The Planning Inspectorate

# Appeal Decision

Site visit made on 2 August 2023

**By Elizabeth Lawrence BTP MRTPI**

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

**Decision date:15.08.2023**

**Appeal Ref: APP/L5810/D/23/3317930**
**16 Grimwood Road, Twickenham, TW1 1BX.**

- 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 & Mrs Marchant against the decision of the London Borough of Richmond Upon Thames.
- The application Ref 22/2744/HOT, dated 8 September 2022, was refused by notice dated 12 December 2022.
- The development proposed is described as a single storey side return extension including 2X skylights on the roof.

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 18 Grimwood Road (No.18), with particular regard to visual impact, daylight and sunlight.

## Reasons

3. The Appeal property Comprises a traditional two storey inner terraced house with a two-storey rear wing. There is a similar rear projecting wing at No.18 and narrow gaps between the wings and the boundary wall between the two properties. Within the rear projecting wing at No.18 are two ground floor windows that face directly towards the appeal dwelling and a further window within the recessed rear wall of the dwelling, which faces the rear garden.

4. Policy LP8 of the London Borough of Richmond Upon Thames Local Plan 2018 (LP) states that development must protect the living conditions of the occupiers of adjoining buildings. Amongst other things the design of new development must enable good daylight and sunlight standards. They should not be visually intrusive or overbearing as a result of their height, massing, siting or sense of enclosure. The supporting text to this policy explains that the aim is to protect the living conditions and amenities of the occupiers of existing properties from unreasonable harm. Adverse impacts can include perceived loss of light, sense of enclosure, or through overpowering, overbearing or obtrusive development.

5. The London Borough of Richmond Upon Thames Supplementary Planning Document – House Extensions and External Alterations 2015 (SPD), is

consistent with this. It advises that extensions should not create an unacceptable sense of enclosure or appear overbearing when viewed from neighbouring properties. Also, that three metre deep rear extensions to terraced houses are usually acceptable and there is some flexibility regarding deeper extensions depending on the circumstances on the site. Where rear infill extensions exceed three metres in depth it advises that the eaves height of the extension should not exceed 2.2 metres in height. This is to mitigate any sense of enclosure.

6. The National planning Policy Framework (the Framework) promotes a proactive approach to planning and the effective use of urban land. Paragraph 130 states that new development should function well and add to the overall quality of the area and be visually attractive. Development should optimise the potential of the site and create places that are safe, inclusive, accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

7. As indicated above, in principle the council does not object to rear infill extensions, subject to compliance with other policies set out in the development plan and associated guidance. The proposed rear side return extension would be subservient to and would respect the proportions and roof detailing of the existing rear projecting wing. Whilst the proposed wide bi-folding doors would change the appearance of the rear elevation, the overall proposal would respect the character and appearance of the host dwelling. In these respects, the proposal complies with the above policies and guidance.

8. However, the proposed extension would project up to the boundary with No.18 and 5.5 metres beyond the recessed rear building line of both dwellings. It would have a mono-pitched roof that would be 2.78 metres height where it adjoins the boundary with No.18, rising to approximately 3.7 metres where it adjoins the existing rear projecting wing.

9. The existing boundary wall between the two properties is less than two metres in height, with timber trellising and some soft planting above it. The wall creates a sense of enclosure in the outlook from the adjacent side and rear facing windows. Conversely, the trellis and planting allow views through them and for daylight and sunlight to filter through. As a consequence, their contribution to the existing sense of enclosure is minimal and is not comparable to that of the side wall and roof of the proposed extension.

10. Taking these factors into account I find that, due to its combined height, depth and proximity, the proposed extension would have an enclosing and oppressive impact on the outlook from the two adjacent windows in the rear projection at No.18. It would also create an enclosing and oppressive tunnel effect in the outlook from the adjacent rear facing ground floor window at No.18. Overall. the proposal would have an oppressive and overbearing impact, which would unacceptably harm the living conditions of the occupiers of No.18.

11. Although it is noted that the rear of the dwelling at No.18 has a southerly aspect, due to its combined height, depth and siting to the west, the proposed extension would result in the loss of some daylight along with some sunlight in the afternoons. Whilst such loss would be modest and would not amount to a reason for dismissing this appeal, it would exacerbate the oppressive and overbearing nature of the proposal.

12. Overall, the harm that would be caused to the living conditions of the occupiers of No.18 would materially outweigh the benefits for the appellant and their family that would result from the proposed additional accommodation. Further, due to the nature of the concerns it is not a matter that could be satisfactorily dealt with by condition.

13. Finally, the appellant has referred to a number of rear return extensions that have been allowed. However, as no drawings or dimensions for these extensions have been provided, it is not possible to compare them to the appeal proposal. Irrespective of this, paragraph 47 of the Framework points out that planning law requires that planning applications be determined in accordance with the development plan, unless there are material considerations that dictate otherwise. The appeal has been determined on this basis and in this instance, I find that the proposal would be unacceptable for the reasons set out above.

14. I conclude that the proposal would unacceptably harm the living conditions of the occupiers of No.18. Accordingly, it would conflict with LP Policy LP8, the SPD and paragraph 130 of the Framework.

*Elizabeth Lawrence*

INSPECTOR