



Appeal Decision

Site visit made on 11 July 2023

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/L5810/D/22/3310076

31 Kneller Road, Twickenham TW2 7DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr and Mrs R Rao against the decision of the Council of the London Borough of Richmond Upon Thames London.
 - The application Ref 22/2596/PDE, dated 22 August 2022, was refused by notice dated 27 September 2022.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed, and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("The GPDO") for a single storey rear extension, at 31 Kneller Road, Twickenham TW2 7DF, in accordance with the application Ref 22/2596/PDE, made on 22 August 2022, and the details submitted with it, pursuant to Paragraphs A.3 and A.4 of Class A, Part 1, Schedule 2 of The GPDO.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development.
4. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received. As adjoining neighbours objected to the application, the Council assessed the impact of the proposal and found it to be unacceptable upon the occupiers of No 31 Kneller Road.
5. The description of development used in the heading has been taken from the application form. The Council's Decision Notice and the Appeal Form both use a different description, but I have not been provided with confirmation that either of these amended descriptions have been agreed by both parties. Accordingly, I have taken the description from the original application form.

Main Issue

6. The main issue is therefore the effect of the proposed extension on the living conditions of the occupiers of Nos 33 Kneller Road with particular regard to outlook.

Reasons

7. The appeal property is a semi-detached dwelling. The adjoining dwelling at No 33 Kneller Road (No 33) is separated from the appeal dwelling by a wooden close boarded fence and some tall boundary trees, which partially screen an existing rear extension at the appeal site.
8. At 6m in length the proposal would be some 2.4m longer than the existing addition although it would have a reduced eaves height of 2.4m, rising to 3.7m at its ridge. Like the existing addition its side elevation would be constructed close to the shared boundary with No 33.
9. No 33 has a set a patio doors serving a ground floor habitable room close to the shared boundary. Occupiers have a wide outlook from within that room that looks directly onto the property's long rear garden. In this context views of the proposal would be peripheral and screened somewhat by the boundary fence and the tree canopies. Although the extension would be 6m in length, this dimension is not excessive in this context, and occupiers would not have their outlook significantly diminished, such that they would be harmed. The other rear ground floor windows at No 33 would be set further away from the proposal. As such views of it would be more angled and less apparent from within those rooms. I am therefore satisfied that the outlook from within No 33 would be unharmed.
10. From No 33's garden the side elevation of the proposal would be visible rising above the boundary fence, although as indicated earlier, the extension's physical scale would be screened somewhat by the fence and trees. Even, if the trees are removed, thus exposing the scale of the extension, it would not appear excessive in height. The main seating area is also set well away from the proposal. Furthermore, given the proposal's location to one side, and the generous size of No 33's garden, there would not be a significant overbearing or enclosing effect when occupiers are using the space.
11. The neighbouring property at No 29 Kneller Road is not attached to the appeal property, although the gardens are adjoined. Given that No 29 already has a rear extension similar in scale and positioning to the proposal, the impact to the occupants of this property would be very limited.
12. The Council's guidance¹ states that single storey extensions should not project further than 3.5m for a semi-detached property. However, Paragraph 3.1.3 of the guidance does not rule out longer extensions. In this case the height of the proposal relative to the boundary and the layout of neighbouring sites, which the guidance indicates as reasons for allowing deeper extensions, reasonably justifies the proposal's length in this instance.
13. I have not had regard to Paragraph 3.1.4 of the guidance, which limits the eaves height of proposals to 2.2m, as that relates to infill extensions on Victorian properties. The appeal before me relates to neither.

¹ House Extensions and External Alteration Supplementary Planning Document

14. For the above reasons, I conclude that the proposed development would not adversely impact on the living conditions of the occupants of No 33 Kneller Road with particular regard to outlook.
15. I have taken into account Policy LP8 of the Local Plan insofar as it relates to, and as evidence to support, this matter. Based on the evidence before me and given my conclusions above, the development would not be contrary to that policy. Albeit the principle of development is established through the grant of permission by the GPDO.

Other Matters

16. There are concerns regarding the accuracy of the submitted plans, however, I am satisfied, based on my observations on site, that they accurately convey the situation on the ground.
17. With regard to the concerns relating to overdevelopment of the site, I am satisfied that there would be sufficient residual undeveloped space remaining at the front and rear of the property if the appeal proposal is built.
18. On the matter of guttering overhanging the adjoining property, this would be a private matter between the appellant and neighbouring occupiers, and therefore does not form part of my assessment. Similarly, the comments made on land ownership, are not matters for me to consider in this appeal.

Conditions

19. Although the Council have suggested conditions specifying the approved plans and matching materials, any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in sections A.3 and A.4. This includes the submitted details with the application and the use of similar materials to the exterior of the existing dwelling house.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

R E Jones

INSPECTOR