



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 Ref: APP/L5810/D/24/3352586

11 Ullswater Road, London SW13 9PL

- 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 Mrs Ximena Briones against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref is 24/1627/HOT.
 - The development proposed is the erection of a first floor level side extension, raising of the side return sloping roof to a flat roof, replacement of the garage door with a smaller door, alterations to the fenestration in the rear and side elevations including the addition of Juliet balconies at first floor level and a balcony at roof level to the rear.
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Decision

1. The appeal is dismissed in so far as it relates to the balcony at roof level to the rear. The appeal is allowed and planning permission is granted in so far as it relates to the erection of a first floor level side extension, raising of the side return sloping roof to a flat roof, replacement of the garage door with a smaller door, alterations to the fenestration in the rear and side elevations including the addition of Juliet balconies at first floor level to the rear of 11 Ullswater Road, London SW13 9PL in accordance with the terms of the application, Ref 24/1627/HOT, subject to the conditions set out in the attached schedule.

Procedural Matters

2. In the interest of clarity and brevity I have used an amended description of development in the banner heading above rather than that provided on the planning application and appeal forms.
3. 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.
4. 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 referred to by the Council.

Main Issues

5. The main issues are the effects of the proposals on:

(i) the living conditions of the occupiers of neighbouring properties, with particular regard to privacy, and

(ii) the character and appearance of the host property and the surrounding area.

Reasons

Living Conditions

6. The appeal property is a detached 2-storey house that includes a 2-storey rear addition, single-storey side addition and a large dormer in the rear roof slope which has enabled the formation of a bedroom within the roof space. The property is situated in a residential street comprising properties of similar age and appearance, many of which have been extended to the side and rear.
7. The proposal would include the formation of a small balcony at roof level accessed via new glazed doors in the rear dormer. This would be of sufficient size to enable people to stand outside and gain views over neighbouring gardens to the rear and to each side. Whilst I note that views would be limited by the flat roof of the rear extension and nearby trees, the longevity of the latter cannot be guaranteed and the formation of outdoor space at such a high level would inevitably lead to neighbouring property occupiers being overlooked resulting in a loss of adequate privacy.
8. Due to its size and elevated position I therefore conclude that the proposed roof level balcony would have an unacceptable effect on the living conditions of occupiers of neighbouring properties. As such this element of the proposal fails to accord with Policy LP8 of the Local Plan (2018) (LP) and PLP Policy 46, which state that development is required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties and the Council will ensure balconies do not raise unacceptable overlooking.

Character and Appearance

9. The creation of the roof level balcony would involve the removal of a portion of the roof, the installation of glazed balustrades and the formation of a glazed doorway. The overall effect of these roof level changes would be to create a wholly incongruous and conspicuous element in views from surrounding properties. Due to its size, design and elevated position I therefore find that these aspects of the proposal would have an unacceptable effect on the appearance of the host property and the surrounding area. Consequently, they fail to accord with LP Policy LP1 and PLP Policy 28 which require all development to be of high architectural and urban design quality and compatible with local character. There is also conflict with the Council's Residential Development Standards Supplementary Planning Document (2010) which seeks to ensure that dormers are not overly dominant.
10. The appeal proposal includes the erection of a small side extension at first floor level to provide a walk-in wardrobe. Whilst this would be set a small distance behind the adjacent part of the front elevation of the house it would be visible from the street and close the gap between the upper flank wall of the appeal property and that of 9 Ullswater Road.
11. I recognise that gaps between properties are often an important aspect of the character and appearance of a residential environment. However, in this particular area, some houses have been built close together and others feature 2-storey side

additions that have resulted in the loss of original wide gaps. For these reasons I conclude that the first floor side addition, would not have unacceptable effects on the character and appearance of the host property or its surroundings. I am also satisfied that all other aspects of the proposal, excluding the roof level balcony and associated alterations to the dormer, are acceptable in these respects.

12. These aspects of the proposal therefore accord with the aforementioned policies and as they are clearly physically and functionally severable from the proposed roof level balcony a split decision can be issued allowing these works.

Conditions

13. 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. To prevent loss of privacy a condition requiring obscured glazing in the upper floor flank window is imposed and to ensure the requirements of London Plan Policy D12 are complied with a condition relating to fire safety is warranted.

Conclusion

14. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail in respect of the second floor balcony to the rear and should succeed in respect of all other aspects of the proposed development.

S Poole

INSPECTOR

Schedule of 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, in so far as they relate to the development approved: 01 Rev A, 02 Rev A, 03 Rev A, 04 Rev A, 05 Rev A, 06 Rev A, 07 Rev A, 08 Rev A dated 8 July 2024.
- 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 development must be carried out in accordance with the provisions of the Fire Safety Strategy received by the Council on 11th July 2024 unless otherwise approved in writing by the Local Planning Authority.
- 5) The upper floor flank window 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.