



Appeal Decision

Site visit made on 9 January 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2024

Appeal Ref: APP/L5810/D/23/3330084 19 The Hermitage, Richmond TW10 6SH

- 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 Raper against the decision of the London Borough of Richmond Upon Thames.
 - The application Ref 23/1649/VRC, dated 13 June 2023, was refused by notice dated 1 August 2023.
 - The development is for the variation of planning approval 21/2109/HOT - Condition Number(s): 2,3 & 4 of appeal decision, to amend the approved drawing PNR/1/OD1 rev A to PNR/1/OD1 rev B, to allow for a revised design of the glass balustrading.
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Decision

1. The appeal is allowed, and planning permission is granted for variation of planning approval 21/2109/HOT - Condition Number(s): 2,3 & 4 of appeal decision, to amend the approved drawing PNR/1/OD1 rev A to PNR/1/OD1 rev B, to allow for a revised design of the glass balustrading at 19 The Hermitage, Richmond TW10 6SH in accordance with the terms of the application Ref 00026/38/P13 dated 17 February and the plans submitted with it, subject to the following conditions:-
 - 1) The development hereby permitted shall begin before 19 August 2025. decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PNR/1/LOC, PNR/1/BLK, PNR/1/X1 and PNR/1/OD1 REV B.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans detailed above.
 - 4) The development hereby permitted shall not be occupied until the obscured glazed side balustrades have been fitted. Once installed the obscured glazing shall be retained thereafter.

Main Issue

2. The main issue is the impact of the development on the occupiers of the neighbouring properties with particular regard to overlooking and loss of privacy.

Reasons

3. No.19 The Hermitage is a four-storey semi-detached property located within a row of similar properties. It has an existing single-storey flat roof extension and a part first-floor projection to the rear.
4. Planning permission was granted on appeal in August 2022 (reference APP/L5810/D/21/3285469) for the creation of a terrace on the roof of the single-storey extension to be fully enclosed by obscure glazed screening. This appeal proposal seeks to revise the design with a 1.1m clear glazed balustrade along the rear edge whilst maintaining the high obscure screens to each side. Additionally, the screen to the southern side would be repositioned to align with the first-floor projection, rather than along the shared boundary with No.20.
5. The revised balustrade will allow an unrestricted outlook from the rear of the terrace over the property's garden. This will inevitably enable some oblique views towards the neighbours, however, due to the depth of the extension and the side screens these views would be directed over the rear part of the garden. The lower balustrade could offer the opportunity to peer over, although any such occurrences are unlikely to be regular and/or prolonged. As I saw from my site views a similar opportunity could be permissible from the existing first-floor Juliet balcony and a level of mutual overlooking between properties is expected in urban areas.
6. The neighbouring properties have a typical side-by-side arrangement and as such I cannot agree with the Council that the advice in the *Householder Extensions and External Alterations* SPD requiring high-level or obscure glazed windows in any wall directly facing a neighbouring house or garden applies to the rear elevation. Notwithstanding that, in line with the principles of that guidance obscure glazing to a height between 1.7 to 1.9m will form the side screens restricting direct views towards the neighbours and thereby protecting the more private garden space adjacent to the house.
7. Whilst elevated terraces are not currently a feature of this row of properties the use has been established and the visual appearance of the side to No.18 would be the same as with the original scheme. To the other side, the terrace and side screen would be set further away from No.20 with the area to the rear of the first-floor projection not forming part of the terrace.
8. Overall, I do not find that the proposal would result in an unacceptable level of overlooking. As such there would be no direct conflict with the SPD guidance which requires extensions not to result in any substantial loss of privacy and the development would accord with Policy LP 8 of the London Borough of Richmond Upon Thames Local Plan, July 2018 (Local Plan) which seeks to protect the amenity and living conditions of neighbouring properties.

Other Matters

9. The appeal property is located within the Richmond Hill Conservation Area and is part of a Building of Townscape Merit. Located to the rear and of a transparent form, I concur with the Council's conclusion and the previous appeal decision that the development would not harm the character and appearance of the property and that the significance of the Conservation Area would be preserved.

10. Whilst I understand third parties' concerns and frustrations with the number of planning applications and the process through which the terrace has been achieved, I must consider the proposal before me on its own merits.

Conditions

11. As this is an application under section 73 it is necessary to repeat the conditions of the original planning permission. However, section 73 cannot extend the time of an application and therefore condition 1 is revised so that development must commence within 3 years of the date of the original permission. I have also amended the wording of condition 2 to refer to the revised plans which include details of the materials. Similarly, I have slightly revised the wording to condition 4 to refer to the side screens for clarity.

Conclusion

12. For the reasons set out I have not found conflict with Local Plan policy LP 8 and there are no other matters before me which indicate that the appeal should be considered other than in accordance with the Development Plan. The appeal therefore is allowed.

G Ellis

INSPECTOR