



Appeal Decision

Site visit made on 16 July 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 8TH August 2024

Appeal Ref: APP/L5810/D/24/3343667

41 Manor Gardens, Hampton TW12 2TX

- 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 Baverstock against the decision of the Council of the London Borough of Richmond upon Thames.
 - The application Ref is 24/0299/HOT.
 - The development proposed is two-storey side extension, single storey rear extension, the conversion of the existing garage to a habitable room, a loft conversion to a habitable room and two rear dormer extensions (amendment to ref. 23/0513/HOT).
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Decision

1. The appeal is allowed and planning permission is granted for two-storey side extension, single storey rear extension, the conversion of the existing garage to a habitable room, a loft conversion to a habitable room and two rear dormer extensions (amendment to ref. 23/0513/HOT) at 41 Manor Gardens, Hampton TW12 2TX in accordance with the terms of the application, Ref: 24/0299/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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 239-101; 239-102; 239-106; 239-107; 239-108.
 - 4) The proposed new first floor windows in the side elevations of the development hereby permitted shall be glazed with obscure glass and fixed shut to a height of 1.7 metres above the finished floor level of the room in which the window is installed and thereafter so retained.
 - 5) The development must be carried out in accordance with the provisions of the Fire Safety Statement as submitted with the application.

Preliminary Matters and Main Issues

2. The Council granted planning permission under its reference 23/0513/HOT for a two storey side extension, the conversion of the existing garage to a habitable room, a loft conversion to a habitable room and two rear dormer extensions. I understand that the current proposal is a resubmission but with the addition of a ground floor rear extension of 2m in length under a flat roof. There would also be the removal of two proposed windows on the east elevation, as permitted under 23/0513/HOT.
3. The Council's reason for refusal is specific to the additional ground floor extension. Whilst the proposal must be considered as a whole, given the existing permission and as a result of my site visit, I agree that the principal issue relates to the additional rear ground floor extension.
4. Accordingly, the main issues in this appeal are:
 - a) the effect of the proposal, and in particular the single storey rear extension, on the character and appearance of the existing property and of the local area, and
 - b) the effect of the proposal, and in particular the single storey rear extension, on the living conditions of the adjoining neighbours, with particular regard to outlook.

Reasons

Issue a) Character and Appearance

5. The appeal property is a detached property on the south side of Manor Gardens and flanked by pairs of semi-detached properties, and within a predominantly residential area.
6. In the context of the size and form of the house as existing and as permitted to be extended and altered under the permission 23/0513/HOT as well as the generous size of the plot, I consider that the additional 2m single storey extension would have no harmful impact on the scale and proportions of the property. Its scale in relation to the rest of the property and its single storey form would add minimum bulk and massing to the overall property which would be readily assimilated into the generous size of the plot. It would remain a detached property in proportion to its large garden area and would therefore respect the character and appearance of the local area.
7. I am therefore satisfied that the proposal would respect the character and appearance of the existing dwelling as well as of the local area. There would be no conflict with Policy LP1 of the Local Plan as well as the National Planning Policy Framework (Framework), and in particular Section 12, all of which, amongst other matters, seek a high quality of design which respects the local context.
8. The Council's Supplementary Planning Document: House Extensions and External Alterations (SPD), as referenced in the Council's reason for refusal, advises at 3.1.2 that a single storey extension is usually acceptable if no further than 4m for a detached property but this is specifically in relation to the impact on residential amenity and the following paragraph states that *the final test of acceptability will depend on the particular circumstances on the site*. In

respect of this first issue relating to the effect of the proposal on the character and appearance of the existing property as well as of the local area, and for the reasons set out above, I am satisfied that would be justification for an exception to be made to these parts of the SPD.

9. The Council, in its decision notice has also referred to Policy 28 of the Richmond Publication Local Plan (Regulation 19 version). However, it is not clear from the information provided by the Council whether there may be unresolved representations to this draft policy, and this necessarily limits the weight that can be attached to it.

Issue b) Living Conditions

10. The neighbouring property to the side at No 39 would appear not to have been extended to the rear. The proposed extension, beyond that already permitted would have a depth of 2m and would be single storey only under a flat roof. The extension would also be offset from the boundary. The extension would be seen from some rear windows and from within the rear garden of No 39. However, given the limited additional depth over the existing as well as that permitted, as well as its modest height under a flat roof, it would not be over-dominant or enclosing in such views. I am therefore satisfied that the scale and massing of the proposed extension would not materially harm the living conditions of the neighbours at No 39, with particular regard to visual intrusion and loss of outlook.
11. I have taken into account the letter of objection from the neighbouring resident at No 43 with their concerns about outlook, overshadowing and loss of light. However, in view of the relationship between the built form at No 43 and the proposed modest depth and height of the additional extension at the appeal property beyond that already permitted, I am satisfied that there would not be a material impact on outlook either from windows at the property or from the rear garden.
12. There is no technical information before me in respect of daylight / sunlight and overshadowing, but as a result of my site visit and taking into account the orientation of the appeal property in relation to No 43, as well as the modest scale and massing of the proposed single storey form of the extension, I do not consider that there would be a material impact on levels of light or overshadowing. The neighbours living conditions would not therefore be materially harmed as a result of the proposed extension. The Council also raised no concerns in these specific regards.
13. I therefore conclude that the proposal would not materially harm the living conditions of the immediate neighbours at Nos 39 and 43, with particular regard to outlook and visual intrusion as well as loss of light and overshadowing. There would be no conflict with Policy LP8 of the Local Plan as well as the Framework, and in particular paragraph 135 f), both of which, amongst other matters, seek a high quality of design which respects the amenities of existing and future occupants.
14. The proposal would not fully accord with all the detailed guidance in the Council's SPD. However, in the particular circumstances of this case and for the reasons set out above, I am satisfied that would be justification for an exception to be made to these parts of the SPD. Furthermore, paragraph 3.1.3

of the SPD acknowledges that *the final test of acceptability will depend on the particular circumstances of the site.*

15. The Council, in its decision notice has also referred to Policy 46 of the Richmond Publication Local Plan (Regulation 19 version). However, it is not clear from the information provided by the Council whether there may be unresolved representations to this draft policy, and this necessarily limits the weight that can be attached to it.

Conditions

16. In terms of conditions, materials should match the existing to respect the character and appearance of the existing property and of the local area, and the approved plans should be listed for the avoidance of doubt and in the interests of good planning. I shall also add a condition to require new side facing windows at first floor to be obscure glazed and fixed shut to a height of 1.7 metres above the finished floor level of the room to protect the amenities of surrounding neighbours and for the submitted Fire Strategy Statement to be complied with to meet the requirements of fire protection.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR