



Appeal Decision

Site visit made on 20 February 2024

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2024

Appeal Ref: APP/L5810/W/23/3328650

23A West Park Road, Kew TW9 4DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Matthew and Katy Williams against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 23/1054/FUL dated 2 May 2023 was refused by notice dated 12 July 2023.
 - The development proposed is the demolition of existing rear extension and construction of new ground floor single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing rear extension and construction of new ground floor single storey rear extension at 23A West Park Road, Kew TW9 4DB, in accordance with the terms of the application, Ref 23/1054/FUL, dated 2 May 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 submitted plans: drawing no's 131-S-001; 131-S-002; 131-P-020-C; 131-P-021-B; 131-P-022-B; 131-P-023-C; and 131-P-030.

(3) The development shall be undertaken in accordance with the external materials specified on the Application Form and the colour details provided on page 24 of the Design and Access Statement dated April 2023, namely; walls to be painted render and ceramic tile cladding; and roof to be GRP in black.

Preliminary Matters

2. With their appeal, the appellants have submitted a Daylight and Sunlight Analysis report, prepared by AMP Architecture Studio. The Council and other interested parties have had the opportunity to comment on that information, I am satisfied there would be no unfairness to any interested party by accepting this information. Consequently, the appeal will be determined on this basis.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of the occupiers of No's 21 and 25 West Park Road, with particular regard to their outlook and light.

Reasons

Living conditions – No. 25

4. The appeal property is a ground floor flat, which has an existing single storey extension to its rear side. Between the appeal property and its neighbouring property, No. 25, is a narrow path that provides joint access to it and No. 25's rear side. Both properties have ground floor windows that face the path, which have limited daylight due to the close side by side relationship of the properties, this includes No. 25's large kitchen window, which due to No. 25 being a bit deeper than the appeal property, faces the appeal property's existing single storey extension, which reduces the daylight entering that window.
5. It is understood from the documentation provided that No. 25 was recently extended at single storey level, creating a open plan living and kitchen area (a habitable room). This open plan living area is served by large, glazed openings on its end elevation, a large sky light across much of its roof, along with this side window serving the kitchen part of the room.
6. I observed on my inspection during the middle of the day that the kitchen window had a blind that was fully closed, I also saw the daylight it would receive was restricted due to its side position so near to the existing extension of the appeal property.
7. The proposal would extend beyond the projection of the existing single storey extension, and be some 5.9 metres from the rear elevation of the appeal property, it would also be higher than the existing extension, although it would have a similar width to it. The Council's Supplementary Planning Document, House Extensions and External Alterations, dated May 2015 (SPD), says that single storey extensions to semi-detached properties are usually acceptable when they project no further than 3.5 metres and that the Council will be guided by the Building Research Establishment (BRE) in regard to daylight and sunlight effects, it also states that the final test of acceptability will depend on the particular circumstances on the site. Both parties agree that the proposal would not meet the 25-degree rule, measured by the appellant to be marginally above at 30.72 degrees, unlike the existing situation, which the Council said meets the 25-degree rule. It is also said that the proposed development's effect upon this window would fail the vertical sky component test.
8. Whether the submitted information provided by the appellant contains adequate information or not, the proposed height increase would, to some extent, likely reduce the amount of natural light received by No. 25's kitchen window. It is noted that whilst higher than the existing roof, the proposed new roof nearest to No.25's kitchen window, would be lower in height than the other part of the proposed roof. In view of this, the existing close arrangement of the buildings, and the narrow passage between them, the natural light afforded to the large sized kitchen window in question would not be materially different in comparison to the existing situation. For the same reasons, the outlook from No. 25's kitchen window, towards the proposed extension would not be much different, also towards a single storey side extension, albeit slightly higher. As a result, when considered alongside the existing situation, there would be no unacceptable visual intrusion or enclosing effect for the occupiers of No. 25.

9. Furthermore, No. 25's open plan kitchen/living area is served by a large, glazed opening and a large sky light, so this window would not be the only source of daylight into it. It is acknowledged that the proposal would be slightly wider, project further from the rear elevation of No. 23A, and have a higher parapet wall than the existing extension, although most of these aspects would not be nearest to No. 25's window and have little additional effect upon it.

Living conditions – No. 21

10. No. 21 is attached to the appeal property; it has a large, glazed opening at ground floor on its rear elevation nearest to the proposed single storey extension. The existing extension has a parapet wall on part of its side nearest to No. 21. The proposed extension along the boundary to No. 21 would be a similar height to the existing parapet wall, however, it would extend a further 1 metre or so beyond the existing extension on the boundary to No. 21. In addition, there would also be a part of the proposal that extended even further, however this would be set away from the boundary with No.21, ensuring a satisfactory relationship between the properties.
11. Although the eaves height of the proposal would be above the 2.2 metres advocated by the SPD for extensions beyond 3.5 metres, the extended part would be farthest from the rear elevation of No. 21 and some 3.8 metres from its rear elevation. In addition, there is already a tall fence between the two boundaries beyond the rear extension. In view of these factors the very modest increase in depth and height would not unacceptably reduce light, harmfully enclose or be visually intrusive to the outlook from both within No. 21 and its garden.

Conclusion –living conditions

12. I therefore conclude that the proposal would provide satisfactory living conditions for the occupiers of No's 21 and 25 West Park Road, and would comply with Policy LP8 of the Royal Borough of Richmond upon Thames, Local Plan adopted July 2018, that amongst other things seeks to protect the amenity and living conditions for occupants of existing, adjoining and neighbouring properties, that the design and layout of buildings enables good standards of daylight to be achieved in existing properties, and ensures new development is not visually intrusive or overbearing. In addition, the proposal would also comply with paragraph 135 of the National Planning Policy Framework insofar as it requires a high standard of amenity for existing and future users.
13. Whilst the proposal has some conflict with the SPD, in terms of its depth of projection; height; and not passing the 25-degree test. It would be consistent with one of the main objectives of the SPD, of ensuring new development would not have harmful effects upon the living conditions of adjoining occupiers.

Other Matters

14. The appeal site is located within the Burlington Avenue and West Park Road Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The CA

comprises a small number of streets comprising mainly residential properties. Most residential properties have small forecourts and are semi-detached two storey properties with small spaces between them. The proposed single storey rear extension would replace an existing single storey extension, although it would be slightly larger it would not be particularly visible within the CA, and it would include high quality external materials. For these reasons it would ensure the character and appearance of the CA is preserved.

15. An objection has been made regarding the loss of privacy for the occupier of No. 23B from the 3 no. proposed roof lights, which are also said to cause unacceptable light pollution. I saw on my site inspection that views from No. 23B's rear kitchen and bedroom windows would mainly be above No.23A's lower ground floor extension, views of the proposal would be available when very close to No.23B's rear windows and looking downwards. Moreover, views from No.23B's rear windows into the rooflights would be at a diagonal angle and a small part of the overall view from its windows, they would not be particularly dominant views or likely to result in harmful privacy issues. For occupiers within the proposed extension, views through the rooflights towards the rear windows of No. 23B would be very restricted. As such, I did not find there to be harmful effects upon the living conditions of the occupier of No. 23B, nor did I find it necessary for the proposed rooflights to be obscure glazed. Given their overall limited size, and their location, and in view of the neighbour's large skylight, the proposed rooflights would not cause unacceptable light pollution.
16. The proposed new ground floor side door would be a composite door into a small utility area, the door would mainly be solid and any views into it would be very restricted. In addition, the movements to and from the side door would serve No. 23A only and the frequency of them is likely to be very low. Consequently, the proposed door and its use would not have harmful effects upon the occupiers of No. 25 in terms of unacceptable privacy impacts, or unacceptable noise and disturbance.
17. It is noted that reference has been made by both parties to other examples of extensions, however in view of my findings above, it has not been necessary for me to consider those other examples.

Conditions

18. I have imposed a standard implementation condition, along with a condition listing the approved plans to provide certainty over what has been approved. Conditions regarding external materials are also necessary to protect the appearance of the area and ensure conformity to those materials and details specified on the Application Form and within the Design and Access Statement.
19. The Council suggested a condition to require adherence to the appellant's Fire Safety Statement. However, I have not been provided with copies of the local development plan policy that would justify a planning condition in this respect. In addition, the building regulations separately address fire safety under Part B, and the Planning Practice Guidance is clear that conditions should not duplicate other regulatory regimes of control. I therefore find the suggested condition on the basis of the information before me, not to be necessary or reasonable in this case.

20. A condition has also been suggested to prevent use of the proposed new flat roof area. However, no direct access from ground or first floor level to the roof for the occupiers of the appeal property is proposed, and no such access would likely be possible. External changes would also likely be required to facilitate its use as a balcony, all which would likely require planning permission. Consequently, I am not persuaded that it is reasonable or necessary to impose such a condition in this case.

Conclusion

21. For the reasons given above, considering the development plan as a whole and all relevant material considerations, the appeal is allowed.

A Hunter

INSPECTOR