
Appeal Decisions

Site visit made on 3 July 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 31 July 2017

Appeal Ref: APP/L5810/W/17/3170147

The Manor House, Ham Street, Richmond TW10 7HA

- 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 Primus Inter Pares Limited against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/2676/HOT, dated 28 June 2016, was refused by notice dated 1 December 2016.
 - The development proposed is works of alteration, extension and demolition to the main house including: creation of loggia; reinstated conservatory; extended basement; guest accommodation; garden pavilion and infilled courtyard, alterations to the Coach House accommodation including – removal of existing external canopy and minor demolition, refurbishment and reconfiguration works along with new gable windows to roof.
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Appeal Ref: APP/L5810/Y/17/3170148

The Manor House, Ham Street, Richmond TW10 7HA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Primus Inter Pares Limited against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/2680/LBC, dated 28 June 2016, was refused by notice dated 1 December 2016.
 - The works proposed are alteration, extension and demolition to the main house including: creation of loggia; reinstated conservatory; extended basement; guest accommodation; garden pavilion and infilled courtyard, alterations to the Coach House accommodation including – removal of existing external canopy and minor demolition, refurbishment and reconfiguration works along with new gable windows to roof.
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Decisions

1. The appeals are dismissed.

Main Issues

2. The main issues in these appeals are;
 - The effects of the proposal on the Metropolitan Open Land
 - The effects of the proposal on the significance of the listed buildings and conservation area.

Reasons

3. The appeal relates to this large detached dwelling which is set within significant and open grounds. The main house itself is Grade II* Listed and the outbuildings, referred to as the Coach House is Grade II Listed. The site is also within the Ham House Conservation Area. The whole site and much of the adjacent land is designated as Metropolitan Open Land (MOL).

The effects on MOL

4. The London Plan (LP) identifies MOL and states within Policy 7.17 that the strongest protection should be given to London's MOL and that inappropriate development should be refused except in very special circumstances, giving the same level of protection as the Green Belt. It adds that essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL. The supporting text of Policy 7.17 states that appropriate development should be limited to small scale structures to support outdoor open space uses.
5. Policy DM OS 2 of the Council's Development Management Plan (DMP) of 2011 relates to MOL and states, amongst other things, that such land will be protected and retained in predominantly open use; adding that appropriate uses include public and private open spaces. It adds that there may be exceptional circumstances where small scale structures are acceptable but only where openness and character are not harmed, it is linked to the functional use of MOL or supports open space uses. The appellant points out that the DMP was adopted prior to the NPPF which is less restrictive in relation to Green Belt (and so, MOL) development. The Council has prepared an emerging Local Plan and has published a version which includes Policy LP 13 relating to MOL. Although I recognise that this has reached only an early stage towards adoption, it is notable that it repeats much of what is said in the DMP.
6. Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt (and so, in MOL) and sets out some exceptions. The 3rd bullet point within paragraph 89 of the exceptions is for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Although the proposed guest accommodation and pavilion would not be physically attached to the main house, the appellant considers that they could be defined as extensions as they would provide ancillary accommodation (and the listed status of the building may prevent an extension of such a scale).
7. I am aware that there have been cases where additional structures within the Green Belt have been treated as extensions to a dwelling even though they are separate from the main dwelling. However, in my judgement some regard must be had to the physical relationship between such a separate building and the main dwelling. In the case now before me, the proposed guest accommodation would be over 20m from the main dwelling and whilst I understand why the significance of the building has meant that the appellant has sought to introduce such a distance, the effect is to make the proposed guest accommodation quite separate from the main house. For this reason, I consider that the guest accommodation and the proposed pavilion could not be considered as extensions under the 3rd bullet point of paragraph 89 of the NPPF. The scale of the proposed new basement accommodation is also considerable in its extent and, notwithstanding its subterranean form, cannot

be considered as being 'not disproportionate' under paragraph 89. Therefore, these structures represent inappropriate developments which are, by definition, harmful to the MOL. I give substantial weight to the harm to the MOL in the determination of the proposals.

The effects on the listed buildings and conservation area

8. The Manor house would undergo numerous internal alterations which would result in reconfigured rooms/suites and the conversion of some of the roof space to provide living accommodation. At the northern end of the house, the kitchen/service area would be altered and an extension would provide a family room and new kitchen and staff rooms. The proposals would preserve the oldest and most important features and the array of other alterations would not affect the important or significant parts of the house. Overall they would result in an improvement to the standard of the existing accommodation.
9. The alterations to the Coach House would include removing some internal divisions at the ground floor and these are not considered to be of significance. An extension would provide additional garaging and staff rooms above. The removal of the external canopy would represent an improvement to the Coach House.
10. The proposed basement would be a significant addition to the main house but would be set to one side of the Manor House in order to avoid significant construction works directly beneath it. In this way the proposal would avoid an unacceptable effect on the listed building either directly in relation to construction works (certain matters could be controlled by conditions) or by an effect on the hierarchy of floors and rooms.
11. The proposed guest house would be sited to one side of the Manor house and set apart from it. It is notable that the existing ancillary buildings (the Coach House) are set to the west of the Manor House and this avoids any undue encroachment into views of the main east elevation of the Manor House when seen from the extensive grounds to the east. My judgement is that the proposed guest house would encroach to some degree in this respect; it would be sited on the same line as the main elevation of the Manor House and although its scale may be seen as modest, it would detract from the prominence of the Manor House when seen within this important part of its setting and I see this as a minor but nevertheless harmful effect. However, I must judge these matters together and also include any public benefits within my assessment. There are some positive aspects of the scheme and I see the general improvement of the Manor House as one, along with the general improvement of the Coach House and the landscape and biodiversity improvements which the scheme may bring. When taken together, I find that the scheme would have a neutral effect on the significance of the listed buildings and conservation area; their special interest, and character and appearance would be preserved by the proposal. I set the balance at no more than this as I see the benefits as being relatively minor, as the building is in no immediate threat and I find some harm arising to the setting of the Manor House from the imposition of the Guest House.

Balance and Conclusions

12. The proposal would involve development that I judge would have an unacceptable effect on MOL as a result of representing inappropriate

development. In addition, it would reduce the openness of the MOL. In relation to other matters, I have concluded that the scheme would, on balance, have a neutral effect on the significance and setting of the listed buildings and on the conservation area. I have also included the appellant's suggested benefits to ecology and landscape in my assessment. However, I find that these matters are insufficient to clearly outweigh the harm to the MOL. As a result, there are no very special circumstances which would justify the proposal.

13. I have taken account of all other matters set out in the representations, including the officers' recommendation that the scheme should be supported. However, that recommendation was clearly made 'on balance' and in acknowledgement that there were negative factors arising from the proposal. The appellant also refers to the need for guest accommodation which they consider cannot adequately be provided within the main house. Whilst it is not for me to determine precisely how an occupant may wish to use various rooms within a home, I find it surprising that a large house with generous accommodation may be considered to lack sufficient space for guests and so I attach very little weight to this argument. In my judgement, I find that the negative aspects of the scheme are not outweighed. As a consequence, the appeals are dismissed.

S T Wood

INSPECTOR