



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: 25 June 2021

Appeal Ref: APP/L5810/D/20/3263338

8 Wayside, East Sheen, London SW14 7LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Browne against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 20/1845/HOT dated 3 July 2020, was refused by notice dated 27 August 2020.
 - The development proposed is described as first floor side extension, replacement porch and new outbuilding replacing three existing sheds, replacement windows and doors, re-rendering of external walls and re-cladding of existing rear dormer
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Decision

1. The appeal is allowed and planning permission is granted for part ground, part first floor side extension at 8 Wayside, East Sheen, London SW14 7LN in accordance with the terms of the application, Ref 20/1845/HOT dated 3 July 2020, and the plans submitted with it, subject to the conditions set out below:
 - 1) The development hereby permitted shall begin not later than the expiration of 3 years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the materials identified on the application form and approved plans, Drawing No: 2001_PL-00, 2001_PL-4, 2001_PL-05, 2001_PL-06, and 2001_PL-07.
 - 3) No part(s) of the roof of the building(s) hereby approved shall be used as a balcony or terrace nor shall any access be formed thereto.

Procedural Matter

2. The Appellant has submitted amended plans which were not considered by the Council and were not subject to public consultation through the application process. The amendments relate to retention of existing trees, retention of porch as existing, recladding of the dormer in a clay tile, replacement of Juliet balcony for a window, changes to fenestration, and aligning the side extension to the façade of the property.
3. Whilst these alterations to the proposal would represent minor changes on their own in combination, they represent a material change to the proposal. If I were to determine the appeal on the basis of the amended plans it is possible that the interests of parties who might wish to comment would be prejudiced. I

have therefore considered this appeal on the basis of the original plans submitted.

Main Issues

4. The main issues in this appeal are the effect on the development on (i) the character and appearance of the area and the existing property; and (ii) trees.

Reasons

Character and Appearance

5. The site is within a residential area comprising predominantly two storey semi-detached properties. The building line in this area is regular with properties set back similar distance from the highway.
6. The Council do not raise concern with regard to the proposed rear extension and outbuildings, I see no reason to disagree.
7. The property at the appeal site is not symmetrical to the adjoining semi-detached property (No. 10) which has a hipped roof and is built up to the shared boundary with the neighbouring property (No. 12). I observed that it is not an unusual arrangement within Wayside to have irregular roof designs on adjoining properties. The retention of unsymmetrical features would not unbalance the properties nor the streetscene in general.
8. The appeal site has an existing single storey extension, set back from the front elevation, which extends up to the shared boundary with No. 8. The proposed development would extend up to the shared boundary at both ground and first floor retaining the set back. There is a small gap between No. 8 and the shared boundary, which given its size is unlikely to be developed.
9. The set back from the front elevation and gap between No. 8 and the boundary would retain the prevailing semi-detached character of the area, avoiding a continuous façade or 'terracing effect'. The gap between properties would be similar to separation distances between other properties within Wayside.
10. Window arrangements to the front elevation of properties in the street are, in general, consistent however inserts and openings vary, for example the fenestration to the front of the adjoining property No 10. The proposed development includes alterations to the fenestration, however the bay window which is a prominent consistent feature in the streetscene would be retained.
11. The existing porch is characteristic of the area, although it has been altered similar to other porches in Wayside. The proposed porch would be a modern addition to the property, similar in design to the flat roof porch erected at No.3. I understand from the Council that the porch at No. 3 was erected utilising permitted development rights, I have not been provided with substantive evidence to demonstrate that a similar porch could not be erected at the appeal site utilising permitted development rights. Whilst the design is not a common feature within the streetscene, I do note the variances between porches within the area.
12. The London Borough of Richmond Upon Thames Local Plan Supplementary Planning Document, House Extensions and External Alterations (2015) (the SPD) states that dormer windows should be smaller than that of windows in the floor below. I observed during my site visit that a Juliet balcony exists on the

neighbouring property No. 8 and that the existing window in the dormer extension at the appeal site is currently larger than the window on the floor below.

13. Whilst the proposed development does in part conflict with the SPD by including a larger window than the floor below, it is important to recognise that such guidance does not constitute a 'black and white' set of rules to be applied rigidly or exclusively when other material considerations indicate that an exception may be appropriate. Given the circumstances of the existing window and Juliet balcony on the adjacent property I find that the proposal would not be incongruous to the area.
14. The proposed development would incorporate contemporary zinc cladding to the rear dormer, whilst this material is not noticeable in the immediate area, during my visit I noted that there is a varied material pallet. Visual continuity is important and materials play a significant role in achieving this. Utilising modern materials does not mean that the visual continuity of an area would be compromised. I find that the zinc cladding would be an interesting feature to the rear of the property without diminishing the aesthetics of the area.
15. I conclude that the development would not harm the character or appearance of the area or the existing property. There is no conflict with Policy LP1 of the London Borough of Richmond upon Thames Local Plan (2018)(the Local Plan) which seeks to ensure developments are a high quality of design which relates well to the character of the area.
16. The proposed development would not be contrary to the National Planning Policy Framework (2019) (the Framework) which seeks to secure good design which adds to the overall quality of an area.

Trees

17. The proposed development involves removal of trees and shrubs. I have not been provided with substantive evidence to demonstrate that the trees within the site are covered by a tree preservation order or by conservation area status. The landscaping within the site is typical of a residential property which can be removed at any time without restriction.
18. Whilst it is advantageous to retain trees within a site I observed that the size and location of the trees offered limited amenity value to the area, biodiversity and ecological opportunities.
19. I find no harm arising from the loss of trees on site. There is no conflict with Policies LP15 and LP16 of the Local Plan which seek amongst other things to protect and enhance biodiversity within the borough and to resist development which would result in the damage or loss of trees that are considered to be of townscape or amenity value.
20. There is no conflict with the Framework which seeks to protect the natural environment.

Conclusion and Conditions

21. For the above reasons I conclude that this appeal should be allowed.

22. I have imposed a standard condition relating to the commencement of development and a condition specifying the relevant plans as this provides certainty.
23. I have imposed a condition restricting use of the roof areas as balconies/terraces to safeguard the living conditions of occupiers of adjacent properties.
24. The Council have suggested conditions relating to the trees on the site including a tree replacement scheme as noted above the removal of the trees and shrubs from the site is acceptable on this small residential plot.
25. A condition relating to matching materials has been suggested by the Council, the application form identified materials to be used in the development, including modern materials which contrast to the existing property therefore the proposed condition is not necessary.
26. The Council have also suggested that conditions relating to the type of machinery used during onsite construction and restricting the use of the outbuilding. I do not consider that the planning permission should be dependent on such restrictions and so it is not necessary in planning terms.

C Pipe

INSPECTOR