



Appeal Decision

Site visit made on 10 July 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2024

Appeal Ref: APP/L5810/D/24/3344099

48 Berwyn Road, Richmond TW10 5BS

- 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 BHPD Limited against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 24/0482/HOT.
 - The development proposed is for a side and rear extension and replacement front boundary wall and entrance gates.
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Decision

1. The appeal is allowed, and planning permission is granted for a side and rear extension and replacement front boundary wall and entrance gates at 48 Berwyn Road, Richmond TW10 5BS in accordance with the terms of the application, Ref 24/0482/HOT, subject to the conditions set out in the schedule below.

Application for Costs

2. An application for costs was made by BHPD Limited against Richmond Upon Thames London Borough Council and is the subject of a separate Decision.

Procedural Matter

3. The description of development was amended by the Council to include the front boundary which also forms part of the proposal. The applicant agreed to this revision and therefore I have used the description as set out in the Council's decision notice.

Main Issues

4. The main issue is the effect of the proposal on the character and appearance of the host property and surrounding area, including the Sheen Common Drive Conservation Area.

Reasons

5. No.48 is a detached property to the eastern side of Berwyn Road. It is reflective of the style and form of properties along Berwyn Road and the adjacent roads which form part of the Sheen Common Drive Conservation Area (CA). The Sheen Common Drive Conservation Area Statement explains it is a good example of a planned 1920s housing estate with a cohesion to the triangular area.

6. From the road the appeal property is one of a limited number along Berwyn Road which retains the original form to the front. The property's architectural design contributes to the significance of the CA derived from the unity of the architectural style including the palette of materials, and the layout of the estate with well-maintained landscaped verges. Together the suburban area has a well-maintained, pleasant and verdant appearance.
7. Many of the other properties along Berwyn Road have been extended to the side through extensions that vary in scale and design. The harmonisation of these extensions is more successful in some cases than others, and there are examples of large and dominant additions. Moreover, there is limited separation between the properties along the road, with many extending up to the boundary eroding the visual gap to the side which would have been present above the garage. To that end, I agree with the appellant's analysis of the rhythm and grain of the properties in this part of the street scene - the spatial gaps achieved by the two-storey side elevation offset from the boundary. Together with the pattern created by the position of the canted bay feature which are in groups and then handed, these aspects are part of the character of the area. In addition, whilst not overly visible from the public domain the rear facades of most of the properties have been altered through extensions and dormer windows.
8. The appeal property is located at the end of the road and is set further forward than its neighbours. Maintaining a single-storey aspect to the side, the space provides views through, and of the flank elevations to both the appeal property and the neighbour.
9. The proposed extension would wrap around to the rear and extend across the entire rear elevation with an additional single-storey extension beyond. This would replace a mixture of existing extensions including a first-floor, flat roof element which does not positively relate to the character of the property. The proposed side extension would be setback from the front elevation, have a lower ridgeline, and crucially, be inset from the side boundary, therefore retaining a gap and the views through. As such, it would have a subservient form and reflect the guidance for side extensions within the Supplementary Planning Document House Extensions and External Alterations (2015) (SPD).
10. The Council also refer to the advice in the SPD that two-storey side and rear extensions should not be greater than half the width of the original building. The rear extension would exceed this dimensional element, although this is guidance, and the objective is for extensions not to over-dominate the building's original scale and character.
11. The proposed extension would significantly increase the size of the property; however, I do not find it would be disproportionate to the plot and the rear alignment would be akin to the neighbouring property, No.46. While interested parties refer to an 'established rear line' there is no specific policy or guidance, the siting of the properties and extensions vary, and the depth of the two-storey form would be less than No.46. This neighbouring property is large, and the Council explain that it, and No.44, which is similar in scale, were extended prior to the introduction of the SPD and the designation of the CA. Nonetheless, they are part of the setting and a consideration as to how the proposed development would relate to the neighbouring buildings.

12. The hipped roof form and materials are to match the existing property. While encompassing the entire rear elevation I find that the design reflects its architectural appearance and, would also be identifiable as an extension with lower eaves and offset from the side elevation. There would be additional bulk to the roof but having regard to the existing pattern of development along Berwyn Road I do not find that this would be an overly incongruous feature. Also due to the setback, the side extension would not be prominent in the street scene and would be screened in general views along the road by the host and neighbouring properties.
13. Several applications for extensions have been previously sought and these have been dismissed on appeal (Appeal decisions dated 14 December 2023¹ and 30 August 2023²). The full plans and details of the previous schemes are not before me. However, from the information submitted, it is evident that there were concerns with the bulk of the proposed rear and side extensions, and the reduction in the gap between the appeal property and its neighbour.
14. Unlike those previous schemes, the appeal proposal would appear subservient to the host property. It would retain a gap which would allow the original scale and important architectural features to be appreciated as well as enabling views through. The two-storey element would have a depth of 3.6m (as denoted on plan 240-2006) which is not significantly greater than the existing rear element and a notable reduction from the 5 metres at two storeys referred to in the August appeal decision. The additional depth would be single-storey and planning permission has been granted separately for a large single-storey rear extension comparable to the full depth of this current proposal (Council reference 22/3592/HOT). The Council raise no concerns with the single-storey aspect of the proposed development.

Conservation Area

15. In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to give special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
16. Maintaining its original form and reflecting the design and materials which contribute to the estate the existing property positively contributes to the character and appearance of the area.
17. The side extension would reduce the gap to the side of the property, although a separation would be retained, and it is designed to be subservient. Consequently, it would not be overly imposing in the street scene respecting the rhythm and design of the staggered form, projecting bays and clay, hipped roofs. The space to the side of the appeal property does contribute to its setting but spaciousness is not a defining feature of the street scene nor part of the significance of the CA. Whereas, the aspects of architectural style and materials would be reflected in the development.
18. Whilst not in themselves determinative, other alterations to the property, including the replacement of UPVC windows with timber, cohesion of the fenestration and materials, and hard and soft landscaping to the frontage would provide aesthetic enhancements. The Council have no objections to the

¹ APP/L5810/D/23/3331723.

² APP/L5810/D/23/3321966, APP/L5810/D/23/3321967, APP/L5810/D/23/3324005, APP/L5810/D/23/3324009

proposed boundary treatment which also forms part of the proposal and I have no reason to disagree. Therefore, on balance, I find that the Conservation Area as a whole would be preserved.

Conclusion

19. Overall, I find that the proposed development would not result in material harm to the character and appearance of the host property, or the significance of the Sheen Common Drive Conservation Area. Thus, the proposal would accord with policies LP1 and LP3 of the London Borough of Richmond Upon Thames Local Plan (2018) and the objectives of the SPD, which amongst other things seek high architectural and urban design quality, compatibility with local character, space between buildings, and to conserve the historic environment.
20. There would also be compliance with policy HC1 (c) of the London Plan (2021), section 16 of the National Planning Policy Framework (the Framework) and the Sheen Common Drive Conservation Area Statement which together require development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Other Matters

21. In coming to my decision, I have also had regard to the representations from interested parties. I can appreciate frustrations with the number of planning applications which have been submitted for this property recently, however, I must consider the proposal before me on its own merits. Any future proposals for other properties would also be considered by the Council accordingly.
22. The Council assessed the relationship between the proposed development and the neighbouring properties would be acceptable. This is set out in detail in their officer's report and includes information concerning the position of the windows to No.46, light with regard to the BRE Guidance and other amenity considerations. While the proposal will bring development closer to No.46, from my observations on site I have no reason to disagree with that conclusion. The proposed first-floor window in the side elevation is to serve an en-suite, and I agree this could be conditioned to be obscurely glazed to maintain privacy.
23. Whilst there is to be an increase in the number of bedrooms, and the potential level of occupancy, there is nothing before me to suggest that the property would not be used as a family home or that the associated levels of activity and noise would be unusual for a residential area. The driveway which provides parking for several cars would be maintained and the on-street parking is restricted to permit holders. Matters relating to trees which have already been removed are outside the scope of this appeal proposal.

Conclusion and Conditions

24. I, therefore, conclude that the appeal should be allowed, subject to conditions to ensure compliance with the statutory requirements relating to the commencement of development and the plans in order to provide certainty.
25. I have also had regard to the conditions suggested by the Council, and I have imposed conditions relating to the materials in the interests of the character and appearance of the area, the side window to protect privacy, and fire safety.

26. However, no policy justification has been provided for the condition that non-road mobile machinery used during construction be fitted with cleaner diesel engines, but in any case, given the form and location of the extension, the use of large plant and machinery giving rise to significant emissions to air is unlikely. From my observations, there are no trees on site which would specifically require protection, and alterations to the roof of the extension to create a balcony would require planning permission. As such, I do not find that these conditions meet the tests in the Framework and therefore are unnecessary.

27. For the reasons set out the appeal is allowed.

G Ellis

INSPECTOR

Schedule of Conditions

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents, where applicable: 240-2000, 240-2001, 240-2002, 240-2003, 240-2004, 240-2005, 240-2006, 240-2007, 240-2008, 240-2009, 240-2010, 240-2011 & 240-2012.
- 3 No new external finishes (including fenestration), including works of making good, shall be carried out other than in materials to match the existing, except where indicated otherwise on the submitted application form and/or approved drawings.
- 4 The proposed upper floor flank facing windows of the building hereby approved shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.7 metres above the relevant floor level.
- 5 The development must be carried out in accordance with the provisions of the 'Fire' section of the planning application covering letter unless otherwise approved in writing by the Local Planning Authority.