



Appeal Decision

Site visit made on 9 December 2025

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 January 2026

Appeal Ref: APP/L5810/C/23/3327315

22 Albemarle Avenue, Twickenham TW2 6AJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Ausra Valunaite against an enforcement notice issued by the Council of the London Borough of Richmond Upon Thames.
 - The notice was issued on 5 July 2023.
 - The breach of planning control as alleged in the notice is without planning permission and within the last four years, the erection of a rear dormer roof extension on the land ('the dormer').
 - The requirements of the notice are: Either: (i) Carry out remedials (*sic*) work to the dormer so that its finished appearance complies with drawing 2561/PL/02A of the Certificate of Lawfulness bearing reference number 18/1818/PS192 dated 28/06/2018 ('the remedial works'), thereby complying with Class B, Part 1 of Sch. 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); Or: (ii) Remove the dormer and restore the land to its condition prior to the commencement of the remedial works as shown in the photograph attached to the notice; and (iii) Remove all rubble and building materials from the land, resulting from compliance with step 5(i) or 5(ii) above.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is varied by in paragraph 5 at (ii) deleting the word 'remedial' and in the final sentence substituting 'three months' with 'nine months' as the period for compliance. Subject to the variations the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. The Richmond Local Plan 2024-2039 (LP) was adopted on 7 October 2025, superseding the previous version of that document. I have to determine the deemed planning application arising from the ground (a) appeal against the Development Plan policies currently in force. The main parties were afforded the opportunity to make further representations concerning the LP policies relevant to the development and I have taken account of the comments received in my decision.
3. My decision takes the revised National Planning Policy Framework, which also came into force during the course of the appeal, into account.
4. The enforcement notice attacks a flat roof dormer erected on the rear of a two storey, semi-detached dwelling with a hip-to-gable roof enlargement. As an alternative to step (i), at step (ii) the notice requires the dormer to be removed and restoration of the land '*to its condition prior to the commencement of the remedial works.*' However, this might also be interpreted as requiring the dormer to remain in

its current condition, which cannot be what the Council intended. In the circumstances, after seeking the views of the main parties I shall exercise the power in s176(1) of the Act to correct any defect, error or misdescription in the notice or to vary its terms, by deleting the word 'remedial' from this step, in the interests of certainty. There would be no injustice. The appellant can have been in little real doubt about what they would be required to do to comply with the alternative in step (ii), which also refers to a photograph attached to the notice showing the front and side roof slopes of the original dwelling prior to erection of the dormer.

Ground (a) appeal

Main Issues

5. The main issues in this ground of appeal are:

- The effect of the dormer on the character and appearance of the dwelling and the surrounding area.
- The effect on the living conditions of existing and future occupiers of neighbouring residential property, having regard to outlook.
- The consequences of refusing planning permission for the appellant and their family.

Reasons

Character and appearance

6. The dwelling is located in an established suburban residential area largely made up of pairs of semi-detached houses and bungalows of similar appearance, with balanced elevations incorporating front bay windows and decorative gables and with similar external finishes, neatly arranged in comfortably sized, rectilinear plots. These factors contribute to the pleasant, well-ordered suburban residential character and appearance of the surroundings. This is also reflected in the character summary for the area (Character Area 13) in the Whitton and Heathfield Village (WHV) Planning Guidance Supplementary Planning Document (SPD).
7. The dormer is of considerable size and bulk. It occupies almost all of the area above the eaves line on the rear elevation of the dwelling, being built up from the rear and side external walls, with the flat roof at a similar overall height to the main ridge line of the dwelling and the neighbouring attached property, 20 Albemarle Avenue (No 20). Consequently, the dormer is not subservient to the dwelling, appearing as an overly large, top heavy and box-like addition, significantly eroding the original roof profile at the side and rear, visually dominating the side and rear elevations and creating an unbalanced feel in relation to No 20. This has all led to the dormer being viewed as an alien feature in the environs, entirely at odds with the prevailing pattern of local development, its significant visual presence in the street scene emphasised due to the neighbouring residential property at 24 Albemarle Avenue (No 24) being a bungalow.
8. The dormer does not compare favourably in terms of its visual impact with the proposal granted a Lawful Development Certificate (LDC) by the Council in June 2018.¹ The LDC dormer would have been significantly smaller in scale, being set well back from the eaves of the dwelling, with a roofline below that of the main ridge line and also set well in from both sides. The use of grey coloured tiles on the face and one of the cheeks make little difference to the visual impact of the dormer.
9. Nor does the dormer reflect advice in the House Extensions and Alterations SPD that roof extensions should not dominate the original roof, by leaving a significant

¹ Council Ref: 18/1818/PS192

area of roof beneath and on either side of a dormer, by keeping existing profiles and ensuring sensitivity to the existing character. Also, it does not reflect advice to carefully consider the scale of new development and its effect on the character and pattern of the surrounding area as well as whether it is subordinate to the main dwelling in the Residential Development Standards SPD, or the area specific advice in the WHV SPD. A failure to reflect SPD advice does not necessarily equate to planning harm. In this instance however it underscores my views concerning the adverse visual consequences of the dormer, set out above.

10. There are incidences of substantial residential extensions including additions at roof level, in the surrounding area. However, for the most part such extensions are isolated and have little influence on the prevailing character and appearance of the locality. Also, little detail was supplied concerning the circumstances in which the other extensions originated. For example, it is unclear whether any of those developments benefit from a recent grant of planning permission. The mere existence locally of substantial extensions therefore adds little weight to the appellant's case. Moreover, I have to deal with the appeal dormer on its individual planning merits.
11. Consequently, the dormer causes unacceptable harm to the character and appearance of the dwelling and the surrounding area. This is in conflict with LP Policy 28, which requires new development to be of high architectural and urban design quality, through amongst other things being compatible with the local character, including the relationship to existing townscape, development patterns, views, local urban grain and frontages as well as scale, height, massing, density, landscaping, proportions, form, materials and detailing.

Living conditions

12. Given the significant distances between the dormer and the boundaries with Nos 20 and 24 and other neighbouring properties, its erection has not led to residential occupiers in the vicinity experiencing an appreciably greater sense of enclosure, or a significantly more oppressive or restrictive outlook, from their rear facing windows or in their rear gardens. Also, the smaller window in the dormer face is less intrusive from neighbouring residential property compared to the French doors and Juliet balcony in the LDC scheme.
13. Therefore, the dormer has no adverse effect on the living conditions of occupiers of neighbouring residential property. There is no conflict with LP Policy 46, which requires new development to protect the amenity and living conditions of occupiers of neighbouring properties. Nor would the dormer be inconsistent with SPD advice relevant to this matter. However, this is a neutral factor which weighs neither for nor against the granting of permission for the dormer.

Consequences for the appellant and family

14. The appellant described the unfortunate family difficulties they experienced prior to the issuing of the notice and the adverse personal and financial situation they find themselves in as a result. There is little doubt that the appellant's circumstances are the source of considerable distress for them and other family members, which include two children. This is unlikely to be assisted by refusing permission for the dormer, with the resulting additional financial worries and potential disruption that would involve. Nevertheless, it would rarely be justified to grant permission for unacceptable development on the basis of personal circumstances; these can change quickly, whilst the consequences of development would endure for a long period.
15. The Human Rights Act 1998 (HRA) gives the appellant the right to peacefully enjoy their possessions in Article 1 of the First Protocol and the right to respect for their private and family life home and correspondence in Article 8 to Schedule 1 of the HRA. These rights are qualified, such that interference may be justified where it is

in accordance with the law and in the public interest. Where the Article 8 rights are those of a child, Article 3(1) of the United Nations Convention on the Rights of the Child requires that child's best interests to be a primary consideration.

16. It is not necessary to remove the dormer to comply with the notice. Step (i) would make the dormer comply with the terms of the planning permission granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As the dwelling would not be substantially reduced in size, it is likely to still be able to accommodate a similar number of people. Whilst use of the additional living space created by the dormer is likely to be restricted during the remedial works, that would only be for a relatively short period. Further, it was not the appellant's case that one or more of their children are facing particularly unusual or challenging personal circumstances, such as, for example, an acute health condition, which could be adversely affected by the works. Although such works would undoubtedly be costly, there is little firm evidence that the appellant would be significantly more at risk of losing their home or that the stable home life of their children would otherwise be unduly disrupted as a result.
17. Therefore, the interference with the appellant's and their family's HRA rights would accord with the law and be in pursuance of the legitimate aim of safeguarding the built environment and it is proportionate and necessary to refuse to grant planning permission for the dormer. The protection of the public interest could not be achieved through less interference with those rights.

Conclusion-Ground (a) appeal

18. The dormer harms the character and appearance of the dwelling and the surrounding area, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, I conclude that the ground (a) appeal should not succeed.

Ground (g) appeal

19. The ground of appeal is that the time for complying with the notice requirements falls short of what should reasonably be allowed.
20. It is unnecessary to extend the compliance period to provide for submission of a planning application, as the planning merits of the dormer have been considered in the ground (a) appeal. Moreover, an enforcement notice that did not specify the end of the period by which the requirements should be complied with would fail to satisfy s173(9) of the Act. A compliance period of longer than a year would very rarely be justified, as it would blunt the urgency of taking enforcement action.
21. The remedial works would be a small-scale and relatively straightforward task for a suitably experienced building contractor. The works are unlikely to take more than a couple of months at most to complete. There are likely to be a significant number of suitable contractors who would be available to undertake the works given a reasonable period of notice.
22. Even so, the costs associated with the works are likely to have a significant adverse effect on the appellant's finances in the short to medium term. As a single parent, a considerable portion of the appellant's income is likely to be already accounted for in day-to-day living expenses. I am mindful that the appellant has had to assume responsibility for a situation that is largely not of their making. I am given to understand that the appellant has limited financial support from their ex-partner, with whom they are currently in dispute. Also, English is not the appellant's first language. This all increases the likelihood of the appellant requiring much longer than perhaps might normally be anticipated to be in a position to secure sufficient funding for the works and to appoint a suitable contractor, without having serious consequences for their overall financial situation.

23. In the circumstances, a nine-month compliance period would be reasonable. This would strike an appropriate balance between remedying the breach as soon as practicable, whilst not placing a disproportionate burden on the appellant. There would be no injustice to the Council in varying the notice accordingly. Therefore, the ground (g) appeal succeeds to this extent.

Conclusion

24. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Stephen Hawkins

INSPECTOR