



Appeal Decision

Site visit made on 17 January 2025

by **S Poole BA(Hons) DipArch MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

Appeal A, Ref: APP/L5810/D/24/3352942

48 Berwyn Road, Richmond TW10 5BS

- 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 BHPD Limited against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref is 24/1487/HOT.
 - The development proposed is the erection of a single-storey rear extension, new front boundary and landscaping.
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Appeal B, Ref: APP/L5810/D/24/3350358

48 Berwyn Road, Richmond TW10 5BS

- 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 BHPD Limited against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref is 24/0852/HOT.
 - The development proposed is the erection of a part single/part two storey side/rear extension and replacement front boundary wall and entrance gates.
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Decision

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for the erection of a part single/part two storey side/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 24/0852/HOT, subject to the condition set out in the attached schedule.

Applications for Costs

3. Applications for costs have been made by BHPD Limited against the Council of the London Borough of Richmond Upon Thames. These applications are the subject of a separate Decision.

Procedural Matters

4. These appeals relate to the same property and raise the same main issue. Consequently, whilst I have considered each proposal on its individual merits, I consider it appropriate to issue a single decision covering both appeals.

5. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
6. The information before me indicates that the Richmond Publication (Regulation 19) Local Plan (2023) (PLP) is at an advanced stage of adoption. I therefore attribute weight to the policies in the PLP that have been referred to by the Council.
7. The Council's reason for refusal in respect of Appeal B refers to an "absence of consistent and accurate drawings". I am satisfied that the drawings before me are sufficient to enable me to assess the proposal.

Main Issues

8. The main issues in both cases are the effects of the proposals on the character and appearance of the host building and whether they would preserve or enhance the character or appearance of the Sheen Common Drive Conservation Area.

Reasons

Background

9. The appeal property is a detached 2 storey house with a hipped roof. It is located in a residential street comprising houses of similar size, age and appearance which form part of the Sheen Common Drive Conservation Area (CA). The Council's Conservation Area Statement (CAS) explains that the locality is a good example of a planned residential estate from the 1920s featuring houses of similar architectural style and materials together with well-maintained landscaped verges. The CAS identifies the need to protect the balance of the landscape setting and prevent the loss of traditional architectural features and materials due to unsympathetic alterations.
10. The street frontage of the appeal property retains its original form and appearance and therefore makes a clear positive contribution to the street scene. Reflecting the curve of the street this sits forward of the neighbouring houses to the south. On the other side are the rear gardens of the houses facing Sheen Road. To the rear a full-width single storey extension has been added above part of which there is a small first floor dormer addition.
11. Side and rear extensions are a common feature of properties in the area and due to the former the gaps between most properties in the street are narrow. Whilst rear additions are generally single storey the 2 houses to the south of the appeal property, 46 and 44 Berwyn Road, feature full-width 2 storey rear additions. Although these project beyond the existing rear building line of the appeal property, I note that the 3 properties are similar in depth due to the fact the appeal property is sited forward of its neighbours.
12. The appellant has sought planning permission for a plethora of configurations of extensions to the appeal property over recent years and the information before me indicates that 8 planning appeals were lodged prior to the subject appeals of which

6 were dismissed. Decisions relating to the appeals¹ allowed in August and November 2024 for schemes including side and rear extensions and replacement boundary walls and gates are before me. I attach weight to my colleagues' observations although full details of the schemes approved are not before me. I also note that planning permission² was granted in January 2023 for a replacement full-width, single storey extension. I consider there to be a high likelihood that one of the allowed schemes would be carried out if these appeals are dismissed and therefore view the extant approvals as fall-back positions to which weight must be attached.

Appeal A

13. The proposal that is the subject of Appeal A would primarily comprise the erection of a single-storey rear addition. This would extend across the full width of the rear of the house and a significant distance beyond both the original and current rear walls of the property. Whilst the evidence before indicates that this addition would be similar in appearance to the 2023 approval, it would extend further into the rear garden than all previously approved schemes and extend beyond the rear building line of the substantially extended neighbouring houses. This would result in the appeal property having a far deeper footprint than other houses in the area.
14. The height and width of the rear extension combined with its very substantial rear protrusion beyond the rear building line of the host property and the neighbouring houses would result in an overly dominant and incongruous extension that would be out of keeping with the prevailing pattern of development in the area. As such the rear extension proposed under appeal A would have an unacceptable effect on the appearance of the host property and fail to preserve the character and appearance of the CA. The harm in respect of the latter would be substantial.
15. For these reasons this proposal fails to accord with Policies LP1 and LP3 of the Local Plan (2018) (LP), Policy HC1(C) of the London Plan (2021) and PLP Policies 28 and 29 which, amongst other matters, require development proposals to conserve the high-quality character and heritage of the borough through an understanding of how it relates to its existing context. The proposal is also contrary to the aims of the Framework and the Council's House Extensions and External Alterations Supplementary Planning Document (2015), the latter of which states that the overall shape, size and position of side and rear extensions should not dominate the existing house.

Appeal B

16. The proposal subject to Appeal B would comprise a full-width ground floor extension plus a half-width first floor addition that would also wrap around the side of the house adjacent to 46 Berwyn Road. Whilst the ground floor element would extend a small distance beyond the rear building line of the neighbouring houses it would be a similar depth to the earlier approvals. The upper floor side addition would close the gap between the appeal property and No. 46 to the same degree as the August 2024 approval.

¹ Appeal references: APP/L5810/D/24/3344099, APP/L5810/D/24/3350355

² Application reference: 22/3592/HOT

17. Whilst the August 2024 approval included a full-width first floor extension to create a pair of bedrooms, the current proposal would comprise a half-width upper-level addition to create a bedroom and en-suite next to the boundary shared with No. 46 with its rear wall slightly behind the rear building line of No. 46. This upper-level element would be slightly smaller than the August 2024 approval and its siting would provide a stepped transition between the neighbouring houses and the more open area to the north of the appeal site. As such this element would have no greater visual impact than that previously approved.
18. The proposed alterations to the front boundary of the property replicate those previously approved. I find no good reasons to take a contrary view to my colleagues on this aspect of the proposal.
19. For these reasons I conclude that the proposal that is the subject of Appeal B would have an acceptable effect on the appearance of the host property and would preserve the character and appearance of the CA. Consequently, it accords with the aforementioned policies and planning guidance.

Other Matters

20. In coming to my decision in respect of Appeal B, I have had regard to the representations made. In particular I am conscious that the proposal would result in an increase in built form close to the side elevation of No. 46. The Council has come to the view that the proposal would not result in unacceptable harm to the living conditions of the occupiers of No. 46. Based on my site observations I have no reason to take a contrary view, and I am satisfied that any possible impacts on neighbours' privacy would be overcome by a planning condition requiring obscured glazing in the proposed upper floor flank windows.
21. Whilst the appeal proposal would result in 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.
22. I can appreciate frustrations with the very significant number of planning applications that have been submitted for this property over recent years and note the Council has powers to decline to entertain multiple applications for similar development.

Conditions

23. I have considered the conditions suggested by the Council having regard to the Framework and Planning Practice Guidance. In addition to the standard time limit condition, I consider a materials condition is required to safeguard the character and appearance of the area. Furthermore, for the avoidance of doubt and in the interests of proper planning, a condition requiring the approved development to be carried out in accordance with the approved drawings is imposed.
24. To prevent overlooking and loss of privacy conditions restricting the use of the roof and requiring obscured glazing in the upper floor flank windows are imposed. To

ensure the requirements of London Plan Policy D12 are complied with a condition relating to fire safety is warranted.

25. The Council has suggested a planning condition that stipulates that non-road mobile machinery used during construction must be fitted with cleaner diesel engines. There is no planning policy justification provided for this and no obvious reason why such a condition should need to be applied to the construction of a domestic extension, which is unlikely to require plant and machinery that would give rise to significant emissions. As there are no trees close to the proposed additions a condition requiring the provision of tree protection is not necessary.

Conclusions

26. For the reasons set out above, and having regard to all other matters raised, I conclude that appeal A should fail, and appeal B should succeed.

S Poole

INSPECTOR

Schedule of Conditions (Appeal B)

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: 240-4000, 240-4001, 240-4002, 240-4003, 240-4004, 240-4005, 240-4006, 240-4007, 240-4008, 240-4009, 240-4010 & 240-4011.
3. 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 accept where indicated otherwise on the approved drawings.
4. The roof of the property shall not be used for any purpose other than as a means of escape in emergency or for maintenance of the building.
5. The upper floor flank windows hereby approved shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.7m above the relevant floor level.
6. The development must be carried out in accordance with the provisions of the 'Fire' section of the 'Design, Access and Planning Statement' submitted with the planning application unless otherwise approved in writing by the Local Planning Authority.