
Appeal Decision

Site visit made on 14 October 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/L5810/W/25/3360593

99 Atbara Road, Teddington, Richmond Upon Thames TW11 9PA

- 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 McDaid against the decision of the London Borough of Richmond Upon Thames Council.
 - The application Ref is 24/2382/FUL.
 - The development proposed is the erection of a self-build detached dwelling with associated refuse stores and 1x ASHP and 6no. solar panels on the roof following the demolition of the existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Richmond Local Plan (2018) referred to by the Council in its decision notice has been superseded by policies in the Richmond Local Plan (RLP) (2025) which has been adopted since the appeal was submitted. The appellants and the Council have both commented on the new policies. I must make my decision based on the development plan prevailing at the time of my determination.
3. Following determination of the planning application the appellants have produced additional information in the form of a daylight/sunlight letter, floorplans showing the relationship between the appeal property and 101 Atbara Road; a tree protection plan and tree assessment; amended sustainable drainage and energy letter. I have taken these documents into account in coming to my decision and I am satisfied that no interested parties have been prejudiced by my approach.
4. Having regard to the above the Council advise that they no longer consider that the proposed development would unduly affect sunlight and daylight nor have an overbearing impact in respect of the occupiers of No.101. They also advise that based on the additional information the proposal would not affect trees located in the rear garden and they no longer wish to defend the reason for refusal relating to flood risk. Based on the available information there is nothing that would lead me to reach a different conclusion in respect of these matters and, as such, I have not addressed them in my reasoning below.

Main Issues

5. The main issues are:

- The effect of the proposed development upon the character and appearance of the area;
- The effect of the proposed development upon nearby trees;
- The effect of the proposed development upon the living conditions of the occupiers of No.74 St. Winifreds Road with regard to overlooking; and
- Biodiversity Net Gain (BNG).

Reasons

Character and appearance

6. Atbara Road is a typical suburban residential street. It is largely formed of pairs or small groups of well-presented and maintained two storey dwellings. Whilst the form and appearance of dwellings vary the prevailing material palette comprising facing brick and render and consistent setbacks from the road gives the street a relatively coherent appearance.
7. The appeal property is an early twentieth century bungalow and neighbours No.101; a similarly aged bungalow. These properties are at variance to the rest of the street but given their modest scale, set back from the roadside and the presence of mature frontage and street trees gives rise to a quaint unassuming pocket of development within the road.
8. I acknowledge that the materiality of the proposal would be sympathetic to its surroundings reflecting dwellings constructed in the late nineteenth and early twentieth century. However, it would be unduly large occupying a large area of the site and its overall footprint combined with its elongated form, and bulky roof design would appear as a monolithic structure resulting in an unduly prominent and obtrusive form of development.
9. Apart from the bay column feature the proposal lacks any real architectural features to break up the overall form or bulk of the building. The uncharacteristic roof design, neither a true gable nor hipped roof, would not only be unduly bulky but also would result in visual confusion. This would be very apparent when viewed on the ground because of the separation between the site and 97a Atbara Road which would allow clear views of the side of the proposed dwelling. These matters in combination would compound this sense of obtrusion and would result in an awkward juxtaposition against No.101.
10. The appellants have drawn my attention to 66 and 70 Atbara Road which they consider relevant. However, they are flanked by two storey properties either side and have less dominant roof forms, as such I do not find that they are comparable to the scheme before me. In any case, every appeal must be considered on its own merits. The presence of these properties do not justify the harm that I have identified.
11. As such, the proposed development would adversely affect the character and appearance of the area contrary to RLP Policy 28 and the Small and Medium

Housing Sites Supplementary Planning Document (SPD) which, amongst other things, require all development to be of high architectural and urban design quality and compatible with the local character, including the relationship to existing townscape and scale, height and massing,

The effect upon trees

12. A mature Honey locust tree is located within the front garden of No.101. Its crown spread would meet the south-west corner of the proposed dwelling. Taking into consideration the proximity, height, crown spread and its potential for future growth the tree would restrict light to both the ground and first floor of the house causing overshadowing, and which would likely cause resentment once the dwelling is occupied. Furthermore, occupiers may perceive the tree as a potential hazard to the property in the future. This would create significant pressure to severely prune or remove the tree once the dwelling is occupied, irrespective of ownership.
13. Whilst the appellant's updated arboricultural evidence suggests that pruning of the tree would be required due to the current relationship with No.101, it is likely that the proposed development would necessitate severe pruning undermining the tree. This does not overcome the harm that I have identified.
14. As such, the proposed development would be contrary to RLP Policy 42 which, amongst other things, requires all development to minimise impacts on existing trees and to provide sufficient space for the crowns and root systems of existing trees and their future growth.

Living conditions of existing occupiers

15. The appeal property benefits from a reasonably long garden which backs on to the rear garden of No.74, which comprises a two storey dwelling. At present there is a degree of mutual overlooking between the properties, and I observed that this type of relationship is not uncommon locally.
16. The SPD advises that in order to respect the privacy of occupiers main facing habitable rooms should preferably be no less than 20 metres apart. The appellant advises that the back-to-back distance between the two properties would be 26.8m and there is nothing before me to suggest that this figure is not accurate.
17. The proposed development whilst two storeys would have dormer windows within the rear roof space. The outlook from No.74 and neighbouring properties on St. Winifreds Road would change because of this development. However, when taking into account the surrounding context and the overall distance between the development and existing properties there would be adequate separation between the two, notwithstanding the level difference. In suburban residential areas such relationships between dwellings are not unusual, such as this.
18. Whilst the appellants are willing to accept a condition for tree or bushes to the rear, there is nothing substantive before me to indicate that this landscaping would remain for the lifetime of the development such that it would continue to screen it. A condition requiring the planting of trees or bushes would be difficult to enforce and there is no certainty that it would mitigate the harm identified. I am also not satisfied that requiring the dormer windows to be non-opening or obscurely glazed would provide adequate outlook for the intended occupiers. However, given my

findings in respect of this main issue these factors are not determinative in coming to my decision.

19. Accordingly, I am satisfied that the proposed development would not give rise to an unacceptable degree of actual or perceived overlooking that would undermine the living conditions of existing occupiers on St. Winifreds Road. The proposed development, therefore, accords with RLP Policy 46 which, amongst other things, requires development to protect the amenity and living conditions for occupants of neighbouring properties including in respect of overlooking and perceived overlooking.

Biodiversity Net Gain

20. Under Article 7(1A) of the Town and Country Planning (Development Management Procedure) Order 2025 all applications for planning permission are required to be accompanied by certain information relating to BNG. The information required includes a statement as to whether the applicant believes, if granted, the planning permission would be subject to the biodiversity condition. The application must also be accompanied by a completed biodiversity metric calculation tool, showing the baseline biodiversity value of the on-site habitat and various other related details which are listed in full in sub-paragraph (c) of the above Article.
21. The appellant is advancing the scheme as a self-build development, falling within the exemption from BNG that is available for self-build and custom housebuilding, and this is indicated on the application form. An exemption from the Community Infrastructure Levy has also been claimed on this basis.
22. In order to qualify as self-build and custom housebuilding, for the purposes of the relevant BNG legislation, the development would need to comply with the definition contained in Section 1(A1) of the Self-Build and Custom Housebuilding Act 2015. This makes it clear that the new dwelling must be occupied by the person or persons responsible for carrying out or commissioning the building.
23. I acknowledge that both main parties have advanced that this matter could be addressed by way of condition, and the wording of a suggested condition is before me. I have paid regard to the above, however, I am not persuaded that the suggested condition would meet the tests set out in the National Planning Policy Framework and in particular, I have concerns regarding the enforceability of the condition. In my judgement a s106 obligation would be the most appropriate method of ensuring that the proposed development would indeed be self-build rather than market housing. In the absence of a s106 obligation to secure the development as self-build there is no certainty that it would be exempt from BNG.
24. As such, the proposed development would be contrary to RLP Policy 39 which, amongst other things, requires development to deliver robust and measurable net gains for biodiversity.

Other Matters

25. I note the representations made by local residents to the appeal raising additional matters. However, given my findings in respect of the appeal there is no need for me to address these points in detail.
26. Whilst the proposal would be located within an urban area, would incorporate green technologies and be energy efficient and would not affect highway safety,

these factors either individually or cumulatively would not outweigh the harm that I have identified.

Conclusion

27. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR