

Appeal Decision

Site visit made on 20 May 2024

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th June 2024

Appeal Ref: APP/L5810/D/24/3339380

58 Tangier Road, Richmond TW10 5DN

- 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 Pranshu Goel against the decision of the London Borough of Richmond upon Thames Council.
 - The application Ref 23/2860/HOT, dated 21 October 2023, was refused by notice dated 22 December 2023.
 - The development proposed is for a first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 58 Tangier Road, Richmond TW10 5DN, in accordance with the terms of the application Ref. 23/2860/HOT, dated 21 October 2023 subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: S-001, A-001, A-002, A-003, A-004, A-005, A-006, A-007 and A-008.
 3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 4. The proposed first floor window in the eastern elevation of the approved extension shall at no time be openable or glazed, other than in obscured glass below a minimum height of 1.7m above the relevant floor level.
 5. The development must be carried out in accordance with the provision of the submitted Fire Statement.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the "Framework") was published in December 2023, but there are no material changes relevant to the substance of the appeal.

Main Issues

3. The main issues are the effect of the appeal proposal upon the character and appearance of the area, and upon the living conditions of the occupants of 56 Tangier Road in respect of outlook.

Reasons

Character and Appearance

4. The appeal site comprises an extended end terrace house which includes a box dormer to its roof and a flat roof single storey extension to the rear.
5. The proposal is for a modest first floor extension over part of the latter, with a staggered elevation with a maximum depth of 2.7m on its eastern side.
6. I accept that the proposal is contrary to the strict letter of the Council's House Extensions and External Alterations Supplementary Planning Document (SPD) in that the rear extension would extend the full width of the rear elevation and therefore be wider than half the width of the original house. Further, whilst the partial flat roof, where adjacent to 60 Tangier Road would be slightly uncharacteristic of the original design found within the terrace, it would be largely concealed by the deeper gabled element, and being of such a shallow depth would, in combination with the remainder of the proposal, appear subordinate in form.
7. Overall, I consider that the subject dwelling would not appear totally consumed by extensions and the proposed first floor extension would be proportionate to the original building. Consequently I consider that by reason of its width, height and bulk that it would not result in an overly dominant or unsympathetic form of development that would protect the character and appearance of the area. In this regard, the proposal complies with Policy LP1 of the London Borough of Richmond upon Thames Local Plan (2018) which requires all development to be of a high architectural and urban design quality and seeks to ensure compatibility with local character, there would be no conflict with Policy 28 of the Local Plan Publication (Regulation 19) (June 2023) either, the spirit of which is similar in its wording, and to which I afford moderate weight. I note third party concerns with regard to a precedent being set by permitting this proposal, however, ultimately each case must be assessed on its own merits.

Living Conditions

8. No56 is set a good distance away from the shared boundary and has a single storey lean-to extension to its rear. It has a first floor window in its rear elevation to its western side although any views from this would appear oblique. I accept that there would be a change to the view from the back door of no56, however by virtue of its limited depth (and limited height for a two storey extension) I consider that the outlook from the neighbouring property would not be materially harmed by the scheme.
9. Consequently, I consider that the proposed extension would not appear materially overbearing or visually intrusive to the occupants of no56 and complies with Local Plan Policy LP8 which requires development to protect the amenity and living conditions of existing, adjoining and neighbouring occupants through avoiding visual intrusion and overbearing impacts.

Conclusion and Conditions

10. For the reasons set out above, I conclude that the appeal should succeed.
11. Other than the standard time limit condition, the Council suggest a condition requiring the external materials to be used in the construction of the extension to match those of the existing building, and that the development be carried out in accordance with the approved plans. I consider these conditions necessary in the interests of preserving the character and appearance of the area.
12. Furthermore, the Council has suggested a condition requiring that the proposed first floor window in the eastern elevation be obscurely glazed below a minimum height of 1.7m from the relevant floor level and that the development be carried out in accordance with the submitted Fire Statement. I consider that these conditions are necessary, in order to protect the living conditions of the occupants of no56 from overlooking and that the development be safe in terms of fire safety, in accordance with the London Mayor's Plan Policy D12. However, no justification has been provided for the 6th suggested condition that non-road mobile machinery used during construction be fitted with cleaner diesel engines and no policy justification has been given for this, but in any case, due to the modest scale of the proposal, any plant and machinery is unlikely to give rise to significant emissions to air.

C J Tivey

INSPECTOR