



Appeal Decision

Site visit made on 5 December 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th January 2024

Appeal Ref: APP/L5810/D/23/3321101

38 Brook Road, Twickenham, TW1 1JE

- 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 Robert Masson against the decision of the London Borough of Richmond Upon Thames.
 - The application Ref. 23/0423/HOT, dated the 17 February 2023, was refused by notice dated the 6 April 2023.
 - The application is for a development comprising construction of a single storey side infill extension and first floor extension, insertion of bay window & front porch to ground floor front elevation, excavation of basement and provision of front lightwell, fenestration changes & internal refurbishment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reasons for refusal refer to the National Planning Policy Framework (July 2021) (Framework) which was revised in September 2023. However, the relevant policies of the Framework remain broadly unchanged in the September 2023 version.
3. The Appellant's Grounds of Appeal (GOA) allege that the Council failed to engage with their Agents in relation to the determination of the application. These are not matters that I can comment on within the context of an appeal that has simply been submitted under section 78 of the Town & Country Planning Act 1990. If the Appellant wishes to pursue these matters further, I can only suggest that they do so directly with the Council through their normal complaints procedure.

Main Issues

4. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and surrounding area; (b) the living conditions of neighbouring occupiers; and (c) whether the proposal would increase potential flood risk within the locality.

Reasons

Character and appearance

5. The appeal site comprises a two storey terraced property with gardens to the front and rear. The surrounding area largely comprises similar two storey

terraced properties. A number of these properties retain their original features, whereas others have been altered to include new porches and modern UPVC windows and doors. As I observed on site, a large number of these alterations are of a poor quality and have harmed the overall character and appearance of the properties in question and the surrounding area. However, even where original windows and doors have been replaced, such as on the host property, due to their simple and uncluttered frontages, they still, together with those properties of a more traditional appearance, make a contribution to the overall character and appearance of the area.

6. The appeal proposal includes a single storey rear infill and first floor extension, which the Council accept are subservient to the host. Mindful of the limited public views of the rear to the host property, I concur with the Council findings and consider that this aspect of the proposal would not result in any harm to the character and appearance of the host or to the streetscene. The Council do contend that the new porch, front lightwell and railings, and new bay window would, combined, overdevelop and clutter the front elevation and garden to the host property. For the reasons set out below, I concur with those findings.
7. Policy LP1 of the Richmond Local Plan (July 2018) (RLP) seeks, amongst other requirements, to ensure that new development is of a high quality design and respects, contributes to and where possible enhances the local environment and its character. The latter is to be secured by, in particular, ensuring that development is compatible with local character and existing townscape, as well as the built environment, local grain and frontages. A similar approach is set out in the House Extensions & External Alterations Supplementary Planning Document (May 2015) (SPD), where its guidance emphasises the need to retain the original form of host properties and ensure that new extensions and alterations make the most of opportunities to enhance the quality of the existing building. The above policies and guidance are broadly consistent with those in the Framework.
8. The SPD advises that new lightwells may be acceptable where such features are already part of the prevailing character of a terrace, group of buildings or the surrounding townscape. My attention has not been drawn to any similar feature within the same terrace or building group as the appeal site or within its surrounding townscape. Whilst the Appellant's GOA refer to lightwells within properties on Winchester Road, the latter are located some distance to the east and south east of the appeal site and are physically, visually and functionally divorced from the appeal site. As such, these properties do not, in my view, form part of the local context or surroundings to the appeal site. The proposed lightwell would also be visually prominent from the street and would detract from the character of the simple front elevation and small garden to the host. The proposed railings would also be visually prominent, albeit I accept that they could be replaced by a grille and the lightwell would reduce the area available for refuse storage, boundary treatment and any meaningful planting.
9. Turning to the proposed porch, the SPD highlights that porches can have a significant impact on the street elevation as they form the focal point of the front elevation. As I mentioned earlier, there are already examples of porches within the same terrace as the host that are of poor quality in terms of their design, form and detailing, and which have, as a result, undermined local distinctiveness and harmed the character of the streetscene. The proposed

porch would exacerbate that impact given that its design would differ from that of the existing porch to the adjoining property, 40 Brook Road and would thus not secure any visual continuity.

10. The proposed bay window would add further to the clutter and mismatch of styles and detailing on the front elevation, through the introduction of a large bay window feature that is not commonly found on the immediate group of properties or terrace that the host forms part of. Whilst I accept that the existing windows to the host are not originals, it would also lead to a mixture of window styles on the front elevation and would miss the opportunity to secure a consistent style of fenestration to enhance the quality of this front elevation.
11. Accordingly, I find that the proposed lightwell, porch and bay window would, combined, result in significant harm to the character and appearance of the host property and streetscene, contrary to policy LP1 of the RLP, the guidance in the SPD and paragraph 130 of the Framework.

Living conditions - neighbours

12. As I confirmed above, the appeal proposal involves the construction of a single storey side extension to the existing ground floor extension, within the gap that exists between the latter and the common boundary with 36 Brook Road (No.36), together with a first floor extension over part of this ground floor extension. As I observed on site, as well as there being a gap between the ground floor extension to the host and the common boundary with No. 36, there is also a similar gap (marginally wider) between that boundary and the single storey outrigger to No.36. The common boundary itself is formed by a combination of timber fencing, trellis and hedging.
13. The proposal would extend right up to the common boundary with No.36 and would have a depth, on the ground floor, of some 6.6 metres from the main rear wall of the host and of some 3.1 metres on the first floor. The extensions would be stepped and as such the first 3.1 metres of the first floor extension would have, with the ground floor extension, a combined height of some 5.2 metres. The remaining depth of the ground floor extension would have a height, to the parapet, of some 2.9 metres. As a consequence, both elements would be highly visible from the rear and side windows and private amenity space to No.36. From these viewpoints, the combined height, massing and scale of the proposed extensions, sited on the common boundary, would be visually dominant resulting in an overbearing impact on the living conditions of the occupiers of No.36.
14. Notwithstanding the findings of the Daylight & Sunlight Assessment, the height, massing and depth of the proposal, sited on the common boundary, would result in an unneighbourly form of development that would harm the outlook of the occupiers of No.36 and lead to an unacceptable tunnelling effect. Overall, the resulting building relationship would conflict, in this respect, with parts of the guidance within the SPD including the 45° test, which remains a useful and commonly used test in assessing the acceptability of such relationships.
15. Whilst I understand that there have been no objections from the occupiers of No.36, that does not negate the need to have regard to the impact of the proposal on both existing and future occupiers living conditions. Reference has also been made to the possibility that the owners of No.36 may seek planning permission themselves for a similar development. However, my attention has

not been drawn to any planning application or commitment from the owners of No.36 to carry out such works. Consequently, I can only assess the proposal's acceptability on the basis of its impact on the current layout of No.36.

16. As to examples of full width extensions elsewhere, referred to by the Appellant, I have not been provided with full details of the planning background to these or the circumstances that arose in those cases, and it's not possible for me to determine, therefore, whether they are in any way comparable to the appeal proposal or whether the circumstances that led to their approval are similar to those that arise in the context of this appeal. Consequently, none of these examples affect the findings I have reached on this issue.
17. Accordingly, I find that the proposed development would result in significant harm to the living conditions of the occupiers of No.36 contrary to policy LP8 of the RLP, the guidance within the SPD and paragraph 130 f) of the Framework. These seek to ensure, amongst other requirements, that development does not cause unacceptable harm to the living conditions of existing occupiers.

Flood risk – basement

18. Policies LP11 and LP21 of the RLP and the Basement Assessment User Guide (2021) (Basement Guide) set out the criteria for assessing the acceptability of new basements. Based on these, my observations on site and the submitted evidence, I am satisfied that the proposed basement would be acceptable in that: the proposal would not exceed 50% of the garden area; the proposal would be sited more than one metre from the public highway and the safeguarding of the structural stability of the highway, as well as adjoining properties, could be controlled by a condition; the proposal would not include any habitable accommodation requiring natural light or ventilation; the proposal would not extend beyond the ground floor, as extended and thus one metre of naturally draining permeable soil above it would not be required; and the Flood Risk Assessment adequately demonstrates how any potential flood risk can be mitigated.
19. In the event that I was minded to allow the appeal I am satisfied that any outstanding details, such as the submission and approval of a Construction Management Plan and Basement Impact Assessment, could be controlled by conditions. Accordingly, I find that the proposed basement would not conflict with the requirements of policies LP11 and LP21 of the RLP, the Strategic Flood Risk Assessment (2021), the Basement Guide or the corresponding policies of the Framework.

Conclusions

20. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR