The Planning Inspectorate

Appeal Decision

Site visit made on 28 March 2017

by R C Kirby BA(Hons) DipTP MRTPI

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

Decision date: 27 April 2017

Appeal Ref: APP/L5810/D/16/3163879
36 Hampton Road, Twickenham TW2 5QB

- 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 Chris Niel against the decision of the Council of the London Borough of Richmond-upon-Thames.
- The application Ref 16/1551/FUL, dated 20 April 2016, was refused by notice dated 8 November 2016.
- The development proposed is described as replace Leyland removed from rear garden; change hard landscaping to decking; add trellising to three aspects of garden to create privacy.

Decision

1. The appeal is dismissed insofar as it relates to trellising to three aspects of the rear garden. The appeal is allowed insofar as it relates to installation of decking to rear garden at 36 Hampton Road, Twickenham TW2 5QB in accordance with the terms of the application Ref 16/1551/FUL, dated 20 April 2016 so far as relevant to that part of the development hereby permitted.

Procedural Matter

2. The description of development above has been taken from the application form. The planting of trees is not development and I have therefore considered the appeal as the Council did as the 'installation of decking to rear garden and addition of trellising to three aspects of the rear garden'.

Main Issues

3. The Council's report makes clear that it has no objection to the new decking that has been erected upon the site. I have no reason to disagree. This element of the scheme is clearly severable from the rest and so I reach a split decision, allowing this element of the appeal.

4. The second element of the scheme is the erection of trellising, which in the main has been constructed. There are 4 elements to this as shown on the submitted drawings: AA which adjoins the party boundary with No 30 Hampton Road; BB which adjoins the rear boundaries of Nos 1a and 1b Second Cross Road; CC which is located to the rear of the property and DD which connects to CC along the side rear wall of the building. The Council's report makes reference to the trellising marked as AA and BB but is silent on the matter of CC and DD. It is therefore reasonable to assume that it has no concerns regarding this element of the proposal, and I have no reason to reach a different view in this regard.

5. The main issues in this case are therefore whether the trellising at AA and BB preserves or enhances the character or appearance of the Twickenham Green Conservation Area, and whether it would sustain or enhance the setting of nearby locally listed buildings (defined as Buildings of Townscape Merit (BTM)).

Reasons

6. The appeal site is located within the Twickenham Green Conservation Area which is formed around the open triangular recreational space of Twickenham Green. Hampton Road is recognised within the character appraisal as being the approach to the green from the south west, characterised by a variety of materials, styles and scale of building. The long narrow garden plots of gardens to cottages on Second Cross Road adjoin the rear boundary of the appeal site, and these are recognised within the appraisal. Close to the appeal site at No 30 Hampton Road is an ornate Victorian public house 'The Albert' which is designated as a BTM, and a large villa at No 38 which is also designated as a BTM.

7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 131 of the National Planning Policy Framework (the Framework) sets out matters which should be taken into account when determining planning applications, including sustaining and enhancing the significance of heritage assets (which includes conservation areas and locally listed buildings) and the desirability of new development making a positive contribution to local character and distinctiveness.

8. Policy CP7 of the London Borough of Richmond Upon Thames Local Development Framework Core Strategy (CS) seeks to protect areas in the Borough recognised for their high quality and historic interest from inappropriate development. Amongst other matters, new development should recognise distinctive local character and contribute to creating places of a high architectural and urban design quality. Policy DM DC 1 of the London Borough of Richmond Upon Thames Local Development Framework Development Management Plan (DMP) has a similar purpose and requires development to be inclusive, respect local character and contribute positively to its surroundings.

9. Within conservation areas, DMP Policy DM HD 1 requires development to conserve and enhance the character and appearance of the area. Amongst other matters, Policy DM HD 3 of the DMP requires development to protect and enhance the setting of BTM. The Council has produced a Supplementary Planning Document (SPD) entitled Buildings of Townscape Merit which sets out the Council's approach to BTM. In terms of their character and setting, the SPD states that the Council will endeavour to protect these features through negotiation.

10. I note interested parties' concerns that the boundary treatment that has been erected is not trellising. It has an open appearance and the Council has not raised concern about me treating the development as it is described. I have treated it accordingly.

11. The trellising that has been erected along the rear boundary with Nos 1a and 1b Second Cross Road has been erected between the brick piers of the existing wall (marked BB on the submitted drawings). It is no higher than the wall and

does not form a prominent feature in the conservation area. This element of the scheme preserves the character and appearance of the conservation area. I note that the Council's Planning Enforcement Officer has advised that at this time it is not considered expedient to take enforcement action in respect of this element of the scheme.

12. However, the trellising above the wall to the rear of the garden shed along the boundary with the host property and the BTM at No 30, and on the top of the outbuilding, is significantly taller than existing boundary treatment in the area. The Council has calculated that the combined depth of the trellis structure would be 10.8 metres and would range in height from approximately 3 metres to 4 metres above ground level. This is not disputed. The structure is visible from Second Cross Road through the parking area to the rear of No 1a, and from the rear of neighbouring properties.

13. The appellant submits that the trellising screens plant and equipment on the roof of the public house at No 30 and nearby buildings, and I observed that it was effective in doing this. However, I find that the height and position of the boundary treatment is incongruous with other boundary treatment in the area. It is intrusive in the conservation area and does not preserve or enhance the character or appearance of it.

14. Although the extension to the rear of The Albert is more recent that the Victorian building fronting Hampton Road, I find that the height and position of the trellising along the party boundary to this property does not protect or enhance its setting. As a result, the contribution the building makes to the character and appearance of the conservation area is diminished.

15. Notwithstanding my findings above, I am satisfied that there is sufficient separation distance between the BTM at No 38 Hampton Road and the trellising, such that the setting of this building and the contribution it makes to the conservation area is not adversely affected.

16. The trellising at AA neither preserves nor enhances the character or appearance of the conservation area, or the setting of the BTM at No 30 Hampton Road. As such this element of the proposal conflicts with the objectives of CS Policy CP7, and DMP Policies DM DC 1, DM HD 1 and DM HD 3. It also conflicts with the statutory test and the Framework. Although I have found that the trellising at BB, CC and DD to be acceptable, I am unable to allow this part of the scheme as it is not clearly severable from the development sought.

Other Matters

17. Neighbouring occupiers have expressed concern that the new trellising at BB blocks light to their properties but have not provided evidence to substantiate this concern. The trellis allows light to pass through it, and I am not convinced that it would overshadow the gardens of nearby properties to a degree that would be harmful to living conditions. I note that the Council considered such matters when it determined the planning application and reached a similar conclusion.

Conclusion

18. For the above reasons, and having regard to all other matters raised, I issue a split decision dismissing the trellising and allowing the decking. No conditions have been suggested by the Council in respect of the decking and I consider that none are necessary.

R C Kirby

INSPECTOR