
Appeal Decisions

Site visit made on 14 February 2017

by Anthony J Wharton BArch RIBA RIAS MRTPI

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

Decision date: 27 February 2017

Appeal A - Ref: APP/L5810/C/16/3147254

Land and Property known as Aldous Boathouse, 20A Manor Road, Teddington TW11 8BG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Sylvia Wicks against an enforcement notice (EN) issued by Richmond upon Thames London Borough Council (the LPA).
 - The enforcement notice was issued on 7 March 2016.
 - The breach of planning control as alleged in the notice is the erection of metal access ramps ("the ramps") on the land.
 - The requirements of the notice are as follows:
 - 5.1 Remove the Ramps from the land.
 - 5.2 Make good any damage arising from the compliance with step 5.1 above.
 - The period for compliance with the requirements is three calendar months.
 - The appeal is proceeding on grounds (a), (e), (f) and (g) as set out in section 174(2) of the Town and Country Planning Act 1990 as amended.
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Appeal B - Ref: APP/L5810/W/16/3145476

Land and Property known as Aldous Boathouse, 20A Manor Road, Teddington TW11 8BG

- 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 Mrs Sylvia Wicks against the decision of Richmond upon Thames London Borough Council (the LPA).
 - The application Ref 15/5023/FUL, 27 November 2015 was refused by notice dated 5 February 2016.
 - The development proposed is 'Ramps for access by disabled and elderly people. No change of use. Ramp replaces former access via steps'.
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Decisions

1. Appeal A succeeds to a limited degree on ground (g) only: otherwise it is dismissed. Appeal B is also dismissed. See formal decisions below.

Matters of clarification and background information

2. The address on the enforcement notice is not correct. The correct address is No 20A Manor Road and not No 20. I shall correct the notice accordingly and in doing so I am satisfied that no injustice would be caused.

3. The Aldous Boathouse was formerly part of the land relating to No 16 Manor Road. This was a property known as 'Brookdale', a large Victorian dwelling. The boathouse was located at the bottom of its garden on the river frontage and both are stated to have been built in 1874. The Appellant indicates that it was never located within the curtilage of the former Tough's boatyard and provides an

Ordnance Map to show its location in relation to Teddington Lock and the former Wharf to the north-west. The boathouse lies adjacent to the Teddington Lock and within the Teddington Lock Conservation Area (TLCA).

4. It is also stated by the Appellant that, despite the Council's reference to the boathouse being on its list of Buildings of Townscape Merit, it is not on their website list. Again, a copy of the list is provided. This does refer to '*two boathouses in curtilage of Tough's Boatyard*' but not to 'The Aldous Boathouse' or to No 20A Manor Road. Thus, there is no firm evidence as to whether the appeal boathouse is locally listed. Be that as it may, having seen the building in its riverside context, I consider that it possesses all of the qualities of a 1870s boathouse and, whether on the list or not, it is my view that it is a building of considerable architectural and historic interest.

5. Following demolition of 'Brookdale', planning permission was granted in 1996 for a block of flats to the south west of the boathouse. As part of that development a small car parking area was laid out and a brick flood defence wall, with concrete coping, was built along the boundary between the boathouse and the car park. The Appellant indicates that when she purchased the property the plan indicated that there would be an access directly through the flood defence wall. However the wall was not built with the gates in place and it would appear that the Environment Agency would not accept an application for such gates directly from the Appellant.

6. Prior to the appeals ramps being constructed, there had been timber steps in place which allowed access from the car park, over the flood defence wall and into the curtilage of the boathouse. This is the only access into the boathouse land and neither the Appellant, nor the freeholder of the land, own any other land on which an alternative access could be built. The Council has indicated that a suitable timber alternative ramp access could be acceptable.

7. The metal access ramps are in two main parts. One part is on the river side of the flood defence wall within the curtilage of the boathouse. The second section is a ramp (gradient of around 1:44) up from the car park level, over the top of the concrete coping and linking with the ramp down into the boathouse garden area. Clearly, the section in the car park, with its gridded surface sections, metal posts and metal chains is the most noticeable.

Appeal A on ground (e)

8. It is contended that copies of the notice were not served correctly as required by section 172 of the 1990 Act as amended. This is because the Council sent the notice to the non-residential Aldous Boathouse, despite being aware of the Appellant's permanent address in Acton.

9. I have noted that the notice was not served on the Appellant at her correct address. However, it is evident that, as owner of the property, the Appellant did become aware of the notice and has subsequently been able to make valid appeals against both the enforcement notice and the refusal of planning permission. Section 176(5) of the Act gives the Secretary of State, or an Inspector, the power to disregard incorrect service provided that an appellant (or person who should have been served) has not been substantially prejudiced. Given that the appellant was able to appeal, I do not consider that she was substantially prejudiced and the appeal fails, therefore, on ground (e).

Appeal A on ground (a) and Appeal B

10. The main issue in both appeals is the effect of the metal ramps on the character and appearance of the Teddington Lock Conservation Area (TLCA).

11. The most relevant development plan policies are DM HD1 (Conservation Areas, designation, protection and enhancement) and DM DC1 (Design Quality) of the Core Strategy 2009 (CS). These policies accord with those set out in the National Planning Policy Framework (NPPF) in sections 12 (conserving and enhancing the historic environment) and 7 (requiring good design). I have had regard to the NPPF as well as to Planning Practice Guidance (PPG). Because the appeal site lies within the TLCA, I have also paid special attention to the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA).

12. Having seen the metal ramps, posts and chains in place, I share the Council's concerns about their detrimental visual impact in this particular location. They are seen as utilitarian or semi-industrial features against the domestic scale of the walling, the car park area and the historic boathouse itself. The stark materials have resulted in an obtrusive and visually harmful feature within the TLCA. The area is generally characterised by traditional materials within a riverside context.

13. Unfortunately, the introduction of the metal ramps, posts and chains (and particularly the section from the car park), has resulted in an alien and inappropriate addition to this area around the former wharf. Whilst accepting that the ramps bear some resemblance to a maritime gangplank, they are not perceived as such because they are on the land side of the boathouse site, hard up and laid over a brick wall. Had the ramps been positioned on the river edge, they might well have been acceptable in a riverside context. In their current positions, however, they appear as strident and visually harmful elements within this part of the TLCA.

14. I consider that the works carried out are contrary to the aims of CS policies DM DC1 and DM DH1, as well as being contrary to the relevant NPPF policies in sections 12 and 7. In section 12 of the NPPF, at paragraph 131, it is stated that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets, as well as ensuring that any development makes a positive contribution to local character and distinctiveness. The ramps in my view have had exactly the opposite effect and have resulted in a most negative addition to the character of this part of the TLCA.

15. In section 7 of the NPPF, at paragraph 64, it is stated that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions. I have found that the works as carried out are harmful and I do not consider that they preserve or enhance the character or appearance of the TLCA. The LPA has already refused permission for the retention of the unauthorised works and there can be no justification in granting permission for the works at the appeals stage.

16. Appeal A, therefore fails on ground (a) and so too does Appeal B on the merits of the works carried out. Planning permission will not be granted for the retention of the works carried out.

Appeal A on ground (f)

17. To succeed on this ground it must be conclusively shown that the steps required are excessive and that lesser steps would overcome the objections. The Appellant has referred to the need and difficulties of achieving access, as well as referring to options including an alternative ramp and the initially planned gateway

through the flood defence wall. However, no specific lesser steps are set out at this stage which would overcome the harm that has been caused to the character and appearance of the TLCA and which could replace the steps required.

18. Irrespective of what the final solution might be regarding any necessary wheelchair, disabled, elderly persons' ramped access to the boathouse, the solution as constructed is far from acceptable. I consider that the steps required are necessary in order to remedy the breach and the harm caused to amenity. In the absence of any firm lesser steps at this stage, therefore, the appeal must fail on ground (f).

Appeal A on ground (g)

19. The compliance period set out in the notice is 3 months. This is considered inadequate by the Appellant and I agree. It is evident that the Appellant needs a ramped access over the wall, or even better a level access through a specialist flood gate in the wall. In the overall circumstances it is difficult to understand why this latter solution was not provided in the first instance. The timber steps could only have been seen as a temporary measure and the current situation would not comply with today's requirements relating to equality, diversity and general access.

20. It is clear that the Appellant is willing to adopt an alternative proposal and the Council is quite clear in indicating that a timber ramp might be acceptable. However, from the submissions, it is clear that other parties including the Environment Agency and possibly the Council's Building Control section (as well as the Planning Department) would need to be consulted.

21. This will, in my view, take much longer than just 3 months. The various options will need to be considered. The other Agency views also need to be considered; their agreement sought and a full application for the alternative solution would then need to be made. Taking into account the planning history, and the issues already encountered by the Appellant, I consider that a compliance period of 12 months is necessary and appropriate.

22. I shall, therefore, vary the notice accordingly and Appeal A succeeds to a limited degree on ground (g) only.

Other Matters

23. In reaching my conclusions in both appeals I have taken into account all of the other matters raised by the Appellant; the Council and other interested persons. These include the full planning history of the site and its surroundings; the initial appeal statements and facts; the Appellant's responses (A, B and C) to the Council's case; various references to freeholders; leaseholders and wharf management; the appellants specific reasons under each ground for Appeal A; the final comments dated 12 June 2016; the Flood risk references and the photographic submissions.

24. However, none of these carries sufficient weight to alter my conclusions on the grounds of appeal in Appeal A and on the merits of the appeal in Appeal B. Nor is any other factor of such significance to change my decisions that both appeals should fail and that planning permission should not be granted for the works carried out and described as *'Ramps for access by disabled and elderly people :No change of use: Ramp replaces former access via steps'*.

Formal Decisions

Appeal A - against the Enforcement Notice

25. I direct that the notice be corrected by adding the letter 'A' after the number '20' in part 2 of the notice which sets out *THE LAND AFFECTED*.

26. The appeal is allowed to a limited degree on ground (g) only and I direct that the notice be varied in part 6 *TIME FOR COMPLIANCE*, by deleting the word 'Three' before the word 'months' and by substituting therefor the word 'Twelve'.

27. Otherwise the appeal is dismissed, the enforcement notice is upheld as corrected and varied and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Appeal B – against refusal of planning permission

28. The appeal is dismissed.

Anthony J Wharton

Inspector