



Appeal Decision

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: 04 January 2018

Appeal Ref: APP/L5810/W/17/3179260 1A Heron Road, Twickenham TW1 1PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Jimmy Kavanagh against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 17/1731/VRC, dated 4 May 2017, was refused by notice dated 26 June 2017.
 - The application sought planning permission for an amendment to planning permission Ref 04/3476/FUL for the erection of a one bedroom house to allow the creation of a larger basement without complying with a condition attached to planning permission Ref 09/1396/HOT/HOT, dated 8 September 2009.
 - The condition in dispute is No. BD12 which states that: *The external surfaces of the building(s) (including fenestration) and, where applicable, all areas of hard surfacing shall not be constructed other than in materials details/samples of which shall be submitted to and approved in writing by the Local Planning Authority.*
 - The reason given for the condition is: *To ensure that the proposed development does not prejudice the appearance of the locality.*
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Decision

1. The appeal is allowed and planning permission is granted for an amendment to planning permission Ref 04/3476/FUL for the erection of a one bedroom house to allow the creation of a larger basement at 1A Heron Road, Twickenham TW1 1PQ in accordance with the application, Ref 17/1731/VRC, dated 4 May 2017, without complying with condition No. BD12 set out in planning permission No. 09/1396/HOT/HOT, granted on 8 September 2009 by the Council of the London Borough of Richmond-upon-Thames, but otherwise subject to the conditions on the attached schedule.

Background

2. In 2005 planning permission was given on the site for the demolition of a garage and fencing and the erection of a detached house (Ref: 04/3476/FUL). In a subsequent decision, described as an amendment to the earlier decision, the Council permitted a one bedroom house with a larger basement (Ref: 09/1396/HOT/HOT) ('original permission'). Condition No. BD12 of that decision required that the external surfaces and fenestration of the building and the hardstanding be finished in materials to be approved by the Council.
3. Part 6 of the application form for case Ref: 17/1731/VRC is somewhat contradictory with regards whether the proposal was to remove condition

No. BD12, or to vary it to require samples of the external surfaces of the building to be submitted and approved prior to the completion of the development. At the time that the application was made, I understand that the development was close to completion, but that the materials used had not been approved.

4. As the development appeared from my visit to be complete, or very substantially complete, with the external surfaces in place, and having regard to paragraph 1.1 of the grounds of appeal, I have dealt with the scheme as a proposal to delete condition No. BD12, and to retain the existing external materials.

Main Issue

5. The main issue is the effect that removing the condition, and thereby permitting the existing surface materials, would have on the character and appearance of the area, including whether or not the character or appearance of the St Margaret's Conservation Area would be preserved or enhanced.

Reasons

6. The appeal site was formerly part of 323 St Margaret's Road. That property, along with others in St Margaret's Road and areas to the east, lies within the St Margaret's Conservation Area ('CA'). Nearby dwellings in St Margaret's Road are varied in appearance, but are typically substantial, with ornate detailing, and are finished in a palette of materials including yellow, buff and red brickwork. The St Margaret's Conservation Area No. 19 Statement describes the variety of building styles in the extended CA and their intricate gault brickwork in yellow and red.
7. Whilst 1A Heron Road is within the CA, other dwellings on that road are not. The dwellings here are generally of a more modest scale and design. Their front faces are finished with a range of materials, including red brickwork opposite the site, yellow brickwork, and paint.
8. The elevations of No. 1A have been finished primarily with yellow bricks, together with some red brick detailing. Although the yellow brickwork is bolder than other nearby examples, I observed that the bricks do have varied hues which, together with the red brick detailing, prevents the building from having a monochromatic appearance. Although the brickwork's colouration is less diverse than the dwelling at No. 323, which I understand has been listed by the Council as a building of townscape merit, there is not a stark or incongruous visual contrast with that building or its boundary wall.
9. In his letter dated 4 May 2017 the appellant submitted evidence from the manufacturer that Smeed Dean clay brickwork has been used in London for many years, and that the bright colour of those used here will tone down as they are exposed to the elements. Although, these bricks have less of a reclaimed or aged look than some in that range, I am satisfied that as they weather they will take on a more diverse and patinated appearance.
10. The Council has not objected to the other facing materials used, including the slate roof, the fenestration, and the hard surfacing. From my own observations, I have no reason to disagree. In the context of the variety of nearby facing materials, the materials used here have not harmed the visual amenity of the streetscene, or the setting of nearby buildings. Having paid

special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, the proposal would satisfy that statutory test. An undesirable precedent would not be set.

11. Policy CP7 of the Richmond Core Strategy 2009 and Policies DM DC1 and DM DC5 of the Richmond Development Management Plan 2011 ('DMP') require, in broad terms, that new development should recognise distinctive local character, be of a high quality design through use of appropriate materials, and avoid visual intrusion to adjoining properties. DMP Policy DM HD1 requires new development to conserve and enhance the character and appearance of conservation areas.
12. Policies LP 1, LP 3 and LP 8 of the Richmond Local Plan (Publication version for consultation) 2017 take a broadly similar stance, although as that Plan has not been adopted, that limits the weight I attach to them. Nevertheless, for the reasons above, the removal of condition No. BD12 would not result in a conflict with any of the above policies, or with the requirement for development to respond to local character with appropriate use of materials as set out in the Council's Supplementary Planning Document: Design Quality 2006.
13. Amongst the representations are comments regarding the dwelling's siting, design, proportions and form. However, those matters are not before me in this appeal.

Conclusions

14. For the above reasons I conclude that removing the disputed condition would not result in harm to the character and appearance of the area. The appeal will therefore be allowed and I will grant a new planning permission without the disputed condition.
15. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should repeat the relevant conditions from the original planning permission, unless they have already been discharged. I have also considered the further list of conditions suggested by the Council as part of this appeal, which are broadly consistent with those in the original permission.
16. As I have limited information before me about the status of the other conditions imposed on the original permission, I shall impose all those that I consider remain relevant, with minor alterations in the interests of clarity. In the event that some have been discharged, or otherwise addressed, that is a matter which can be dealt with by the parties.
17. The condition concerning the timescale for commencement of the development is no longer relevant, and I have updated those conditions relating to permitted development rights to refer to the latest version of the Town and Country Planning (General Permitted Development) Order 2015.
18. Having regard to all other matters raised, including the site's planning history, the appeal is allowed.

Chris Couper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) All external joinery shall be of painted timber.
- 2) The proposed finished floor levels of the building and the finished ground levels of the site in relation to existing site levels of surrounding land shall not be other than in accordance with details submitted to and approved in writing by the Local Planning Authority under application ref: 09/1396/DD01.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), no windows other than those shown on the approved plans shall be installed in the north and east walls of the building hereby permitted.
- 4) The building hereby approved shall not be occupied until the means of enclosure indicated on Drawing No: PL-S10 (application 04/3476/FUL) has been erected in accordance with such details.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) the forecourt parking space shall not be altered, or used for any purpose other than for the garaging or parking of private motor vehicles used by occupiers or visitors to the premises.
- 6) The development hereby approved shall be constructed in accordance with the submitted plans, with particular reference to the height and siting of the building relative to all on and off site features as shown on the approved drawing number PL-S10 received on 28 October 2005, with the exception of the amendments made under application number 09/1396/HOT - drawings received on 05 June 2008.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no external alterations or extensions shall be carried out to the building hereby approved.
