



Appeal Decision

Site visit made on 21 May 2024

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2024

Appeal Ref: L5810/D/24/3342654

101 Burtons Road, Hampton Hill, Richmond Upon Thames, TW12 1DL

- 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 James Clarke and Alexandra Clarke against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 23/3226/HOT, dated 4 December 2023, was refused by notice dated 24 January 2024.
 - The development proposed is single storey ground floor wrap around extension with part pitched part flat roof. Garage rebuilt in a more forward position.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey ground floor wrap around extension with part pitched part flat roof. Garage rebuilt in a more forward position at 101 Burtons Road, Hampton Hill, Richmond Upon Thames, TW12 1DL in accordance with the terms of the application, Ref 23/3226/HOT, dated 4 December 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 approved plans: Site Location Plan; BUR_HPE REV A; BUR_HPP REV B; BUR_HPPE REV A; and BUR_SITE REV A.
 - 3) No new external finishes, including fenestration and works of making good, shall be carried out other than in materials to match the finishes of the existing building.
 - 4) The development must be carried out in accordance with the provisions of the Fire Strategy Document prepared by Woodrow Vizor Architects received by the Council on 4 December 2023, unless otherwise approved in writing by the Local Planning Authority.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 99 Burtons Road, with particular reference to outlook.

Reasons

3. The appeal concerns a two storey detached dwelling located within a road which is mixed in terms of its character and appearance.
4. The proposed ground floor extension would extend to the side and rear of the existing dwelling and would have a part pitched, part flat roof. A garage would be rebuilt in a more forward position.
5. The Council's refusal reason relates solely to the effect of the proposal on the living conditions of the occupiers of 99 Burtons Road, with reference to visual intrusion. No 99 is a two storey dwelling which has also been significantly extended, including a single storey wrap around extension.
6. The appeal property has an existing single storey rear projection adjacent to the boundary with No 99 which has a depth of about 2.3m. This projection would be demolished and the part of the extension adjacent to the boundary of No 99 would have an overall depth of around 6.35m.
7. The Council's Supplementary Planning Document – House Extensions and External Alterations (2015) (SPD) advises that in respect of detached houses, the effect of a single storey extension is usually acceptable if the projection is no further than 4m. It also acknowledges that the final test of acceptability will depend on the particular circumstances of the site.
8. The proposed extension would exceed 4m guidance set out in the SPD. However, there are other considerations in this case. The closest part of 99 Burtons Road to the boundary of the appeal site appears to be a timber lean-to structure, with the main habitable room windows serving the dwelling located further away from the boundary with the appeal site. I therefore concur with the Council that the proposed extension would not result in any significant harm in terms of the amount of light received by windows on the rear elevation of No 99.
9. The part of the proposed extension closest to the boundary with 99 Burtons Road would have a height ranging from about 3.6m at the top of the mono pitched roof, sloping down to a flat roof section with a height of around 3.1m. The proposed extension would not be visually prominent when viewed from habitable room windows within No 99 as these are located some distance from the side boundary.
10. The extension would be visible from the rear garden of No 99, including from the patio area immediately to the rear of the dwelling. However, the extension would be of a relatively modest height and would be set in from the boundary with No 99 by about a metre which would further help to reduce its visual prominence. Furthermore, the extension would be partly screened by the existing fence and planting within the garden of No 99 as well as that within the appeal site. No 99 also has a relatively large garden, most of which would be unaffected by the proposed development. Having regard to the above factors, I consider, as a matter of judgement, that the proposed extension would not be visually intrusive or overbearing on the rear garden of No 99 and accordingly, would not lead to an unacceptable sense of enclosure.
11. I therefore conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of 99 Burtons Road with particular reference to outlook. Accordingly, I find that the proposal would comply with Policies LP8

and LP39 of the London Borough of Richmond Upon Thames Local Plan (2018). Together these policies require all development to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties and seek to ensure that proposals are not visually intrusive or have an overbearing impact as a result of their height, massing, or siting, including through creating a sense of enclosure.

Conditions

12. I have had regard to the Council's suggested a list of planning conditions in the event that this appeal was to be allowed.
13. In addition to the standard implementation condition, the approved plans condition is imposed for certainty. A condition controlling the use of materials is necessary to protect the character and appearance of the dwelling and the local area. I shall also impose a condition requiring the implementation of the Fire Safety.
14. The Council suggest a condition restricting the use of the roof of the extension. However, due to the pitched roof design of the parts of the extension which would abut the existing dwelling, I consider such a condition to be unnecessary. Whilst the Council suggest a landscaping and tree planting condition, this condition is not reasonable or necessary given the limited existing amenity value of the coniferous shrub to be removed.

Conclusion

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

J Davis

INSPECTOR