that the extension, if built, would not give rise to any harmful consequences on neighbouring residents.
15. All other matters raised have been considered but none outweighs the considerations which led to my conclusions.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 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 completed in accordance with the following approved plans: the location plan; IMA-AKN-201 Rev A01, IMA-AKN-202 Rev A02, IMA-AKN-203 Rev A02, IMA-AKN-204 Rev A01 & IMA-AKN-205 Rev A01.
- 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 hereby permitted shall be carried out in accordance with the provisions of the Fire Safety Statement received at the LPA on 2 November 2022 unless otherwise approved in writing by the Local Planning Authority.
- 5). No building works shall take place at the appeal site outside the hours of 08.00-18.00hrs on weekdays, 08.00-13.00 hrs on Saturdays and at no time on Sundays and Bank Holidays.