



Appeal Decision

Site visit made on 27 August 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2019

Appeal Ref: APP/L5810/W/19/3227249

Thames Motor Yacht Club, Hampton Court Road, Hampton KT8 9BW

- 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 & Mrs Eustace against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 18/3043/FUL, dated 13 September 2018, was refused by notice dated 24 October 2018.
 - The development proposed is the addition of single-storey retractable pergola awning to the rear elevation of the property.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The explanatory text to Policy LP13 of the London Borough of Richmond Upon Thames Local Plan (2018) (the Local Plan) refers to specific paragraphs of the National Planning Policy Framework (the Framework) applying to Metropolitan Open Land. The stated paragraphs relate to the 2012 version of the Framework. The appellants have also referred to the paragraphs of the 2012 version in their appeal statement. The equivalent paragraphs of the 2019 version of the Framework, in so far as they are relevant to this appeal, are not materially different; it is on the basis of this more recent version that I have made my decision. I am satisfied that there would be no prejudice in me doing so.

Main Issues

3. The main issues raised in this case are:
 - i) Whether or not the proposal is inappropriate development in the Metropolitan Open Land;
 - ii) The effect on the character and appearance of the area and nearby buildings, with particular regard to the sites location within the Hampton Court Green Conservation Area, a nearby group of Buildings of Townscape Merit and listed buildings; and
 - iii) If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other

considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not the proposal is inappropriate development in the Metropolitan Open Land

4. The appeal is located within Metropolitan Open Land (MOL). Policy LP13 of the Local Plan sets out that MOL will be protected and retained in predominantly open use. Inappropriate development will be refused unless 'very special circumstances' can be demonstrated that clearly outweigh the harm to the MOL. The explanatory text of the policy refers to specific paragraphs of the Framework applying to MOL, these include paragraphs defining inappropriate development.
5. The construction of new buildings is generally considered inappropriate, other than in a number of exceptions (as outlined in paragraph 145 of the Framework). The extension or alteration of a building provided it does not result in a disproportionate addition over and above the size of the original building is listed as one exception. Using the appellants figures, the proposed pergola would add 72 square metres (sqm) to the existing building, resulting in a 77% increase in floorspace. Notwithstanding the open sides of the structure, to my mind this cannot be considered to be anything other than a disproportionate addition to the building.
6. A further exception is the provision of appropriate facilities, in connection with the existing use of land, for outdoor recreation. This is provided that the facilities preserve the openness of the MOL and do not conflict with the purposes of including land within it. Whilst the scheme would not conflict with the purposes of including land in the MOL, it would introduce an additional built element into the site, which would be to the river-side of the building, where the spaciousness of the area is best appreciated. As such, the scheme would result in a minor loss of openness, particularly when the roof of the structure was extended.
7. In not complying with the exceptions above, the scheme would consequently comprise inappropriate development.

Character and appearance

8. The site lies within the Hampton Court Green Study Conservation Area (the CA). The CA was originally designated in recognition of the great architectural and historic importance of the area around Hampton Court Palace. There are extensive views of the surrounding townscape from public vantage points. I observed that the significance of this designated heritage asset lies in part due to the spacious riverside environment, with buildings generally set back from the edge of the river. The presence of large, imposing period buildings also makes a positive contribution to the area.
9. The scheme is also near to a number of listed buildings, in particular the Grade I Royal Mews and Great Barn, which lies to the north of the site. The Royal Mews dates from 1537 and the Great Barn from 1570. The significance of these designated heritage asset lies in part due to them being outstanding buildings which are rare surviving examples of opulent 16th and 17th Century stabling. Also adjacent to the site are a group of Buildings of Townscape Merit (BTMs),

which also contribute to the townscape value of the surrounding area, in terms of adding to the group value of the totality of the historic buildings which border the site.

10. In my view, the assembly of these designated and non-designated heritage assets, within the immediate vicinity of the appeal site, results in the area being particularly sensitive to change.
11. The appeal scheme would result in the introduction of a retractable pergola to the elevation of the building which faces the river, and which is particularly visible from the surrounding area. There are clear views of the site from the opposite riverbank and from the bridge to the south east. Whilst the pergola would appear as a lightweight frame, its highest point would extend from above the existing eaves level of the building. This would result in the pergola having a disjointed appearance, which would visually jar with the existing building. It would be a discordant addition to the elevation, in a location that is highly visible. As a consequence, it would fail to integrate acceptably with the host building and accordingly would have an incongruous appearance.
12. As a result of this, the proposal would be a visually conspicuous structure and would serve to highlight the proposal as a negative visual element in views of the building, surrounding listed buildings and BTMs. This would detract from the attractive nature of the views, particularly from the opposite riverbank and undermine the historic significance of the nearby buildings.
13. Thus, given the intrusive visual appearance that the scheme would have it would fail to preserve the character and appearance of the conservation area, as well as fail to preserve the setting of nearby listed buildings and BTMs. Therefore, the scheme would conflict with Policies LP1, LP3, LP4 and LP18 of the Local Plan. Together, and amongst other things, these policies seek to ensure development is compatible with local character including the relationship to existing townscape, that development conserves the historic environment of the Borough, that the significance of non-designated heritage assets is preserved, and that the historic environment of the River Thames corridor is protected.
14. In failing to preserve the character and appearance of the conservation area and the setting of the listed buildings, I find that the scheme would result in less than substantial harm to designated heritage assets. As required by paragraph 196 of the Framework, I have had regard to any public benefits of the proposed development. However, any such benefit is not sufficient to outweigh the harm that I have identified.

Other considerations

15. I appreciate that the scheme would support the existing club which operates from the site and that there may be limited economic benefits arising from the development. This is not sufficient however to outweigh the harm I identify above.
16. There is also reference to the scheme not having an effect on the neighbouring occupiers in terms of overlooking or effect on outlook. The lack of harm in these respects is however a neutral consideration that does not weigh in favour of the proposal.

Conclusion

17. The scheme would comprise inappropriate development in the MOL. There are no considerations which are sufficient to comprise very special circumstances. Accordingly, the scheme would conflict with Policy LP13 of the Local Plan, which seeks to protect MOL and to retain its predominantly open use. Furthermore, the scheme would adversely affect the character and appearance of the conservation area, as well as the setting of listed buildings and BTMs.
18. As such, for the reasons outlined above, and having regard to all matter raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR