



Appeal Decision



Site visit made on 5 August 2004

by **Martyn Single DipTP MRTPI**

an Inspector appointed by the First Secretary of State

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Date

18 AUG 2004

Appeal Ref: APP/L5810/A/04/1142592

1 Gloucester Road, Hampton, TW12 2UQ.

- 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 Simon C A Lever against the decision of the Council of the London Borough of Richmond upon Thames.
- The application ref: 03/3007/HOT, dated 5 September 2003 was refused by notice dated 24 November 2003.
- The development proposed is the erection of a two storey side extension with garage and workshop to the front and erection of a single storey link extension to rear.

Summary of Decision: The appeal is allowed in part and is dismissed in part as detailed in the Formal Decision below.

Procedural Matters

1. The planning application to the Council was submitted in the name of Simon C A Lever but the appeal was lodged in the names of Mr and Mrs Simon C A Lever. Appeals can only be lodged by the applicant for planning permission and, as Mr Lever was the sole applicant, the appeal should proceed in his name only.
2. The planning application form omitted to include a description of the proposed work and the Council described the development in the terms set out above. However, the submissions do not demonstrate that this description was agreed between the main parties. Furthermore, drawing no. 2305/04 Rev F, referred to in the Council's decision notice does not show either a garage or a workshop. The ground floor rooms are shown as hobby room/store, garden store and play room family area. I have dealt with the appeal on the basis of what is shown on the submitted drawings.

Main Issues

3. From the written representations and my inspection of the site, I consider that there are two main issues in this appeal. The first is whether the proposed side extension would appear cramped and overbearing in relation to the existing house, the neighbouring property and the street scene. The second is the effect of the development on the protected yew tree.

Planning Policy

4. The development plan in this case comprises the Richmond upon Thames Unitary Development Plan 1996 (UDP). I have been referred to a number of adopted policies. Policy ENV 8 states, amongst other matters, that the Council will continue to protect trees of amenity or special value. Policy ENV 19 requires a high standard of design in extensions to existing buildings, and sets out criteria against which planning applications are to be assessed to ensure compatibility with the scale, setting and character of existing development. The most relevant criteria in respect of this appeal

are scale of development, relationship to existing townscape, height and form. Policy ENV 22 indicates that the Council will insist on the retention of existing trees on development sites where practicable. Policy ENV 24 seeks to protect adjoining property from unreasonable loss of amenity, including visual intrusion.

5. The First Review UDP has been the subject of two Inquiries and the submissions indicate that adoption was due in spring 2004. It is not evident from these whether this anticipated timescale was met, but in light of the advanced stage in the formulation of the plan I have given it significant weight. I note that Policies ENV 9, BLT 11, BLT 14 and BLT 16 carry forward similar objectives to those in the Adopted UDP, with some additions and variation of wording.
6. I have also been referred to Supplementary Planning Guidance *Design Guidelines for House Extensions and External Alterations*. This guidance was prepared in accordance with the principles of consultation set out in paragraph 3.16 of Planning Policy Guidance Note 12 *Development Plans* and I have taken it into account. It includes advice that the shape, size and position of side extensions should not dominate the existing house or its neighbours.

Inspector's Reasons

7. The area is predominantly residential in character with a mix of detached and semi-detached dwellings and bungalows. The appeal property is an attractively proportioned detached property set close to the boundary of the adjacent dwelling, no. 3. On the opposite side a detached brick garage with a hipped roof is situated at an angle between the flank wall of the dwelling and the wooden fence separating the site from the adjoining dwelling. That property has windows on both the ground and first floors facing the appeal site; that on the first floor, whilst a secondary window being to a habitable room.
8. The space between these two properties together with the relatively unchanged character of the front of the existing dwelling and the protected yew tree complement each other to form an attractive feature in the street scene. Whilst the appellant's architect has sought to produce a design that provides a varied roof line, stepping both down and back from the existing house I share the Council's concern that the bulk and mass of the proposal would be unsatisfactory. The spaciousness between the properties that provides an appropriate setting for an attractive tree would be replaced by a substantial extension to about one metre from the boundary with the adjacent property.
9. The appellant's submissions refer to dwellings in adjacent roads that have been extended in a similar manner. On my visit I saw some examples of extended properties in the area but did not consider that they shared the particular features of the appeal site and the appeal proposal sufficiently to justify affording significant weight to the matter of precedent.
10. With regard to the effect of the proposal on the amenities of nearby properties I consider that the only property affected to any degree by the side extension would be no. 1a Gloucester Road. I acknowledge that the occupiers of that property have not lodged an objection to these proposals, but I am required to have regard to the longer term situation. Future occupiers of that dwelling may hold a different view with regard to the effect of the proposed extension and it is necessary for me to come to my own judgement on the impact of the development on that property. I consider that the two storey extension, albeit with a reduced height and hipped end, would in terms of its bulk and proximity to the boundary, present an unsatisfactory and overbearing outlook from that property, particularly from the first floor window. The appellant submits that because of the presence of the yew tree the proposal would not be more cramped and overbearing. In my view, however, the proposal would compound the existing

situation.

11. The combination of these factors lead me to conclude that the proposed side extension would appear cramped and overbearing in relation to the existing house, the neighbouring property and the street scene. It would conflict with adopted UDP Policies ENV 19 and ENV 24 and emerging UDP Policies BLT 11 and BLT 16.
12. Turning to the second main issue the protected yew tree is an attractive specimen. Notwithstanding the presence of highway trees in the vicinity it makes a significant contribution to the overall quality of the environment in the area. Development that may have a detrimental effect on the health and appearance of the tree would be unsatisfactory. The submissions provide an estimate of the age of the tree and there is nothing to suggest that, with appropriate protection, it would not continue to grow in both height and spread. In this regard I share the Council's concern that an extension of this size so close to the tree would potentially affect its form.
13. The appeal proposals indicate that the foundations of the side extension would be cantilevered approximately 1.5 metres to avoid root disturbance, as shown on drawing no. 2305/4 rev F. However, I have no arboricultural evidence from either main party to demonstrate that the position of roots shown on that drawing is an accurate representation of their present extent. Neither have I been provided with details of the consultation with engineers and architects to which reference is made in the grounds of appeal. Overall, I consider that the submissions are insufficiently detailed to show that the health and future of this important tree would not be adversely affected by the proposal.
14. I note that the adjoining dwelling is closer to the tree than the proposal but I have no substantive information before me with regard to the date of construction of that dwelling, the size of the yew tree at the time of its construction and the findings with regards to the tree roots when that property was constructed. Under these circumstances I consider that a precautionary approach should be adopted. I am told that the neighbouring occupiers support the removal of the tree but nothing in writing from them to substantiate this submission. Nevertheless I consider that the tree is of such importance in the wider street scene that this would not have influenced my decision. On the basis of the evidence before me I conclude that the development could potentially have an adverse effect on the protected yew tree, contrary to UDP Policies ENV 8 and ENV 22 and emerging UDP Policies ENV 9 and BLT 14.

Other Matters

15. The proposals include a single storey link extension to the rear, replacing a covered way that had been demolished prior to my visit. No objections have been raised to this and it would have no adverse implications on either the appearance of the property or the amenity of adjoining occupiers. From all that I have read and seen I am satisfied that this part of the proposal is acceptable.
16. I note that the proposal would provide improved access and facilities for a disabled child. Whilst I fully sympathise with the appellant's needs in this regard paragraph 38 of PPG1 advises that personal circumstances will seldom outweigh the more general planning considerations and, as such, I am unable to attach weight to this matter.

Overall Conclusions

17. The single storey link extension to the rear would be physically and functionally independent of the other elements of the proposed development. As such I conclude that this element may be permitted. Given the harm that would be caused to the appearance of the site and the existing dwelling, the impact on the amenities of the adjoining occupiers, and a potentially harmful effect on the yew tree from the

construction of the side extension. I consider that this element of the proposal is unsatisfactory. I have therefore split my decision on this appeal using the powers available to me under section 79(1)(b) of the Act.

Conditions

18. The Council has not put forward any conditions for my consideration. I consider that the standard time limit condition is necessary in this case, together with one to control the materials to be used in the rear extension, to ensure that they would be satisfactory in relation to the existing dwelling.

Conclusions

19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed only in part but otherwise dismissed.

Formal Decision

20. I dismiss this appeal insofar as it relates to the erection of a two storey side extension.
21. I allow the appeal and grant planning permission insofar as it relates to the erection of a single storey link extension to rear at 1 Gloucester Road, Hampton, TW12 2UQ, in accordance with the terms of application ref: 03/3007/HOT, dated 5 September 2003 and the plans submitted therewith and subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
 - 2) The materials to be used for the external surface of the extension hereby permitted shall match those used in the existing building.

Marty Sude

INSPECTOR