



# Appeal Decision

Site visit made on 5 March 2024

**by N Robinson BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15.03.2024**

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## **Appeal Ref: APP/L5810/D/23/3333897**

### **1 Netherton Road, Twickenham, Richmond Upon Thames TW1 1LZ**

- 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 Valerie Hopkins against the decision of the Council of the London Borough of Richmond-upon-Thames.
- The application Ref is 23/2105/HOT.
- The development proposed is garage conversion to ancillary granny annex.

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### **Decision**

1. The appeal is allowed and planning permission is granted for garage conversion to ancillary granny annex at 1 Netherton Road, Twickenham, Richmond Upon Thames TW1 1LZ in accordance with the terms of the application, Ref 23/2105/HOT, 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 approved plans: NR\_01, NR\_02 and NR\_12.
  - 3) All new external finishes, including fenestration and works of making good, shall be carried out in materials to match the existing building, except where indicated otherwise on the submitted application form and approved drawings.
  - 4) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 1 Netherton Road, Twickenham, Richmond Upon Thames TW1 1LZ.
  - 5) The development must be carried out in accordance with the provisions of the Fire Safety Statement received by the Council on 31 July 2023, and shall be retained as such thereafter.

### **Preliminary Matters**

2. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach.
3. The proposal relates to the conversion of a garage to a granny annexe. The building would contain a bedroom, open plan kitchen/ living area and bathroom and so would include all the facilities necessary for independent living. The building would share a pedestrian access with the host dwelling which would run through the host dwelling's front garden. Whilst the proposal is not

supported by a use statement, the application form states that the unit would be an ancillary granny annexe and there is no indication that the proposal seeks permission for an independent dwelling. Accordingly, the proposal would be ancillary to the main dwelling. I have determined the appeal on that basis.

## **Main Issues**

4. The main issues are the effect of the proposal on:
- the character and appearance of the appeal property and the surrounding area including the St Margaret's Conservation Area; and
  - the living conditions of the occupiers of neighbouring properties.

## **Reasons**

### *Character and appearance*

5. The appeal site comprises a 2 storey detached Victorian dwelling which is set back from the road behind a low brick wall. A double garage sits to the side, constructed in brickwork matching the main dwelling. The appeal property is designated as a Building of Townscape Merit (BTM) and is thus considered to be a Non Designated Heritage Asset (NDHA).
6. The site is located in the St Margaret's Estate Conservation Area (CA). The significance of the CA appears to derive from its development as a single estate in the park of St Margaret's House. The CA is characterised by 2 storey detached and semi-detached dwellings which are set back from the road behind low brick walls. Many dwellings retain original ornate features including intricate brick and stucco details. This, along with mature hedging and planting within front gardens and the presence of street trees, results in a pleasant and verdant character and appearance to the area.
7. As a BTM, the host dwelling makes a positive contribution to the CA as an example of a largely unaltered Victorian dwelling. Well preserved decorative features including the first floor redbrick fascias, fish scale slates above the bay window and the arched doorway make a positive contribution to the established character of the CA.
8. The main parties agree that the garage is a later addition constructed on land which previously served the flats at 221 St Margaret's Road. Therefore, the garage does not appear to have any historical association with the host dwelling or contribute to its significance as a BTM. With its uPVC plastic shutters the garage appears as somewhat of an anomaly within the street and detracts from the character and appearance of the appeal property and the CA.
9. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset of the Conservation Area<sup>1</sup>. The Framework is also clear that the effect of an application on the significance of a NDHA must be taken into account and that a balanced judgement will be required with regard to the scale of any harm or loss and the significance of the heritage asset.
10. To facilitate the conversion of the garage to a granny annexe, it is proposed to replace the garage doors with heritage steel windows to the front elevation.

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<sup>1</sup> Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Whilst the frames shown on the proposed plans would differ from the windows on the host dwelling and other properties in the surrounding area, I do not consider the style and appearance of the replacement windows would be so different so as to result in material harm to the character and appearance of the CA. Additionally, the proposed front elevation would incorporate brick detailing which would tie the building in with the decorative redbrick fascias which are characteristic of properties in the street.

11. The proposed roof lantern would be a feature which is not typical of the surrounding area. However, given its scale it would neither draw attention to itself nor detract from the overall appearance of the building or the host dwelling.
12. The proposed continuation of the existing low brick wall to the front of the annexe would be consistent with the height and form of boundary walls in the surrounding area. Whilst the proposal would extend the boundary wall beyond its original limits, this in itself would not detract from the features which contribute positively to the character and appearance of the host dwelling. Therefore, the historic integrity of the host dwelling as a BTM would not be harmed. Furthermore, by virtue of its scale and siting in relation to the host dwelling, the appeal proposal would clearly be read as an ancillary building.
13. Drawing together the above, the proposal would not cause harm to the character and appearance of the CA. There would be no harm to the setting of, and by extension, the significance of the host dwelling as a NDHA or the positive contribution that it currently makes to the character and appearance of the CA. Therefore, it would accord with those aims of the London Borough of Richmond upon Thames Local Plan (2018) (LBRUTLP) Policies LP1, LP3 and LP8, the Council's Supplementary Planning Document: House Extensions and Alterations (2015) (SPD) and the St Margaret's Village Planning Guidance (2016), which together seek to protect local character and ensure that heritage assets are preserved and enhanced.
14. I also find no conflict with the policies in the Framework, which seek to secure developments which are sympathetic to local character and history, including the surrounding built environment.

*Intensification of use and effect on living conditions*

15. The Council's conclusion that the proposed development would materially harm the living conditions of occupiers of the neighbouring dwellings arises solely because they have treated the development as an independent dwelling. I am satisfied that it would be an annexe, and moreover that the occupancy of the building is capable of being controlled by condition and any change of use to create a separate dwelling would require a further grant of planning permission. Therefore, it follows that the limited separation between the annexe and host dwelling would not detract from the living conditions of the occupiers of the host dwelling since it would be used in conjunction with the dwelling as ancillary residential accommodation.
16. Furthermore, given its scale it appears that the annexe would have limited occupation. Any intensification in the use of this building resulting from its use as an annexe would therefore be limited, and consequently so would the effect of the proposal on the living conditions of the occupants of other neighbouring properties.

17. In light of the above, the proposal would not result in harm to the living conditions of the occupiers of neighbouring properties. Thus, I find no conflict with those aims of LBRUTLP Policy LP8 which require that development protects the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties. I also find no conflict with the SPD, which has similar aims.

### **Conditions**

18. I have had regard to the conditions suggested by the Council, on which the appellant has had the opportunity to comment. Where necessary I have made revisions to some of the conditions put to me to ensure that they meet the tests in the Framework and Planning Practice Guidance, without altering their fundamental aims.
19. In addition to the standard implementation condition, it is necessary, in the interests of precision, to define the plans with which the scheme should accord. A condition controlling external finishes is necessary in the interests of local character. A condition requiring that the building can be used for purposes ancillary to the residential use of the main dwelling is necessary to ensure that the building functions as ancillary accommodation only. A condition relating to fire safety is necessary to ensure that the development incorporates fire safety measures as required by Policy D12 of the London Plan (2021).

### **Conclusion**

20. For the reasons given I conclude that the appeal should succeed.

*N Robinson*

INSPECTOR