



Appeal Decision

Site visit made on 8 December 2023

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22.12.2023

Appeal Ref: APP/L5810/D/23/3327430

75 Queens Road, Richmond Upon Thames, TW10 6HJ

- 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 Mrs R Abo Isaa against the decision of the Council of London Borough of Richmond upon Thames.
 - The application Ref 23/0720/HOT, dated 20 March 2023, was refused by notice dated 16 May 2023.
 - The development proposed is single storey rear extension, loft conversion/dormer extension and front porch.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension, loft conversion/dormer extension and front porch at 75 Queens Road, Richmond Upon Thames, TW10 6HJ in accordance with the terms of the application, Ref 23/0720/HOT, dated 20 March 2023, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Procedural Matter

2. An amended plan of the proposed side elevations has been submitted with the appeal. This is a correction to the plans submitted with the planning application where the depth of the extension was shown as being approximately 1 metre less than on the floor plans, block plan and roof plans. It is clear from the Council's Officer Report that the application was determined on the basis of these other plans. Furthermore, the only plan that specified the depth of the extension was the floor plan, which remains unaltered, and the amended plan now corresponds with that plan. I do not therefore consider that the interests of those who would normally have been consulted would be prejudiced if I take this amended plan into account.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of occupiers of 73 Queens Road, with particular regard to outlook.

Reasons

4. The appeal site relates to a 2 storey detached house. There is a glass conservatory across half the rear of the house and a 2 storey hipped roof wing projects just beyond it on the other half. That has a single pitched lean to attached to part of it. A relatively large back garden, accessed by a side path,

slopes up away from the house. A wooden close board fence runs along the boundary with No 73 with hedges and trees along the edge of it.

5. The conservatory and lean to would be demolished and the proposed single storey extension would reach across the full width of the rear elevation. It would have a flat 3m high roof, low parapet walls around its edge and 2 lantern roof lights. Its depth would vary as it would extend beyond, and wrap around, the projecting wing, from which it would extend back 5m. The Council's House Extensions and External Alterations Supplementary Planning Document (2015) (SPD) advises that a 4m extension is usually acceptable for a detached property, but that a larger extension may be justified depending on the circumstances of the site, taking into account, for example, distances from the boundary and neighbouring properties. The Council has also referred to the SPD limiting the eaves height of extensions to 2.2 metres where they exceed 4 metres in depth. However, that guidance appears to relate to infill extensions where the gap between properties is reduced, which is not the case with the appeal proposal.
6. No 73's rear building line is approximately level with that of the appeal property because it also has a 2 storey rear projecting element. Consequently, at its closest point, the proposed development would extend 5 metres beyond the rear elevation of No 73. However, the 2 houses are separated by paths either side of the shared boundary fence. According to the appellant, the nearest window on No 73 is approximately 3 metres from the proposed extension side wall. Whilst I was unable to confirm the accuracy of that estimate during my site visit, I am satisfied that the gap is sufficient to ensure that the proposed extension would not create a sense of enclosure or be so overbearing when viewed from the house or garden at No 73, as to harm the living conditions of occupiers of the property. I therefore conclude that the proposal would accord with Policy LP8 of the London Borough of Richmond Upon Thames Local Plan (2018) (LP) and the objectives of the SPD which seek to protect the amenity and living conditions of occupants of neighbouring properties.

Other Matters

7. The proposal includes a side dormer and front porch. The dormer meets the requirements of the SPD, and the proposed windows would be obscured glazed and thereby ensure no mutual loss of privacy between the appeal property and neighbouring house. The porch is a modest addition in an area where porches are common. I therefore agree with the Council that these elements are acceptable.

Conditions

8. I have had regard to the planning conditions suggested by the Council. The 3 year period in which planning permission may be implemented is a statutory requirement. A condition requiring the use of matching materials is necessary in the interests of appearance and a condition listing the plans is necessary to provide certainty. A condition to protect trees during construction has not been justified by a survey indicating their condition, importance or whether they can practicably be retained and is not therefore reasonable. Conditions requiring obscured glass windows, limiting the use of the roof for escaping a fire, and controlling emissions associated with construction machinery are necessary to protect the living conditions of neighbours, and the condition requiring

implementation in accordance with the submitted fire strategy is necessary to ensure the safety of occupants of the proposed development.

Conclusion

9. For the reasons given above I conclude that the appeal should be allowed.

P D Sedgwick

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 carried out in accordance with drawing nos: P-100 Location Plan; P100v2 proposed side elevations; P-101; P-106; P-106A; and P-107.
- 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 roof of the building shall not be used for any purpose other than as a means of escape in emergency or for maintenance of the building.
- 5) The proposed windows in the side dormer hereby approved shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.7 metres above the relevant floor level.
- 6) Non-road mobile machinery during onsite construction of any phase of development, all nonroad transportable industrial equipment or vehicles which are fitted with an internal diesel powered compression ignition engine between 37 and 560KW and not intended for transporting goods or passengers on roads are required to meet Stage IIIB of EU Directive 97/68/E and be NRMM registered. Such vehicles must be run on ultra low sulphur diesel (also known as ULSD 'cleaner diesel' or 'green diesel').

"Ultra low sulphur diesel" means fuel meeting the specification within BS EN 590. Where these standards are succeeded, they should be applied when reasonable. Exemptions to these standards may be granted for specialist equipment or for equipment with alternative emission reduction equipment or run on alternative fuels. Such exemptions shall be applied for in writing to the local planning authority in advance of the use of such vehicles, detailing the reasons for the exemption being sought and clearly identifying the subject vehicles. Exemptions that are granted will be in writing and such vehicles must not be used until written exemption has been issued by the local planning authority.

No vehicles or plant to which the above emission standards apply shall be on site, at any time, whether in use or not, unless it complies with the above standards, without the prior written consent of the local planning authority.

- 7) The development must be carried out in accordance with the provisions of the 'Planning Fire Safety Strategy Statement' received on 24 Mar 2023 unless otherwise approved in writing by the Local Planning Authority.

*****End of Conditions*****