

Appeal Decision

Site visit made on 11 January 2017

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th February 2017

Appeal Ref: APP/L5810/W/16/3159848

14a St Peters Road, Twickenham, TW1 1QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Keith Miers & Suneel Chadha against the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/1891/FUL, is dated 13 May 2016.
 - The development proposed is described as "demolition of existing dwelling and erection of a 2½-storey replacement dwellinghouse; resubmission pursuant to APP/L5810/W/15/3134615".
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and erection of a 2½-storey replacement dwellinghouse at 14a St Peters Road, Twickenham, TW1 1QX in accordance with the terms of the application, Ref 16/1891/FUL, dated 13 May 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr Keith Miers & Suneel Chadha against the London Borough of Richmond-upon-Thames. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development given in my formal decision omits some of the text from the description provided on the planning application form. This omitted text simply states that the proposal is a resubmission of a previous scheme, and as such it does not describe acts of development.
 4. The site has been subject to a previous dismissed appeal (ref APP/L5810/W/15/3134615) for the demolition of the existing property, and the erection of a replacement dwelling. That development had an almost identical design to the current appeal proposal, albeit the dwelling would have been located further back within the plot. Given the similarities between the developments, and the date of the previous decision (29 April 2016), I attach significant weight to the previous Inspector's findings.
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Main Issues

5. The main issues are the effect of the development on:
- (a) The setting of a Grade II listed building;
 - (b) The setting of a Building of Townscape Merit; and
 - (c) The living conditions of the occupiers of Nos 14 and 16 St Peters Road with regard to overlooking and loss of privacy.

Reasons

Setting of listed building

6. The appeal site is next to to No. 16 St Peters Road, which is a Grade II listed building. Section 66(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 sets out that in considering whether to grant planning permission for development which affects a listed building or its setting, there shall be special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
7. No 16 is noted in the listed description as a large 5 bay house that includes a decorative conservatory on the left and a side-porch on the right. The building has an over-sailing hipped roof, large chimney stacks, and a terrace with steps to the rear. The property is noted as an unusual example of a large C19 house built in concrete. The significance of the building is due to its construction material and its external architectural appearance reflecting the Italianate style. It is currently experienced from the immediate garden area and River Grounds beyond to the rear, and as one of a number of grand detached properties fronting St Peter's Road. The existing dwelling at No 14a was built on land that once formed part of the side garden to No 16. This dwelling (at No 14a) is of 1970s design and is of limited architectural merit.
8. The recently dismissed appeal scheme proposed a dwelling that would have projected significantly beyond the rear elevation of No 16. The Inspector found that the positioning of that dwelling would have competed with the setting of the listed building at the rear and would have dominated views from the terrace. In contrast, the rear elevation of the current appeal dwelling would be set back from the rear elevation of No 16, albeit the over-sailing roof would be broadly in line. The proposed dwelling would also be significantly narrower and shorter than the listed building. It would not significantly interrupt views from the terrace, or otherwise compete with the listed building at the rear. In its revised position, the dwelling would be subordinate to the listed building and would not harm views of it from the River Grounds or from nearby bridges over the River Thames.
9. Whilst the proposed over-sailing roof would be closer to the decorative conservatory than the existing dwelling, the main body of the building would be set further back. The overall effect would be neutral in this case. I further note that the previous Inspector did not raise any specific concerns in relation to the conservatory.
10. At the front, the dwelling would be closer to the road than the previous appeal scheme. However, its front elevation would be set back from that of the listed building, albeit the over sailing roof would be broadly in line. In its revised

position, I do not consider that it would compete with the listed building at the front, or have a negative effect on the way it is experienced. The proposed dwelling would have a narrower built footprint than the existing building, and would retain most of the screening along the frontage. In addition, the existing building has a single storey porch extension that projects beyond the front elevation of the listed building, and the removal of this feature would represent a modest improvement.

11. Interested parties have raised a number of concerns in relation to the design of the proposed dwelling. However, the previous Inspector concluded that the design and scale of the building would be appropriate, and that it would be regarded as a quality design in this particular context. In coming to that view he noted that the design would provide shadow lines which would result in a subdued and recessive building, and that the building would be broadly in alignment with the horizontal band lines or timbers of adjacent properties. I see no reason to take a different view in this case, particularly as the proposed design is almost identical. The previous Inspector would also have had sight of the heritage statement that was prepared by interested parties in relation to the previous scheme, which has been re-submitted in this case.
12. Whilst the method by which Huf Houses are constructed may limit the choice of materials, I am satisfied that an acceptable development can be achieved in this case.
13. I conclude that the development would preserve the setting of the Grade II listed building. It would therefore accord with Policy CP7 of the Richmond upon Thames Core Strategy (2009), and Policy DM HD 2 of the Richmond upon Thames Development Management Plan (2011), in relation to setting. It would also accord with guidance in the Framework, and the statutory requirement of Section 66(1).

Building of Townscape Merit

14. No 14 St Peters Road is a locally listed Building of Townscape Merit (BTM). It is constructed of brick and finished in render and painted timber applied boarding to the front. Originally of C19 century construction, it was significantly extended in the 1970s. The significance of the building is derived from its historic development and its distinctive style. The Inspector for the previous appeal scheme found that the significance of the BTM would not have been diminished or eroded by that development. The current appeal dwelling would involve an almost identical design, and in its revised position I do not consider that it would have any greater effect on the BTM than the previous scheme.
15. I conclude that the development would preserve the setting of the Building of Townscape Merit. It would therefore accord with Policy DM HD 3 of the Richmond upon Thames Development Management Plan (2011). This policy seeks to ensure, amongst other things, that development proposals protect and enhance the setting of BTMs.

Living conditions

16. The proposed dwelling would include rear balconies at both first and second floor level. The first floor balcony would include privacy screens at either end. In addition, a significant proportion of the rear elevation of the property would consist of glazing.

17. The previous appeal scheme incorporated larger balconies than are currently proposed. Due to the position of that dwelling, the balconies would have allowed views into the neighbouring gardens and terrace to No 16 at close quarters. The previous Inspector concluded that the balconies would have been to the unreasonable detriment of the living conditions of the occupants of Nos 14 and 16.
18. The current appeal scheme proposes shallower balconies that would be set further back within the site. The first floor balcony would include privacy screens at either end that would restrict overlooking to the most private areas of the adjacent gardens nearest to the properties, including the terrace and conservatory to No 16. The over-sailing roof would also restrict views from the second floor balcony. The views that would remain would be oblique and predominantly towards the areas of the adjacent gardens furthest from the properties. The balconies would also be too shallow to accommodate a table and chairs which would restrict their usage. The effect of the balconies would therefore be very different from the previous scheme, and they would not be unacceptably harmful to the privacy of Nos 14 and 16. In coming to that view, I have had regard to the 3D drawings submitted by the interested parties.
19. A significant proportion of the rear elevation of the building would consist of glazing. In particular, the side of the rear elevation closest to No 16 would comprise almost entirely of glazing. However, whilst I note that the first floor area would be used as living space, and would therefore be more frequently used, any views from this area would be oblique. In addition, these oblique views would be predominantly towards the far end of the garden to No 16, and would be partly impeded by the balcony privacy screens and supporting pillars. With regards to No 14, the side of the rear elevation closest to that property would be opaque. Any remaining views from the first floor living areas would also be oblique and impeded by the balcony privacy screens and supporting pillars. Whilst the existing property at No 14a may have smaller rear windows than those that are proposed, I do not consider that the glazed rear elevation would unacceptably reduce the privacy of the adjacent properties.
20. Whilst the proposed over-sailing roof would be closer to the conservatory than the existing dwelling, the main body of the building would also be set further back. Accordingly, any loss of light to the conservatory would be limited, and it would retain the vast majority of its outlook. Similarly, the limited increase in height of the replacement dwelling would not be sufficient to unacceptably reduce the level of light or outlook to side windows in Nos 14 and 16.
21. For the above reasons, I conclude that the development would not significantly harm the living conditions of the occupiers of Nos 14 and 16 St Peters Road with regard to overlooking and loss of privacy. It would therefore be in accordance with Policies DM DC5 and DM DC 6 of the Richmond upon Thames Development Management Plan (2011), insofar as these relate to the issue of privacy.

Other Matters

22. The appeal site is located within the St Margaret's Estate Conservation Area. This was developed as a single estate in the park of St Margaret's House (now demolished). The land was developed along early garden suburb lines with plots grouped around three private 'pleasure grounds'. The dominant building form is detached villas in a mixture of Gothic and Italianate styles. The

previous Inspector found that the design and scale of the previous appeal dwelling was acceptable, and that it would not interrupt views between St Peters Road and the River Grounds. He concluded that the development would preserve the appearance of the conservation area. The current proposal would involve an almost identical design and scale, but would be positioned further forward within the plot. The re-siting of the house would not result in any harm to the conservation area in my view. In these circumstances I am satisfied that the proposal would preserve the character and appearance of the conservation area, and would accord with the Framework in this regard.

23. The protection of the tree in the front garden of No 16 during the construction process is capable of being controlled by condition. In this regard, I note that the Council's Tree Officer did not object to the development on these grounds.
24. My attention has been drawn to an email exchange between the Council and the appellant that took place at the application stage. However, the Council is not bound by any informal indications it may have given at that stage regarding the likelihood of a favourable outcome.
25. Any concerns regarding due process during the processing of the planning application fall outside of the remit of this decision.
26. There is some dispute regarding the number of Victorian mansions in the area that have been demolished to make way for modern development. However, I do not have the full details of those cases before me, and in any case I have determined the appeal on its own merits.

Conditions

27. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary for certainty and to ensure a satisfactory development. The submitted drawings do not specify the details of the materials to be used, including their colour. I have therefore imposed a condition that requires samples of all external facing materials (including fenestration and balconies) to be submitted and approved. This condition is necessary to protect the character and appearance of the area, and in relation to the fenestration and balconies, to protect the privacy of adjacent occupiers.
28. I have imposed a condition that requires a tree planting scheme to be submitted to and approved in writing by the Local Planning Authority (LPA). This is necessary in order to secure a replacement for the tree that would be removed, and to preserve the appearance of the area. I have imposed further conditions requiring that details of the refuse, recycling and cycle parking facilities, and sustainability features, be submitted and approved in writing by the Local Planning Authority. These conditions are necessary to preserve the character and appearance of the conservation area. I have also imposed a condition requiring the parking and access arrangements to be laid out prior to the first occupation of the dwelling. This is necessary to ensure that these facilities are available for future occupiers of the development.
29. A condition to remove a number of permitted development rights from the new dwelling is necessary to preserve the setting of the adjacent listed building, and the character and appearance of the wider conservation area. However, it is

not necessary to remove permitted rights for all external alterations to the building, and in any case roof alterations and side extensions would be restricted by the conservation area designation.

30. A further condition requiring the submission of a Construction Method Statement is necessary in order to preserve the amenities of nearby occupiers during the construction process, and to ensure the safety and free flow of pedestrian and vehicular traffic. However, I have not included all of the requirements suggested by the Council as some of these were unnecessary for a development of this size. Whilst I note that a Construction Method statement has already been provided, this is described as 'preliminary', and does not appear to address all of the points required by the condition.
31. Conditions requiring the development to accord with the submitted Arboricultural Report and Flood Risk Assessment are necessary to ensure that the existing trees are protected during construction works, and to ensure the new dwelling is resilient to the flood risk. Finally, conditions relating to CO2 emissions, mains water usage, and accessibility standards are necessary to comply with the London Plan.
32. The Council suggested further conditions relating to boundary fencing and hard and soft landscaping. However sufficient detail regarding these matters has already been provided in the submitted plans. In addition, the new dwelling would retain a significant amount of the existing landscaping and boundary treatments. A condition requiring a schedule of landscape maintenance to be submitted is not proportionate or necessary for a development comprising a single dwelling.

Conclusion

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

Thomas Hatfield

INSPECTOR

Schedule of 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: b100k; b120o; b121c; b140c; b220c; b500.
- 3) No development shall take place above slab level until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted (including fenestration and balconies) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, which shall thereafter be retained.
- 4) No development shall take place above slab level until a full specification of all proposed tree planting has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected, and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification.
- 5) If, within a period of 5 years from the date of planting, the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.
- 6) The building shall not be occupied until details of facilities for the storage of refuse and recycling containers have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the building, and shall thereafter be retained.
- 7) The building shall not be occupied until details of the cycle storage facilities, including the position, design, materials, and finish thereof, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the building, and shall thereafter be retained.
- 8) The building shall not be occupied until details of the construction of the solar PV panels, air source heat pump, and rain water harvesting unit, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the building, and shall thereafter be retained.
- 9) The building shall not be occupied until the parking and access arrangements have been laid out in accordance drawing No b120o, and shall thereafter be kept available at all times for these purposes.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order

revoking and re-enacting that Order with or without modification), no garages, outbuildings, swimming pools, or other extensions to the dwelling shall be erected on any part of the land.

- 11) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) a site layout plan showing manoeuvring tracks for vehicles accessing the site to allow these to exit in forward gear;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - ix) delivery, demolition and construction working hours.
- The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 12) The Tree Protection measures and methodology for on and off site trees shall be implemented in accordance with details as set out in the Arboricultural Report dated 23 May 2016 throughout the construction program.
- 13) The dwelling hereby approved shall be constructed in accordance with the flood risk mitigation measures set out in the Flood Risk Assessment, which shall thereafter be retained.
- 14) The dwelling hereby approved shall achieve a minimum 19% reduction in CO2 emissions over the Building Regulations 2013, and a mains water consumption target of 105 litres or less per person per day.
- 15) The development hereby approved shall not be constructed other than in accordance with Building Regulation M4(2).