



Appeal Decision

Site visit made on 23 November 2021

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2021

Appeal Ref: APP/L5810/D/21/3279201 65 Elm Grove Road, Barnes, London, SW13 0BX

- 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 Anna Lloyd-Jones against the decision of the Council of the London Borough of Richmond upon Thames.
 - The application Ref 21/1741/HOT, dated 14 May 2021, was refused by notice dated 5 July 2021.
 - The development proposed is a loft conversion raising the ridge line by 250mm (including installation of 2x new skylights to the front roof) and pod extension over rear outrigger (following previous applications in the area); front garden paving and fence to be upgraded; front door and existing front UPVc windows to be upgraded in line with the character of the street (timber sash windows with double/triple glazing); rear window A (refer to drawing pack) to be upgraded and resized; existing side uPVC windows to be upgraded and resized; installation of 1x new skylight to flat roof loft conversion and 1x new skylights to flat roof of pod conversion.
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Decision

1. The appeal is allowed in part and planning permission is granted for front garden paving and fence to be upgraded; front door and existing front UPVC windows to be upgraded in line with the character of the street (timber sash windows with double/triple glazing); rear window A (refer to drawing pack) to be upgraded and resized; existing side uPVC windows to be upgraded and resized at 65 Elm Grove Road, Barnes, London, SW13 0BX in accordance with the terms of the application, Ref 21/1210/HOT, dated 6 April 2021, subject to the conditions set out in the attached schedule.

Procedural Matters

2. For clarity, permission is only granted for that part of the development referred to under the decision above. The appeal is dismissed insofar as it relates to a loft conversion raising the ridge line by 250mm (including installation of 2x new skylights to the front roof) and pod extension over rear outrigger (following previous applications in the area); installation of 1x new skylight to flat roof loft conversion and 1x new skylights to flat roof of pod conversion.
 3. The description of the proposed development is taken from the application form. The Council, in its decision notice, described the proposed development as a "rear dormer roof extension comprising raising the ridge line by 250mm and dormer roof extension to roof of outrigger. Installation of 2x new skylights to the front roof. Front garden paving and fence alterations. Front door and
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existing front UPVc windows alterations. Rear window A to be altered and resized. Existing side uPVC windows altered and resized.”

4. The appeal property is located in the Barnes Common Conservation Area and the Council is satisfied that the proposed development would not fail to conserve heritage assets.
5. A previous application¹ for a similar form of development was recently refused. The appellant states that the proposal the subject of this appeal was changed from that previous proposal in order to be “identical to those (other applications elsewhere) that have been consistently approved.”
6. The Council has confirmed that it has no objections to the proposed changes to the front garden area or to the appeal property’s fenestration and the appeal decision takes this into account whilst focusing on the proposed development at roof level.

Main Issue

7. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of Number 63 Elm Grove Road, with regards to outlook.

Reasons

8. The appeal property is a two storey terraced dwelling and comprises a Building of Townscape Merit situated within the Barnes Conservation Area. It is in a townscape group characterised by the presence of similar Edwardian dwellings sharing common materials, period features and a regularity of form and appearance, especially to the front façade.
9. During my site visit, I noted that many dwellings along Elm Grove Road have been extended and/or altered, with the focus of most extensions being to the rear of the terrace. Such extensions include ground floor, first floor and roof-level additions. The adjacent dwelling to the appeal property, Number 63 Elm Grove Road has an extension to the rear of very similar appearance to the development proposed.
10. The proposal would extend the appeal property to the rear and in so doing, the proposed dormer on the roof of the rear outrigger would rise above the side elevation of the rear outrigger of Number 63 Elm Grove Road in immediate proximity. As a direct result of this, the proposed dormer would loom directly above a neighbouring rear facing bedroom window, as well as above windows to the side of No 63’s outrigger.
11. Taking this into account, the proposed dormer would, due to its scale, immediate proximity and height, appear as an overbearing feature when seen from No 63. Consequently, I find that it would appear visually intrusive to the significant detriment of the outlook from this neighbouring property.
12. Given this, the proposed dormer would harm the living conditions of the occupiers of No 65 Elm Grove Road with regards to outlook, contrary to the

¹ Ref: 21/0757/HOT.

National Planning Policy Framework; to Local Plan² Policy LP8; and to the Council's Supplementary Planning Document (SPD): House Extensions and Alterations (2015), which together amongst other things, seek to protect residential amenity.

Conditions

13. As part of this appeal, the Council submitted a request for seven conditions to be imposed should the appeal be successful and I have considered these against the tests set out in Paragraph 56 of the Framework. Conditions relating to non-road mobile machinery, fire safety, conservation type rooflights are not relevant to that part of the development permitted.
14. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.
15. A condition controlling external finishes is necessary in the interests of local character. A condition in respect of the front garden paving and pathway is necessary in the interests of local character.

Other Matters

16. The appellant raises the point that the proposal the subject of this appeal is the same as other nearby developments. However, I do not have all of the information relating to all of the circumstances involved in those developments before me and I note that this appeal focuses on the main issue set out earlier in this Report.
17. However, notwithstanding this, I have found that the proposed development would result in significant harm. The presence of other developments nearby, whether or not they are similar to the proposal the subject of this appeal, does not amount to something that outweighs the harm identified.

Conclusion

18. For the reasons given above, the appeal succeeds in part, but is not successful in respect of the proposed works at roof level.

N McGurk

INSPECTOR

**Schedule of Conditions attached to
Appeal Decision APP/L5810/D/21/3279201
65 Elm Grove Road, Barnes, London, SW13 0BX**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to front garden paving and fence to be upgraded; front door and existing front UPVc windows to be

² Reference: Richmond upon Thames Local Plan (2018).

upgraded in line with the character of the street (timber sash windows with double/triple glazing); rear window A (refer to drawing pack) to be upgraded and resized; existing side uPVC windows to be upgraded and resized: 065ELMPE01; 065ELMPE02; 065ELMPS01; 065ELMPP01; 065ELMPP02.

- 3) No new external finishes (including fenestration), including works of making good, shall be carried out other than in materials to match the existing, except where indicated otherwise on the submitted application form and/or approved drawings.
 - 4) Prior to the commencement of relevant works details showing the retention of the original geometric tiled pathway and details/materials of front garden paving shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.
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