
Appeal Decision

Site visit made on 22 February 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 6th March 2017

Appeal Ref: APP/L5810/D/16/3165928
116, High Street, Hampton TW12 2ST

- 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 David Oliver against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/2945/HOT, dated 21 July 2016, was refused by notice dated 28 September 2016.
 - The development proposed is erection of a part two storey rear/side extension and elevational alterations to front, side and rear.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of a first floor rear extension and elevational alterations to the rear and side of the property.
 2. The appeal is allowed insofar as it relates to the other elements of the appeal proposal and planning permission is granted for the erection of a single storey side/rear extension and for elevational alterations to the front of the property at 116, High Street, Hampton TW12 2ST in accordance with the terms of the application, Ref 16/2945/HOT, dated 21 July 2016, and the plans submitted with it, so far as relevant to that part of the development hereby permitted, and 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 Drawing No 1811/1A, dated 29 June 2016, other than in respect of the first floor rear extension and alterations to the side and rear elevations of the property indicated on that plan.
 - 3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) 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 part of the roof of the extension hereby approved shall be used as a balcony or terrace nor shall any access be formed thereto.
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Procedural Matter

3. The descriptions of development used in the application form and appeal form are not identical. I have adopted that used in the appeal form and decision notice as providing most accurate description of the appeal proposal.

Main Issues

4. The main issues are the effect on the character and appearance of the property as a Building of Townscape Merit and of the Hampton Village Conservation Area.

Reasons

5. Although not included in the statutory list of buildings of special historic or architectural merit the appeal building has been identified as a Building of Townscape Merit (BTM) because of its significance to the history and character of the area. This is the equivalent of a 'local listing' and gives the appeal building the status of a non-designated asset for the purposes of applying the relevant policies in the National Planning Policy Framework (Framework). The building is included within the Hampton Village Conservation Area and immediately adjoins Bushy Park which is a Grade 1 historic park. The boundary wall that separates the appeal property from the park is a listed structure (Grade II).
6. The Council has indicated its support for the replacement of the former shop window in the front elevation to match the bay windows in the adjoining cottages. I agree that this alteration would enhance the appearance of the appeal property and the contribution that it makes to the character and appearance of the Conservation Area.
7. The proposed ground floor extension would be of substantial depth but would not project beyond the rear wall of the single storey extension to the neighbouring property at number 118 High Street. The use of a flat roof at the same height as that of the existing rear projection would enable the extension to appear as subservient to the host property. However, it would be somewhat wider than the existing ground floor addition and would project to within 0.8 metre (m) of the side boundary of the plot.
8. In my judgement this increased width places the proposed extension at the limit of what might reasonably be considered as being in proportion with the host property. However, I agree that no more of the original fabric of the building would be obscured than is already obscured by the existing ground floor extension. The proposed addition would be screened from view from the public path (Dukes Head Passage) within the adjacent park by the rear boundary wall and would have limited visibility from High Street. For these reasons, I accept the Council's assessment that this element of the proposal would not significantly harm the character and appearance of the host building or the conservation area.
9. The proposed first floor addition would extend across the full width of the rear elevation of the building and would project up to eaves level. It would represent a large and bulky addition that would be out of proportion with the existing cottage and its box-like appearance would be wholly out of keeping with the upper elevation of the host building and its neighbours. The

proposal would obscure views of the eaves and gutter line and the lower part of the rear roof slope of the building. It would also result in the loss of all of the remaining original brickwork to the rear elevation and the existing window opening within that elevation.

10. The first floor window opening appears to have remained in its original form and the surrounding brickwork helps to identify the property as a building of considerable age. Although partially obscured by the pitched roofs to the ground floor additions to Nos 116 and 118, the rear window openings of the adjacent cottages also appear to be in their original form. The horizontal alignment of those openings and their stone cills and of the eaves and ridge line to the properties, in combination with the consistent balance in the proportion of window openings and surrounding brickwork, help to provide a strong sense of uniformity and rhythm to the upper elevations of the cottages. These features identify the three buildings as a short terrace of matched properties of the same period and style. The loss of those features, and their replacement with a large and unsympathetic, box-like addition, would cause significant harm to the character and appearance of the appeal property and would diminish its value as a BTM.
11. The ground floor is concealed by the rear boundary wall but the upper floors of No 116 and its neighbours can clearly be seen from Dukes Head Passage. At the time of my visit, when the intervening trees had minimal leaf cover, those public views afforded a clear appreciation of the uniformity in the appearance of the upper floors of the three cottages and that the adjacent, former public house is of the same period and architectural style. The visibility of these upper floors makes a positive contribution to the character and appearance of this part of the Conservation Area. That contribution would be reduced by the proposed addition of an unsympathetic and incongruous addition at first floor level.
12. The 3 cottages and adjoining former public house have a strong presence in the street scene on High Street and the gable of No 116 is prominent in views from the south. These views reveal the simple but distinctive form of the appeal property, incorporating twin gables and a double pitch roof which runs the length of the terrace. As can be seen in the appellant's photographs, the appreciation of that distinctive form is enhanced by the set back of No 114 High Street which creates a clear break between the appeal property and the front elevation of No 114.
13. The proposed flat roofed and bulky first floor addition would disturb the existing symmetry of the twin gables and double pitched roof form and would substantially fill the visual break between the appeal property and No 114. The large window proposed at first floor level would also intrude into the simple form and appearance of the gable elevation. Together these changes would result in significant harm to the character and appearance of the appeal property and would reduce its value as a BTM and a non-designated heritage asset. In accordance with paragraph 135 of the Framework, the effect of the proposed development on the significance of the non-designated heritage asset should be taken into account and a balanced judgement should be made having regard to the scale of harm that would be caused.

14. These elements of the proposal would cause significant harm to the character and appearance of the terrace as a whole and would lessen the positive contribution which both the appeal property and the terrace make to the character and appearance of the Conservation Area. They would, therefore, fail to conserve or enhance the character and appearance of the Conservation Area. The harm caused to the significance of the Conservation Area would be less than substantial.
15. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving or enhancing the character or appearance of a conservation area. Relevant case law in *Barnwell Manor*¹ and other recent cases has clarified that this statutory duty requires that I should give considerable importance and weight to that objective. Paragraph 132 of the Framework states that great weight should be given to the conservation of designated heritage assets (including conservation areas) and paragraph 134 advises that, where a proposal would cause less than substantial harm to the significance of a designated asset, that harm should be weighed against the public benefits of the proposal.
16. In light of the harm that would be caused to the appeal property as a BTM I find that the proposed first floor addition and window would conflict with Policy HD 3 of the London Borough of Richmond-Upon-Thames Development Management Plan (2011) which seeks to ensure the preservation and enhancement of Buildings of Townscape Merit. These components of the proposal would also conflict with Policies HD 1, which requires that new development should conserve or enhance the character and appearance of conservation areas, and Policy DC 1, which states that all development should be of a high architectural and urban design standard which respects local character.

Other Matters

17. I note the appellant's reference to the first floor addition to part of the former public house at No 122 High Street. However, that addition is located centrally in a much longer elevation and does not obscure all of the original fabric of the host property. Neither does it have the bulky and box-like appearance that the appeal proposal would have. The Council has advised that approval for that extension was granted in part because it replaced an earlier and less sympathetic extension. No similar considerations apply in respect of the appeal proposal.
18. The proposed first floor addition and side window would be of advantage to the appellant in enabling the enlargement of the rear bedroom to the property but this would be a private benefit to which only limited weight can be given. No public benefits have been identified.
19. The Council has raised concerns with regard to the reference in the planning application to the use of UPVC door and window frames. I agree that such materials would not be appropriate in works to extend or alter a BTM but

¹ *Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG* [2014] EWCA Civ 137.

consider that this matter could satisfactorily be dealt with by means of a planning condition.

20. The Council considers that the proposal would not have any material effect on the living conditions of the occupiers of Nos 114 and 118 High Street with regard to matters of privacy or the outlook from those properties or their gardens. I saw nothing on my site visit which would lead me to question that conclusion.
21. The description of development includes alterations to the rear elevation but the scheme drawings suggest that all such alterations are associated with the ground floor and first floor additions. However, in the interests of certainty, I have excluded any reference to elevational alterations to the rear from the description of the development permitted by this decision.

Conditions

22. In the interests of certainty a condition is needed to tie the planning permission to the approved plans and to confirm that the permission does not give approval to a first floor addition, first floor window in the side elevation, or any alterations to the rear elevation not comprised within the single storey extension. In order to ensure that the development is compatible with the character and appearance of the host property a condition is needed to require that the external materials used in its construction match those of the existing building. I have also attached a condition which precludes the use of the flat roof to the proposed ground floor addition as a terrace or balcony; this is needed in order to safeguard the privacy of the occupiers of the adjacent house at No 114 High Street.

Conclusions

23. For the reasons set out above I find that the first floor extension and window proposed in the side elevation would cause significant harm to the character and appearance of the appeal property and to its value as a non-designated heritage asset. These elements of the proposal would also cause significant harm to the character and appearance of the Hampton Village Conservation Area. No public benefits have been identified that would outweigh that harm.
24. In the absence of such benefits or other considerations that would outweigh the identified harm and the resultant development plan conflict I conclude that the appeal should be dismissed insofar as it relates to the erection of a first floor rear extension and elevational alterations to the rear and side of the property.
25. I find that the other elements of the appeal proposal, comprising the installation of a bay window in the front elevation and the erection of a single storey extension to the side and rear of the property, would not cause any material harm. I am satisfied that these works are severable from the rest of the appeal scheme and conclude that the appeal should be allowed insofar as it relates to these components of the proposal.

Paul Singleton

INSPECTOR