The Planning Inspectorate

Appeal Decision

Site visit made on 28 November 2023

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

Appeal Ref: APP/L5810/D/23/3325636
73 Marksbury Avenue, Richmond upon Thames, TW9 4JE

- 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 Jonathan Davies against the decision of the Council of the London Borough of Richmond upon Thames.
- The application Ref 23/0373/HOT, dated 11 February 2023, was refused by notice dated 17 April 2023.
- The development proposed is front and rear second floor roof extensions.

Decision

1. The appeal is allowed and planning permission is granted for front and rear second floor roof extensions at 73 Marksbury Avenue, Richmond upon Thames, TW9 4JE in accordance with the terms of the application, Ref 23/0373/HOT, dated 11 February 2023, subject to the following conditions:
   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
   2) The development hereby permitted shall be carried out in accordance with the following approved plans: TQRQM23042152022239, 42495R1/1, 42495R1/2, 42495R1/3, 42495R1/4, 42495R1/5, 42495R1/6, 42495R1/7, 2204 PA00, 2204 PA01, 2204 PA02, 2204 PA03, 2204 PA04 and 2204 PA05.
   3) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing, unless where otherwise stated in the application details.
   4) The second-floor side elevation window located within the newly configured en-suite hereby approved shall at no time be openable, or glazed other than in obscured glass, below a minimum height of 1.7 metres above the floor level in that room.
   5) The development hereby permitted shall be carried out in accordance with the Fire Safety Reasonable Exception Statement, dated February 2023, unless otherwise approved in writing by the Local Planning Authority.

Procedural Matter

2. The Council's first reason for refusal states that in the absence of a proposed roof plan, the application contains insufficient information to be accurately determined. However, in addition to existing and proposed elevation and floor plans, in response to an officer request for further information, 3D streetscene images of the existing and proposed development were submitted.

3. At paragraph 2.3.2 the Council's House Extensions and External Alterations Supplementary Planning Document 2015 ('SPD') states that existing and proposed elevations and floor plans are required. Those were provided as part of the application. In my view, considered as a whole, the submitted details were sufficient to enable the Council to understand the scheme, and to determine it against Policy LP 1 of the Richmond upon Thames Local Plan 2018 ('RLP'), the National Planning Policy Framework ('Framework') and the SPD.

4. As part of the appeal, I have been provided with drawing no. 2204 PA02, which depicts the proposed roof plan. The Planning Inspectorate Procedural Guide: Planning Appeals – England 2023 states that the appeal process should not be used to evolve a scheme, and that what is considered by the Inspector should be essentially what was considered by the Council and interested parties at the application stage.

5. However, in this case, that additional drawing provides further clarity, but does not involve any amendments to the scheme. Given my conclusion regarding the acceptability of the information submitted at application stage, my acceptance of it would not prejudice anyone involved in the appeal.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the host property and the area.

Reasons

Character and appearance

7. Marksbury Avenue comprises rows of dwellings which are set back from the tree-lined road, behind small front gardens or forecourts. The vast majority of the houses are semi-detached, and include front facing gables with bay windows and other architectural detailing typical of their era. Viewed from the road, notwithstanding some alterations, they have mainly sloping roofs, and their proportions and style are fairly consistent and cohesive.

8. In that context, the detached house at No 73 is something of an anomaly. It is a particularly large building, whose deep plan form is clearly apparent approaching along Marksbury Avenue from the north. Previous alterations to it include a flat-roofed two storey section facing the road, and behind that a large, second floor, side-facing, flat roofed dormer. Those alterations, along with similar flat-roofed dormers and extensions to the rear, have given it a very rectilinear 'stacked box effect', which is markedly at odds with the area's distinctive local character.

9. Additionally, whilst some houses in Marksbury Avenue have small sections of timber detailing high up in their gables, the extensive timberwork on the host's front face appears quite at odds with the prevailing style in the road.

10. As a result of this scheme, the property would have two front facing gables. Whilst that is not a typical characteristic of Marksbury Avenue, as illustrated at pages 29 and 30 of the appellant's statement there are similar style detached houses nearby on Taylor Avenue and Pensford Avenue. Moreover, the second gable here would be smaller than the host's existing gable, and it would have the significant benefit of largely screening the discordant side facing dormer from the streetscene.

11. A bridging section of roof is proposed between the existing and proposed front gables. This would have a rather rectilinear form, but it would replace an existing box dormer, and its zinc finish would help to give it recessive appearance, so that the gables dominate.

12. To the rear, the houses on Marksbury Avenue are less consistent than to the front, and many close to No 73 have large box dormers. In that context, and given more limited public views, including from the recreation grounds, the host's rectilinear form appears less incongruous than it does to the front.

13. The proposed rear gable and zinc clad bridging section would be recessed compared to the host's existing wider gable, and it would help to hide views of the discordant side dormer. The replacement of the 'Tudorbethan' timbering on this elevation with white render would also help to integrate the building with its surroundings.

14. Although the scale and bulk of this already large house would be increased as a result of this scheme, the overall effect would be to create a more coherent and balanced building, which would be better reflect the prevailing streetscene. The proposal would not harm the character and appearance of the host property or the area.

15. The scheme would not fully comply with all the advice in the SPD, but that can also be said of the existing building, and paragraph 1.1.3 acknowledges that it does not address every type of addition or eventuality. However, having regard to the SPD's guiding principles, compared to the existing situation, the resultant building would blend in better with the neighbourhood, and it would better reflect the original building's style and form.

16. For similar reasons, the scheme would not conflict with RLP Policy LP 1. This sets out the need for high architectural and design quality, which maintains or enhances the character of the area, having regard to matters such as scale, height, massing, proportions, form, materials and detailing. Nor would it conflict with the similar general stance in the Framework.

Other matters

17. Disruption to local residents during construction would be temporary and, given the limited extent of the proposed works, I am satisfied that it would not be severe. Given the distance to the house at 37 Atwood Avenue, and the location of the proposed windows, there would be no significant overlooking of that property as a result of this scheme.

Conditions and Conclusion

18. Turning to the matter of conditions, I have considered those suggested by the Council and the appellant against the Framework's tests. In addition to the standard time limit, in the interests of certainty, I have imposed a condition requiring that the development be carried out in accordance with the approved plans.

19. Additionally, in the interests of good design, a condition is necessary requiring that the development be carried out in matching materials unless stated otherwise in the submitted details.

20. Given the location and elevated position of the proposed second floor en-suite window in the southern elevation, I have imposed a condition requiring that it be predominantly fixed shut and obscurely glazed in the interests of protecting the adjacent occupiers' living conditions.

21. Finally, having regard to Policy D12 of the London Plan 2021, a condition is necessary, in the interests of ensuring the safety of all building users, requiring that the development be carried out in accordance with the information submitted in the Fire Safety Reasonable Exception Statement.

22. Given the limited extent of the proposed works, I am not persuaded that a condition requiring the submission of a construction management plan is necessary.

23. For the above reasons, the scheme would not harm the character and appearance of the host property or the area. Consequently, having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR