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# Appeal Decision

Site visit made on 25 July 2017

**by S Jones MA DipLP**

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

**Decision date: 06 September 2017**

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**Appeal Ref: APP/L5810/D/17/3175102**  
**7 Riverdale Road, Twickenham TW1 2BT**

- 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 Timothy Copestake against the decision of the Council of the London Borough of Richmond-upon-Thames.
  - The application Ref 16/4726/FUL, dated 1 December 2016, was refused by notice dated 9 February 2017.
  - The development proposed is demolition of existing detached side garage/store and erection of a single storey detached ancillary annex building with additional subterranean lower ground floor accommodation.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The reasons for refusal referred to policies in the London Borough of Richmond Upon Thames Publication Draft Local Plan. Although the Plan has been submitted to the Secretary of State, it remains subject to the outcome of examination and its policies may change. Therefore as this is still at an early stage I accord the emerging policies limited weight and have dealt with this appeal on the basis of the policies of the adopted development plan.

## Main Issues

3. The main issues are :
  - the effect of the proposed development on the character and appearance of the property, which is a locally listed building; and whether it would preserve or enhance the character or appearance of the surrounding Twickenham Park Conservation Area
  - whether the development is suitable with regard to flood risk from the River Thames

## Reasons

4. The appeal property is a substantial detached Victorian Gothic-style villa in spacious mature grounds. It is locally listed as a Building of Townscape Merit (BTM), as defined in the Council's Supplementary Planning Document on BTMs (2015). It has particular architectural detailing in its roof design, polychromatic brickwork patterns and largescale windows with decorative arches.

5. As a locally listed building, the appeal property is a non designated heritage asset. The effect of the proposal on its significance as such must be considered under paragraph 135 of the National Planning Policy Framework (the Framework). It sits within the Twickenham Park Conservation Area (CA) which is a designated heritage asset characterised at Riverdale Road by grand Victorian properties in a street noted for the high quality townscape of large 4 storey freestanding Victorian mansions in mature grounds. The appeal property is one such building and so contributes to its significance. Consequently I must pay special attention to the desirability of preserving or enhancing the character or appearance of the CA in determining this appeal in accordance with section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Framework. Paragraph 132 of the Framework makes clear that great weight should be given to the conservation of designated heritage assets.
6. The current garage has a shallow roof pitch so that it is almost flat, it is intact but covered in vegetation which makes it less conspicuous. The new development would have a mixture of brick, timber cladding and white render plus a steel covered pitched roof reaching roughly twice the present height of the existing garage. By its design, bulk and scale, the development would have a much greater prominence in the area compared to the existing garage and would result in a footprint three times bigger than the existing garage (approximately 72.5m<sup>2</sup> rather than about 23.5m<sup>2</sup>). As such, it would erode the spacious setting and character of the existing property and grounds.
7. The design and materials features of the proposed building would not match or complement the existing BTM with its tiled roof and brickwork Gothic features, and would be out of keeping with it. As such, they would detract from the significance of the appeal property overall. Views of the site would not be limited to oblique views and glimpses behind the high hedge as the appellant claims because it would have a higher profile than the current garage structure. It would therefore be visible from the more open frontage along the neighbouring property at 9 Riverside Road and from wider views in the CA. The proposed annex would be a harmful unsympathetic addition and an intrusive feature that would appear incongruous in the streetscene. Consequently it would be harmful to the character and appearance of the BTM and fail to preserve or enhance the character and appearance of the CA.
8. I acknowledge that this revised scheme creates a smaller footprint than the previous application but as above the development would still have a negative impact on the BTM and the CA. However because the proposal is for a single storey garden annex I find that this would lead to less than substantial harm to the CA. In accordance with paragraph 134 of the Framework I must weigh the harm against the public benefits of the proposal. The proposal would have some benefit by removing a garage built of concrete slabs that cleared of vegetation would have a poor appearance. However, the modest benefit of removing the garage is outweighed by the harm that would arise.
9. With regard to the harm to the BTM, in accordance with paragraph 135 of the Framework I must have regard to the scale of harm and the significance of the non designated heritage asset. For the reasons given above, I find that considerable harm to the BTM would be caused by the introduction of an intrusive and unsympathetic development that would detract from its significance and jar with its period features.

10. Due to the harm to the character and appearance of both the BTM and the surrounding CA the proposed development would be contrary to Policies DM HD1 and DM HD3 of the London Borough of Richmond Upon Thames Development Management Plan 2011 (Local Plan) with regard to the importance of conservation areas and BTMs. It would also conflict with Policy DM DC1 of the Local and Policy CP7 of the London Borough of Richmond Upon Thames Core Strategy 2009, which seek to ensure that developments respect the character and appearance of existing buildings and areas. It would also fail to comply with paragraphs 132, 134 and 135 of the Framework.

### **Flood Risk**

11. Although the area is protected by flood defences at the Thames Barrier, the appeal site is within Flood Zone 2, where there is a medium probability of flooding. The Planning Practice Guidance (Reference ID: 7-066-20140306) categorises basement dwellings as highly vulnerable in the event of flooding. In these circumstances some proposals are subject to an Exception Test to ensure the development would be flood proof amongst other things. Paragraph 100 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The appellant submitted flood risk assessment (FRA) and the appeal case includes an extract which shows the mitigating measures that would be put in place. However, based on the limited information available I cannot be certain that this would satisfy the Exception Test should it apply or the requirements of the relevant policies.
12. The development would include basement bedrooms marked on the plans, but Policy DM SD6 of the Local Plan which deals with flood risk in the Borough is very clear that basement bedrooms will not be permitted. The supporting text to the policy states 'Basements represent a particularly high risk to life within flood affected areas of the borough because they could be subject to very rapid inundation as floodwaters encroach across the floodplain'.
13. Nevertheless, to consider the individual merits of the development, from Plan 1512/PL04 it appears that Bedroom 1 would have direct access to the outside to the rear as well as access up the inner stairwell to the ground floor. Bedroom 2 would be enclosed underneath the lightwell at basement level with internal access to the outside only via the inner stairwell up to the ground floor level. This would not provide an adequate means of escape from bedrooms in particular in the event of flood because it would be reliant on being able to access the stairwell and exit in time when occupants could be inundated while asleep when they would be more vulnerable. Future occupants could also include sleeping children or the elderly who would be further vulnerable in these circumstances.
14. Based on the above factors, I conclude that this particular proposal would not secure a safe development for its lifetime taking account of the vulnerability of potential users. Accordingly it would be contrary to Policy DM SD6 of the Local Plan and conflict with paragraph 103 of the Framework. Amongst other matters, and taken together, these seek to ensure that development will be safe for future occupiers.

### **Other Matters**

15. Some properties have annexes and ancillary buildings within their grounds including at No 5 and No 9. However it appears the ancillary building at No 5 predates the designation of the CA and the annex at No 9 predates the current development plan and the local listing policy on BTMs. I appreciate that these may not meet all the criteria now imposed by policies, but this appeal must be decided upon its own merits in the light of the designations, policies and other circumstances that apply at this time.

### **Conclusion**

16. For the reasons given above I conclude that the appeal should be dismissed.

*S Jones*

INSPECTOR