



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: 16th August 2023

Appeal Ref: APP/L5810/D/23/3320024

65 Stanley Road, Teddington, TW11 8UB

- 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 Vikas Kumar Aggarwal against the decision of the London Borough of Richmond Upon Thames.
 - The application Ref 22/3424/HOT, dated 16 November 2022, was refused by notice dated 13 January 2023.
 - The development proposed is for a ground floor rear extension.
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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 63a Stanley Road (No.63A) due to visual impact and loss of daylight/sunlight.

Reasons

3. The Appeal property is located within a row of traditional two storey terraced houses with two storey projecting wings to the rear. These wings are attached on one side and have narrow gaps on the other. Consistent with this the appeal property has a deep two storey projection and originally had a deep narrow gap to the side of it, which was mirrored by the property at No.63, which has been converted into two flats. At some time, a 3.7 metre deep rear infill extension was constructed within the gap to the side of the appeal dwelling. It projects up to the side boundary with No.63a and its side parapet wall is some 3.2 metres high.
4. In 2022 planning permission was granted for a six metre deep addition to the above infill extension. However, it did not have a parapet wall adjacent to No.63a and its eaves height immediately adjacent to the boundary with No.63a was 2.2 metres high.
5. The appeal extension has already been constructed. It is similarly six metres deep and is attached to the original infill extension, resulting in a 9.7 metre deep extension. However, unlike the recently approved extension it includes a parapet wall of some 3.1 metres in height adjacent to the boundary with No.63a and would have an eaves height of 2.885 metres.

6. 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. New development must allow for good daylight standards and avoid overbearing impacts or harm the reasonable enjoyment of users of buildings and gardens. Paragraph 126 of the National planning Policy Framework (the Framework) states that good design is a key aspect of sustainable development. Paragraph 130 of the Framework seeks a good standard of amenity for residents.
7. The London Borough of Richmond Upon Thames House Extensions and External Alterations Supplementary Planning Document (SPD), is consistent with this. It advises that extensions of up to three metres in depth are generally acceptable to the rear of terraced houses. Where a greater projection is proposed the eaves should be reduced to 2.2 metres in height. This is to protect the living conditions of the occupiers of the adjacent dwelling.
8. Visually, the proposed extension respects the proportions, detailing and appearance of the host dwelling. In this respect it complies with LP Policy LP1 which deals with design and paragraph 130 of the Framework. However, it is also necessary to ensure that the proposal does not unacceptably harm the living conditions of the occupiers of the adjoining and nearby dwellings.
9. The flat at No.63a has a window and a pair of glazed doors that face towards the existing and proposed rear infill extensions. There is also a window in the recessed rear wall of the flat at No.63a, whose outlook is flanked on one side by the rear wing at No.63a and on the other by the existing and proposed rear extensions at the appeal property.
10. Not only is the outlook from these windows and doors at No.63a restricted they serve habitable rooms. Due to their combined height and depth the two extensions are visually overbearing and have an overbearing impact on the outlook from the rooms served by the adjacent windows and rear doors. Whilst the loss of daylight and sunlight caused by the proposed extension is minimal, it nonetheless exacerbates the overbearing and enclosing impact created by the proposed extension.
11. As a result of these factors the proposal materially and unacceptably detracts from the living conditions of any occupiers of No.63a. This harm clearly outweighs the benefits provided by the proposal for the appellant and their family and is not a matter that could be appropriately dealt with by condition.
12. Whilst I acknowledge that planning permission has already been granted for an extension on the same footprint as that proposed, the eaves height of the approved extension is just 2.2 metres in height. As such it is not dissimilar to a two-metre boundary wall and it would retain some openness between the adjacent windows/doors at No.63a and the rear garden environment. For this reason, the impact of the approved scheme is not directly comparable to that of the appeal proposal.
13. Finally, the appellant has referred to a number of rear return extensions in the locality that have been approved. However, as no details for these extensions have been provided, I am unable to compare them to the appeal proposal. Notwithstanding this, 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.

14. I conclude on the main issue that the proposed scheme would unacceptably harm the living conditions of the occupiers of Nos.63A, due to its overbearing visual impact. It would therefore conflict with LP Policy LP8, the SPD and paragraph 130 of the Framework.

Elizabeth Lawrence

INSPECTOR