
Appeal Decision

Site visit made on 6 February 2017

by Michael Boniface MSc MRTPI

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

Decision date: 16 February 2017

Appeal Ref: APP/L5810/D/16/3163825
14A St Peters Road, Twickenham, TW1 1QX

- 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 Keith Miers & Suneel Chadha against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/2532/HOT, dated 24 June 2016, was refused by notice dated 5 September 2016.
 - The development proposed is remodelling and extensions.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) the effect on the character and appearance of the area, including the effect on the St Margaret's Conservation Area, the setting of No 16 (a Grade II listed building), the effect on No 14 (a building of townscape merit) and the effect on the adjacent Metropolitan Open Land (the Pleasure Grounds);
 - (b) the effect on the living conditions of neighbouring occupants' at Nos 14 and 16, with particular regard to overlooking; and
 - (c) the effect on ecology.

Reasons

Character and appearance

3. The appeal property is a relatively modern building (approx. 1970's) standing amongst much older properties that make up the St Margaret's Conservation Area. The area is a residential estate developed from 1854 comprising a mix of Gothic and Italianate styles, backing onto the pleasure grounds and the River Thames. There is no dispute between the parties that the existing property is of little architectural merit or that its replacement has the potential to enhance the character and appearance of the conservation area.
4. The appeal proposal adopts a contemporary design approach influenced by the Art Deco style. Whilst there is little architectural reference to Art Deco in the immediate area, the proposed design is sufficiently contemporary to represent a high quality modern architecture in its own right and I do not consider that such an approach would be harmful to the street or the conservation area,

given the existing eclectic mix of buildings and materials and the incongruity of the existing property.

5. The proposed building would occupy roughly the same footprint as the existing building and so the spacious landscaped gardens to the front and rear, with views between buildings towards the pleasure grounds would be maintained. Whilst this is so, the existing building is already set forward within its plot relative to its neighbours and the proposed development would significantly increase the scale and mass of the property beyond the buildings either side, replacing an existing single storey front protrusion with a two storey bay fronted element with terrace above. Coupled with the introduction of a storm porch and store, and the three storey height of the principal building, this would result in the building becoming highly prominent and visually intrusive in the street scene.
6. This undue prominence would compete with the adjacent listed building, drawing the eye towards the striking modernist architecture of the appeal property, despite the good amounts of landscaping on the front boundary. The building would appear overly dominant in the street and would detract from the pleasant Italianate detailing of the listed building that should remain the focus from the street. Therefore, the setting of the listed building would be harmed and this is a matter that weighs heavily against the proposal given my statutory duty to have special regard to the desirability of preserving the building or its setting.
7. For the same reasons, I consider that the development would harm the character and appearance of the St Margaret's Conservation Area, the significance of which derives from the mix of house types and their setting within spacious plots with views between buildings towards the pleasure grounds. The overly prominent siting and scale of the building would detract from the existing character of the street and the wider area. Whilst the harm would be less than substantial in the terms of paragraph 134 of the National Planning Policy Framework (the Framework), there are no identified public benefits that would outweigh this harm, notwithstanding that the proposed dwelling is likely to be more energy efficient than the existing.
8. I have had regard to the adjacent building of townscape merit but the proposed development would have little impact on its distinctive style or contribution to the character of the area. Similarly, I do not share the Council's concern regarding potential impacts on the pleasure grounds as an area of Metropolitan Open Land (MOL), at the rear of the site. Although the building would have greater mass at upper levels than the existing, its width would be the same and the rear building line would be consistent with the neighbours. As such, it would not erode or intrude upon the openness or function of the MOL.
9. Overall, the development would harm the character and appearance of the area, including the conservation area and the setting of a listed building. As such, the development is in conflict with Policy CP7 of the Core Strategy (2009) (CS) which seeks high quality design that protects areas of recognised high quality and historic interest from inappropriate development and recognises distinctive local character; and Policies DM OS 2, DM HD 1, DM HD 2, DM HD 3 and DM DC 1 of the Development Management Plan (2011) (DMP) which have similar design objectives, seek the preservation and enhancement of heritage assets, as well as buildings of townscape merit, and seek to protect MOL.

Neighbours' living conditions

10. The rear elevation of the proposed dwelling would be extensively glazed affording views over the rear garden and towards the pleasure grounds. As the existing property already has rear windows in a similar position to that proposed, the actual level of increased overlooking from the windows towards neighbouring properties is likely to be limited, and not to an extent as would materially harm living conditions.
11. However, the full width deck at first floor level would be likely to encourage occupants outside including for sitting out and enjoying the views. Even if privacy screening were incorporated, the elevated position of the deck and the close proximity to the neighbouring properties would result in unavoidable and unacceptable levels of overlooking towards their rear gardens with the attendant loss of privacy. This was an issue identified in the previous appeal¹ on the site and this has not been overcome by the revised design.
12. The proposed second floor deck at the front of the property would also allow overlooking of the front gardens either side but as these are less private areas facing the street and occupants' have access to private garden areas at the rear, I attribute only limited weight to this matter.
13. Overall, the development would harm the living conditions of neighbouring occupants'. As such, the development would be in conflict with Policies DM DC 1, DM DC 5 and DM DC6 of the DMP which require that development contribute positively to the area and that neighbour's living conditions are protected, including with respect to privacy.

Ecology

14. The pleasure grounds to the rear of the site are designated as 'other sites of nature importance'. The Council raise a concern that the development could adversely affect nature conservation but does not provide any evidence to substantiate this assertion or explain how the amount of glazing proposed would be likely to harm ecological interests. Based on the evidence before me, I see no reason why the development should harm ecology in the area. As such, I find no conflict with Policies DM DC 4 or DM OS 5 of the DMP which seek to protect and enhance trees, landscape, habitats and biodiversity features.

Conclusion

15. Although the development would not harm ecological interests, it would harm the character and appearance of the area, including the conservation area and the setting of a listed building and adversely affect the living conditions of neighbouring occupants'.
16. In light of the above, and having considered all other matters, the appeal is dismissed.

Michael Boniface

INSPECTOR

¹ APP/L5810/W/15/3134615