



Appeal Decision

Site visit made on 21 April 2021

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/L5810/D/20/3261035

55 Copthall Gardens, Twickenham TW1 4HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr B Morgan against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 20/1506/VRC, dated 4 June 2020, was refused by notice dated 27 August 2020.
 - The application sought planning permission for a roof extension and ground floor rear extension without complying with a condition attached to planning permission Ref 19/1671/HOT, dated 11 September 2019.
 - The condition in dispute is U0068839 which states that: The rooflights atop of the dormer extension hereby approved shall be fixed shut and at no time be openable.
 - The reason given for the condition is: To ensure that the proposed development does not prejudice the character of the area.
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Decision

1. The appeal is allowed and planning permission is granted for the roof extension and ground floor rear extension at 55 Copthall Gardens, Twickenham TW1 4HH in accordance with the application Ref 20/1506/VRC dated 4 June 2020, without compliance with condition number U0068839 previously imposed on planning permission Ref 19/1671/HOT dated 11 September 2019 and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents, where applicable: 001, 002, 003, 004, 005, 006, 007, 008 received 06.06.2019; 29C received 26.6.19; 01A, 14C, and 13J received 27.05.2019.

Procedural Matter

2. The development has been carried out without compliance with the condition restricting the opening of the rooflights, I have dealt with the appeal on this basis.
3. Concern has been raised by a third party with regard to the timescale for appealing the refusal to remove the planning condition. I note that the application was refused on the 27 August 2020 with the appeal submitted some 7 weeks later this is within the timescale allowed to appeal a decision.

Main Issue

4. The main issue in this case is the effect of the development of the character and appearance of the area.

Reasons

5. The appeal site is a terraced property within a predominantly residential area the property has been substantially extended and altered.
6. The London Borough of Richmond Upon Thames Local Plan Supplementary Planning Document, House Extensions and External Alterations (2015) states that dormer windows and other roof extensions must not project above the ridgeline and encourages home owners to be mindful of light pollution that may be caused through excessive use of roof lights.
7. The rooflights project above the ridgeline and are visible from public vantage points along Copthall Gardens however they are screened to a degree by chimneys and do not appear out of context. When opened the rooflights would project further and be a noticeable feature in the streetscene even with the degree of screening afforded to it.
8. Notwithstanding this I observed during my site visit a number of other properties within the immediate area which have rooflights on front and side elevations of Copthall Gardens and which when opened would also be noticeable features in the streetscene. Whilst I did not note other rooflights in the area projecting above their respective ridgelines the rooflights I observed are in prominent locations when viewed in the context of the streetscene. I have no substantive evidence before me to confirm these rooflights are restricted in terms of opening and noted that one was open at the time of my visit.
9. The rooflights when opened are clearly visible when viewed from the rear by properties which have views towards the appeal site, as evidenced by photographs provided by a third party. Nonetheless the rooflights are not a bulky feature comprising framed glazing and are not incongruous to the dormer extension they sit upon nor the surrounding area.
10. Light spill from the rooflights is possible, however I mindful that the rooflights will not be permanently open. I am not persuaded that any light spillage associated with the opening of the rooflights would be such which would diminish the character and appearance of the area.
11. I conclude that the development would not harm the character or appearance of the area. There is no conflict with Policy LP1 of the London Borough of Richmond upon Thames Local Plan (2018) which seeks to ensure developments are a high quality of design which relates well to the character of the area.
12. For the reasons given above I conclude that the appeal should be allowed.

C Pipe

INSPECTOR