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## Appeal Decision

Site visit made on 28 November 2023

**by J Davis, BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 December 2023**

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**Appeal Ref: APP/L5810/D/23/3329425**

**8 Headway Close, Ham, Richmond Upon Thames, TW10 7YW**

- 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 Benjamin Quadt against the decision of the Council of the London Borough of Richmond Upon Thames.
  - The application Ref 23/1350/HOT, dated 16 May 2023, was refused by notice dated 22 June 2023.
  - The development proposed is described as 'The proposed works are to create a ground floor rear extension and to refurbish and enlarge two first floor rear windows.'
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### Decision

1. The appeal is allowed and planning permission is granted for a ground floor rear extension and to refurbish and enlarge two first floor rear windows at 8 Headway Close, Ham, Richmond Upon Thames, TW10 7YW in accordance with the terms of the application, Ref 23/1350/HOT, dated 16 May 2023, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: HEAc08\_PL\_EX\_100 A; HEAc08\_PL\_EX\_200 A; HEAc08\_PL\_EX\_300 A; HEAc08\_PL\_EX\_301 A; HEAc08\_PL\_EX\_001 A; HEAc08\_PL\_EX\_002 A; HEAc08\_PL\_GA\_100 A; HEAc08\_PL\_GA\_200 A; HEAc08\_PL\_GA\_300 A; and HEAc08\_PL\_GA\_301 A.
  - 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 approved drawings.
  - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no part(s) of the roof of the building hereby approved shall be used as a balcony or terrace nor shall any access be formed thereto.
  - 5) The development must be carried out in accordance with the provisions of the Fire Safety Statement received by the Council 17 May 2023 unless otherwise approved in writing by the Local Planning Authority.

## **Main Issue**

2. The main issue is the effect of the proposal on the character and appearance of the area.

## **Reasons**

3. The appeal property is at the end of a staggered row of terraced dwellings of a similar design and appearance. It fronts onto a pedestrian access whilst the rear garden of the dwelling backs onto the rear gardens of dwellings in Locksmeade Road.
4. The appeal proposal is for a ground floor rear extension and the refurbishment and enlargement of two first floor rear windows. The Council raise no concerns in relation to the rear extension which is of the same dimensions as an extension approved under a Certificate of Lawfulness in 2022<sup>1</sup>. The main issue is therefore in relation to the enlarged replacement windows.
5. The proposed replacement windows relate to the rear elevation of the property. The existing white framed UPVC windows would be replaced by off-white powder coated aluminium double-glazed windows. The windows would match the materials of the ground floor bifold windows on the proposed ground floor rear extension, resulting in a uniform appearance to the rear elevation of the dwelling.
6. The replacement windows would be of the same width and in the same position as the existing windows and would align suitably with the proposed large bifold window below. They would, however, be approximately 40cm deeper than the existing openings. Whilst deeper than the original windows, the proposed window design would include a transom in the same position as the bottom edge of the existing window, providing a visual reference to the proportions of the original windows and those on the adjacent dwellings.
7. I noted on my site visit that there are many examples of extensions to dwellings and changes to fenestration, including contemporary dark grey frames. There is also a wide range of window sizes and designs, including replacements units with a different glazing layout to the original. Whilst the proposed windows would be deeper than other first floor windows on the same terrace and would be of aluminium rather than UPVC, in my view they would not be so contrasting as to materially harm the character and appearance of the host dwelling or the wider terrace.
8. Furthermore, whilst the windows would be visible from several neighbouring gardens in Headway Close and Locksmeade Road, I disagree with the Council that the windows are in a prominent location or that they would be harmful to the street scene. Only fleeting glimpses of the rear of the appeal property are obtainable through the narrow gaps between dwellings along Locksmeade Road and even then, such views are at an angle and are relatively distant. Moreover, due to the restricted nature of the views from adjacent roads, no views of the rear elevation of the terrace as a whole are obtainable. I am therefore satisfied that the proposal would not have a harmful effect on the character and appearance of the surrounding area.

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<sup>1</sup> LPA ref. 22/1738/PS192

9. The proposal would therefore comply with Policy LP1 of the Local Plan (2018) and the National Planning Policy Framework (2023) which together require development to be of a high architectural and urban design quality which respects, contributes and enhances the local environmental character. There would also be no conflict with the design objectives contained in the Council's Supplementary Planning Document 'House Extensions and External Alterations' (2015).
10. The Council also refer to Policies C1 and C3 of the Ham and Petersham Neighbourhood Plan 2018-2033. However, these policies relate to protecting green character and the neighbourhood's network of path and through routes and as such, are not relevant to the appeal proposal.
11. The Council also refer to the non-statutory Ham and Petersham Village Planning Guidance Draft Supplementary Planning Document (2017). As I have not been provided with a copy of the document, I have not referred to it in my considerations above.

#### *Conditions*

12. In addition to the standard implementation condition, the approved plans condition is imposed for certainty. A condition controlling the use of materials is necessary to protect the character and appearance of the dwelling and the local area. A further condition restricting the use of the roof of the extension is necessary to protect neighbours' privacy. I have imposed a condition requiring the implementation of the Fire Safety Strategy in the interest of public safety.
13. The Council also suggest a condition controlling the type of plant or machinery used during construction but has not justified this in terms of adopted policy. I do not find this condition to be reasonable or necessary having regard to the domestic, small-scale nature of the proposed development.

#### **Conclusion**

14. For the reasons given above I conclude that the appeal should be allowed.

*J Davis*

INSPECTOR