



Appeal Decision

Site visit made on 19 January 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2022

Appeal Ref: APP/L5810/D/21/3282018

25 Parke Road, LONDON, SW13 9NJ

- 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 and Mrs Martin and Esra Parr against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 21/1333/HOT, dated 14 April 2021, was refused by notice dated 9 June 2021.
 - The development proposed is described as "1. Enlarge the existing single storey extension at the rear; 2. Remove existing shed at bottom of garden and build a larger timber frame, store/workshop in a different orientation".
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the submission of the appeal, the Council has confirmed that there is an error in the refusal notice, in that the site is not within a conservation area. I have therefore assessed the appeal on this basis.
3. The Council's Officer's report refers to unacceptable effects upon the living conditions of No 27 Parke Road (No 27). However, my reading of the evidence and the sequence of house numbering I saw during my site visit, suggests that the Council are referring to No 23 Parke Road (No 23) not No 27. Accordingly, I have assessed the appeal on the basis that the Council's concerns in relation to living conditions relate to No 23.

Main Issues

4. The main issues for consideration are the effect of the proposal on: the character and appearance of the host property and the surrounding area, including the effect on trees at the site; and the effect of the proposed single storey rear extension on the living conditions of nearby residents, with particular reference to outlook.

Reasons

Character and appearance

5. The appeal dwelling along with others along this section of Parke Road have deep rear gardens characterised by mature trees and shrubs close to, and along property boundaries. The number and variety of species combine to create a rich and attractive verdant backdrop at the rear of the dwellings. This

natural setting makes a significant contribution to the visual character of the area.

6. A large Magnolia tree with a substantial crown extends close to the edge of the proposed rear extension. There are also a number of mature shrubs along the property's rear boundary, in the location of the proposed store/workshop building, which could be removed to allow that structure to be built.
7. Although, the appellant has submitted a drawing showing the location of the Magnolia, there are no details of its health, crown dimension or the extent of its below ground root growth. In the absence of this information, it is not clear whether the foundations of the proposed extension or the building activities relating to it would damage the tree's root system. There are also no specific details of the mature shrubs I saw along the property's rear boundary and whether the proposed store/workshop would require their removal. Given that both the magnolia and the shrubs provide attractive landscape features within the garden that contribute to the area's character, their potential loss or damage, as a result of works, would unacceptably erode the visual amenities of the garden and its wider setting.
8. In this case, without any detailed survey of the relevant tree/shrubs it is simply not known whether the proposed works would safeguard their future health and vitality, and if harm were identified, whether mitigation measures would be appropriate. There is a further question concerning the implementation of any such measures and whether or not they would have a less positive effect on the site and wider area. I have considered the use of a planning condition to request further assessment of the site's landscape features. However, given the degree of uncertainty relating to the findings of that survey, the use of a condition would not be reasonable in this case. Therefore, the absence of sufficient information means I cannot rule out potentially unacceptable damage or loss of trees and the consequential harm upon the visual qualities of the appeal site and surrounding area.
9. The appellant indicates there would be no intention of harming the trees at the site. I do not doubt this, however, without a detailed assessment of the proposal's effect on existing landscape features I am unable to confirm with any certainty that trees would be harmed as a result of the proposal. Therefore, I have given limited weight to the assurances provided.
10. When combined, with the existing rear addition, the proposed extension would project around 6.8m from the main two storey portion of the dwelling. The extension would evidently be longer than others I saw at the rear of neighbouring dwellings. However, its flat roof and single storey scale would assimilate well with the existing rear elevation, while not appearing disproportionate or dominant in the context of the large two storey host dwelling. Moreover, the proposed extension's green roof, combined with the filtering effects of the existing garden vegetation would mask, somewhat, the scale of the extension when viewed from the rear of the neighbouring dwellings nearby.
11. The extension along with the store/workshop building would cover part of the appeal property's rear garden, that is currently open and free from built development. That said, a large proportion of the garden would remain and its undeveloped natural appearance, which contributes to the visual qualities of the area would be preserved. Accordingly, and notwithstanding my concerns in

respect to the potential loss of trees, the rear extension and store/workshop would be acceptable insofar as it relates to the pattern of development in the area.

12. Even though I have not found any material harm in terms of the design and scale of the proposed extension and outbuilding, I have not been presented with sufficient details to be certain that the proposal would not have an unacceptable impact on the character and appearance of the area in terms of the effect on trees. It would therefore be contrary to Policies LP1 and LP16 of the Local Plan (2018), where they require proposals to respect and enhance the local environment including the relationship with natural features while resisting development which results in the damage or loss of trees that are considered to be of amenity value.

Living conditions

13. The proposed rear extension would according to the Council, project around 5.3m beyond the existing rear elevation of the neighbouring dwelling at No 23 Parke Road (No 23). The proposed extension would be set in from the boundary with No 23, whilst the nearest window at the rear of No 23 would be stepped in from the side of that house and the boundary.
14. From No 23's the nearest habitable room, the proposed extension would be visible when looking in the direction of the appeal site. However, its physical scale would be screened somewhat by the existing fence and garden shed along the common boundary. Views over the extension's roof towards neighbouring gardens would still be obtainable given that the degree in which it projects from the appeal property would not be excessive in depth.
15. The proposal would result in a degree of enclosure around No 23's rear garden yet given its single storey scale, level of projection and the separation distance it would maintain from No 23, it would not appear imposing or dominant from the neighbouring garden. Moreover, the open aspect at No 23's rear would be largely maintained thus ensuring no unacceptable harm to the outlook of its occupiers.
16. I therefore consider that any additional sense of enclosure arising as a result of the proposed extension would be very localised and would not have any significant implications for the living conditions of neighbouring residents at No 23 with regard to their use and enjoyment of their wider rear garden area and habitable rooms.
17. It is acknowledged that there are some technical breaches with the standards outlined in the Council's Supplementary Planning Document relating to extensions¹ (SPD). However, the guidance also states that the final test of acceptability will depend on the particular circumstances of the site for example, distances from the boundary and neighbouring properties; height adjacent to the boundary; and use of materials and layout of neighbouring sites. In light of those considerations, I have found that the rear extension would be acceptable.
18. Therefore, the proposed single storey rear extension would not harm the living conditions of nearby residents, with particular reference to outlook. It will

¹ London Borough of Richmond Upon Thames Local Plan – Supplementary Planning Document, House Extensions and External Alterations, May 2015

therefore comply with Policies LP8 of the Local Plan (2018) which amongst other things, require proposals to protect the living conditions of adjoining occupiers, and ensure they do not have an overbearing impact as a result of their height, massing or siting, including through creating a sense of enclosure. It also meets the broad aims of the SPD in terms of protecting the amenities of neighbours.

Conclusion

19. Even though I have found that the proposal would safeguard the living conditions of nearby occupiers, this would not overcome my concerns in terms of its effect on the area's character and appearance. For the reasons given above I conclude that the appeal should be dismissed.

R E Jones

INSPECTOR