
Appeal Decisions

Site visit made on 30 October 2017

by Chris Couper BA (Hons) DipTP MRTPI

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

Decision date: 5th December 2017.

Appeal A: Ref: APP/L5810/D/17/3181367
42 Twickenham Road, Teddington TW11 8AW

- 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 Caroline Howd against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 17/0986/HOT, dated 8 March 2017, was refused by notice dated 26 June 2017.
 - The development proposed is the demolition of the existing garage and the erection of a 2 storey annex/outbuilding.
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Appeal B: Ref: APP/L5810/D/17/3181371
42 Twickenham Road, Teddington TW11 8AW

- 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 Caroline Howd against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 17/0985/HOT, dated 8 March 2017, was refused by notice dated 26 June 2017.
 - The development proposed is the demolition of the existing garage and the erection of a 2 storey annex/outbuilding.
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Decisions

1. Appeal A is dismissed and Appeal B is dismissed.

Procedural matters and background

2. Whilst I have taken the description of the development for both appeals from the planning application forms, I note that on the appeal forms the proposals are described as being 3 storeys high. Irrespective of that, I have dealt with the proposals before me as set out on the drawings.
3. In an email dated 23 October 2017 the Council states that the site is within a conservation area. However, neither decision notice alleges that the proposals would harm its significance, and in a further email dated 9 November 2017 the Council confirms that the site is outside The Grove Conservation Area ('CA').
4. Since its decisions, the Council has granted planning permission on this site for development described as the demolition of the existing garage outbuilding to the side of the main house and replacement with a building of the same height to include a new garage and habitable space ancillary to the main dwelling (Ref: 17/2929/HOT) ('permitted scheme'). The former outbuilding, which I understand was in a dilapidated condition, has now been demolished.

Main Issues

5. The main issues for both appeals are:

- The effect of the proposed development on the character and appearance of the host property and the area;
- The effect of the proposed development on the living conditions at 40 Twickenham Road, with particular regard to outlook;
- Whether or not the proposed development would be at risk of flooding; and
- Whether or not an appropriate archaeological assessment is required.

Reasons

Character and appearance

6. Nos. 42 and 44 are a semi-detached pair of tall and imposing traditional dwellings. They exhibit consistent design detailing, particularly to the front, which includes sash windows with a vertical emphasis, bays, grand ornamental entry porches, a mansard roof behind a parapet, and arched dormers. Given their proportions, symmetry and fine architectural detailing the pair form a very attractive composition in the streetscene, and have been identified by the Council as Buildings of Townscape Merit ('BTM').
7. The appellant's Heritage Reports assert that the proposals will have no detrimental effect on the BTM. Their brickwork would match the host dwelling and they would have a similar footprint to the former outbuilding. However, both schemes would have a significant bulk, and would be significantly taller and have a greater mass than the former outbuilding, and compared to the retained garage at No. 44.
8. Appeal A has been designed to contrast with the host dwelling. Its monopitch roof, balustrade and extensively glazed front and rear elevations, would give it a markedly different appearance. However, whilst there are other nearby examples of contemporary designs, including the freestanding flatted developments at Winter House and Marlow House, in my view, this scheme's bulk, and contrasting design and form so close to the traditionally designed host dwelling would result in an awkward juxtaposition. It would not appear fully subordinate to the host, and would detract significantly from the BTM's appearance.
9. Appeal B adopts a more traditional approach, with a ridged roof and timber sash windows. However, given its height and close proximity to the host dwelling, and its lack of a set-back to the front, it would also not appear fully subordinate to it. Seen from the road, notwithstanding some landscaping, both schemes would disrupt the symmetry and harmony of this semi-detached pair.
10. The permitted scheme is of a smaller scale, lower height, and more limited bulk than both these proposals, and is also set slightly further away from the host building. It is therefore more subordinate in appearance, and it does not change my conclusions regarding the harm that these proposals would cause.
11. Given the significant harm that would be caused to the host property, the schemes would harm the immediate streetscene and, to a limited extent, more distant rear views from the River Thames. However, as the nearest part of the

CA is some distance away on the opposite side of Twickenham Road, with intervening buildings, I am satisfied that its setting would not be harmed.

12. For the above reasons, both proposals would conflict with the requirements of Policies DM DC 1 and DM HO 2 of the Richmond Development Management Plan 2011 ('DMP') that development should be of a high architectural and design quality which respects local character. Scheme A in particular would also conflict with DM HO 2's stance that infill development should reflect the fenestration and design detailing of its neighbours. More particularly, both schemes would also conflict with DMP Policy DM HD 3 and Richmond Core Strategy 2009 ('CS') Policy CP7 which seek to protect high quality and historic buildings from inappropriate development, and which seek to protect the significance of BTM, including their settings.
13. Whilst the Council's decisions also refer to Policies LP 1, LP 4 and LP 39 of the Richmond Local Plan (Publication version for consultation) 2017 ('LP'), as that Plan has not been adopted, I give those policies limited weight. Nevertheless, as their broad thrust is similar to the above policies, the schemes would also conflict with their requirements. As DMP Policy DM DC 5 and LP Policy LP 8 seek to protect living conditions, they are of little relevance on this issue.

Living conditions

14. The bungalow at 40 Twickenham Road is set back much further from the road than No. 42 and the proposed outbuildings. Parts of that plot are already enclosed, to a degree, by the building at No. 42 and by Winter House.
15. Both schemes would include a tall flank wall located very close to the boundary with No. 40. The flank wall and the general bulk of both schemes would be apparent from No. 40's front facing windows and from its front garden, and would increase the sense of enclosure in those areas. However, there would be a significant gap to No. 40's front face. Furthermore, that dwelling sits on a wide and spacious plot, parts of which are some distance from the proposed development. The attractive outlook from its less enclosed rear aspect looking towards the river would be unaffected.
16. For those reasons, the schemes would not have a significant overbearing impact on the occupants of No. 40, and would not impact their living conditions to a harmful degree. On this issue neither Appeal A nor Appeal B would conflict with the requirements of CS Policy CP7, DMP Policy DM DC 5 or emerging LP Policy LP 8 that development should maintain appropriate levels of amenity and should protect adjoining properties from visual intrusion.

Flood risk

17. The Council states that the site is within flood zones 2, 3 and 3b. As no Flood Risk Assessment ('FRA') has been undertaken, it states that the flood risks arising from the proposals are unknown, and that the use of the basements for habitable accommodation would be contrary to its development plan.
18. For her part, the appellant maintains that an FRA was submitted with the applications, and I have been provided with a brief document from Ideal Planning and Design dated 31 October 2016. That states that whilst the site is located within zone 3, it benefits from flood defences. It continues that finished floor levels will be the same as in the existing property, that external

walls will achieve water proofing, that sockets will be set above finished floor levels, and that the existing on-site flood barrier will remain.

19. The appellant states that there would be no habitable rooms on the semi-basement level to the rear. However, both schemes are proposed as a residential annex, and the plans depict an office in that location, which in my view could be used as habitable space. I have little information before me regarding the probability or extent of any potential flooding on the site; and no plans or details of the flood barrier, or what level of protection it provides. Nor was evidence of that barrier apparent on my visit.
20. I understand that the permitted scheme was supported by the same FRA as was submitted with these proposals. However, from the very limited information available to me, I am unable to reach a firm conclusion on whether or not the proposals would put future occupants at significant flood risk. Nevertheless, given the other harm that I have found both schemes would cause, the issue has not been determinative in either appeal.

Archaeological assessment

21. The Council maintains that as the site is within an archaeological priority area both schemes should have been supported by an assessment to demonstrate whether or not it is likely to contain archaeological remains. The appellant states that as the proposal would occupy the same footprint as the former outbuilding, that is an unreasonable requirement.
22. In its letter dated 8 September 2017 Historic England commented that the proposed works do not lie within an archaeological priority area, that the scale of the development is too small to have an archaeological impact, and that no further assessment or conditions are therefore necessary. Furthermore, I note that the permitted scheme included no conditions requiring an archaeological assessment, and I understand that no such conditions were imposed on No. 42's previously approved rear extensions.
23. Consequently, on the basis of the evidence before me, I conclude that no archaeological assessment is required, and that neither proposal would conflict with DMP Policy DM HD 4.

Conclusions

24. Neither scheme would impact the living conditions at 40 Twickenham Road to a harmful degree, and I am satisfied that no archaeological assessment is required. I am unable to reach a firm conclusion on the issue of flood risk. However, both proposals would cause significant harm to the character and appearance of the host property, which is a Building of Townscape Merit, and would harm the character and appearance of the area.
25. For those reasons, and having regard to all other matters raised, both Appeal A and Appeal B are dismissed.

Chris Couper

INSPECTOR