



Appeal Decision

Site visit made on 25 February 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 17 April 2020

Appeal Ref: APP/L5810/D/19/3242782

7 Lawn Crescent, Kew, Richmond, TW9 3NR

- 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 L Stevens against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref: 19/2649/HOT, dated 23 August 2019, was refused by notice dated 5 November 2019.
 - The development proposed is a basement extension, ground floor rear and side extensions and rear extensions to first and second floor with internal alterations.
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Decision

1. The appeal is allowed. Planning permission is granted for erection of a basement extension, ground floor rear and side extensions and rear extensions to first and second floor with internal alterations at 7 Lawn Crescent, Kew, Richmond, TW9 3NR, in accordance with the terms of the application, Ref: 19/2649/HOT, dated 23 August 2019, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. One of the Council's reasons for refusal was an absence of details to demonstrate that the basement element of the scheme safeguards the structural stability of the host building and neighbouring buildings, a requirement of Policy LP11 of the London Borough of Richmond upon Thames Local Plan. However, the Construction Method Statement submitted as part of the application commits to employing a structural engineer and building control consultant to ensure that stability is safeguarded, and I am satisfied that this aspect of the development can be established by the imposition of a condition specifically requiring appropriate details on structural stability

Main Issues

3. The effect of the proposal on the character and appearance of the host house and Conservation Area.

Reasons

4. The property is part of an attractive crescent of twenty Edwardian, semi-detached houses around an elongated, enclosed communal garden. When viewed from the public domain, the pairs have a strongly symmetrical form and original architectural details have largely been preserved. The properties are

- three stories high with a two-storey outrigger and many exhibit a variety of alterations to the rear, including the host house, which has a wraparound extension to the ground floor. Gardens are well screened by fencing and mature vegetation, and views of other houses largely obscured at ground level.
5. No objection has been raised to the ground floor alterations and replacement extension. The remainder of this decision therefore focuses on the alterations to the rear of the first and second floors.
 6. The site is within the Lawn Crescent Conservation Area (CA) and as a Building of Townscape Merit (BTM) is also a non-designated heritage asset. Of most relevance to this application, the CA designation (1974) cites mature garden plots, consistent design, rhythm and gaps between buildings as characteristic. The Conservation Area Study (2007) states that properties are distinctive because of their shared detailing, with regular sized plots setting up a consistent rhythm.
 7. The proposals will only affect the rear of the building, which is not visible from the public domain or specifically cited in the CA designation. The garden plot and gap between buildings would not be lessened. Architectural details in the designation predominantly relate to the frontal aspect, which would not be affected. I am therefore satisfied that the proposals would not adversely affect the character and appearance of the host house nor the CA when viewed from the front, to which I give substantial weight given the importance of this aspect in the designation.
 8. Notwithstanding this, given the building's status as a BTM and as part of the CA, I have had regard to proposed changes to the character and appearance of the rear elevation. The original rear elevation would be almost entirely lost, although this is in the context of the ground floor already having been extended. The extensions would be set back subserviently from the sides of the house and in reflecting the angles and style of the original building, including an echo of the original outrigger on the second floor, I do not consider the proposal to be harmful to the character and appearance of the rear of the building.
 9. The upper extensions would 'unbalance' the semi-detached pair in the sense that the equivalent structure is not seen on the adjacent building, but this can occur as buildings evolve over time, and need not be harmful if sensitively undertaken. In this case the extensions together would add to the bulk and massing when compared to the neighbouring house, but in the context of variable first- and second-storey rear extensions visible in the immediate area, the symmetry at the rear of housing pairs is no longer strongly characteristic, and in view of a design which reflects, to a large extent, the original structure, I do not consider the proposal to be discordant or incongruous.
 10. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to preserving and enhancing the character and appearance of the CA and this is a matter of considerable weight. For the reasons above, I am satisfied that the proposed development would preserve the character and appearance of the CA and would not adversely affect the significance of the designated heritage asset. On this basis it accords with LP Policy LP3.

11. In preserving the front elevation and proposing acceptable changes to the rear, the application is consistent with Policy LP4, which seeks to preserve non-designated heritage assets. The proposals are also consistent with Policy LP1, which requires that development is of high architectural quality and compatible with local development patterns.

Other Matters

12. A third party has submitted an objection to the proposals regarding loss of privacy, overshadowing and lack of information regarding traffic management in the Construction Method Statement. For the same reasons as the Council, I consider that the scheme would not result in an unneighbourly form of development and that remaining issues could be controlled via conditions on the permission.
13. The Council has highlighted that additional windows are proposed on the first and second floors of the west facing wall. Given the oblique angle and configuration of No 9 this would not be harmful to living conditions, but windows would be closer and more numerous, which could lead to the perception of overlooking. These windows would serve bathrooms only, and obscure glazing, which can be secured by condition, would satisfactorily mitigate any perception of a loss of privacy

Conditions

14. The Council requests that 7 conditions be imposed and have since supplied an 8th condition relating to stability, all of which I have included in the Schedule, with amendments to wording for the purposes of clarity. In addition to the statutory time limit (1), Condition (2) specifies the relevant drawings to provide certainty. Although information has been provided regarding finishing materials, given the sensitive setting I have imposed Condition (3) in the interests of the character and appearance of the area. Condition (4) is necessary to secure a Construction Method Statement in the interests of highway and pedestrian safety, and (5) directly addresses the need to demonstrate stability before basement works commence to protect the living conditions of the neighbours. Conditions requiring that non-openable obscure glazed windows be used in the side elevation (6) and preventing use of the rear flat roof as a balcony or terrace (7) are necessary to protect the living conditions of neighbours. A Condition (8) requiring approval of details of landscaping is necessary in the interests of the character and appearance of the area.

Conclusion

15. For the reasons above, and having regard to all other matters raised, the appeal should be allowed.

B Davies

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the application form and associated drawings A101, A102, A102, A104, A105, A111, A112, A113, A114.
3. The development hereby approved shall not be constructed other than in matching materials with details/samples of which shall be submitted to and approved in writing by the Local Planning Authority.
4. No development shall take place, including any works of demolition, until a Construction Management Statement (to include any demolition works) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Statement shall provide for:
 - a. The size, number, routing and manoeuvring tracking of construction vehicles to and from the site, and holding areas for these on/off site;
 - b. Site layout plan showing manoeuvring tracks for vehicles accessing the site to allow these to turn and exit in forward gear;
 - c. Details and location of parking for site operatives and visitor vehicles (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - d. Details and location where plant and materials will be loaded and unloaded;
 - e. Details and location where plant and materials used in constructing the development will be stored, and the location of skips on the highway if required;
 - f. Details of any necessary suspension of pavement, road space, bus stops and/or parking bays;
 - g. Details where security hoardings (including decorative displays and facilities for public viewing) will be installed, and the maintenance of such;
 - h. Details of any wheel washing facilities;
 - i. Details of a scheme for recycling/disposing of waste resulting from demolition and construction works (including excavation, location and emptying of skips);
 - j. Details of measures that will be applied to control the emission of noise, vibration and dust including working hours. This should follow Best Practice detailed within BS5288:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites;
 - k. Details of any highway licenses and traffic orders that may be required (such as for licences for any structures / materials on the highway or pavement; or suspensions to allow the routing of construction vehicles to the site);
 - l. Details of the phasing, programming and timing of works;
 - m. Where applicable, the Construction Management Statement should be written in conjunction with the Arboricultural Method Statement, and in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction - recommendations', in particular sections 5.5, 6.1, 6.2, 6.3 and 7;

- n. A construction programme including a 24-hour emergency contact number.
- 5. The basement development hereby approved shall not commence until details of the structural stability of the development, prepared by a suitably qualified structural engineer, have been submitted to and approved in writing by the Local Planning Authority
- 6. The proposed first floor windows and second floor windows in the side elevation of the building hereby approved as shown in Drawing A113 shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.7m above the relevant floor level.
- 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 part of the flat roof of the rear extension hereby approved shall be used as a balcony or terrace nor shall any access be formed thereto.
- 8. No part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - a. The extent of the raised patio area, proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing utility services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant; a program or timetable of the proposed works.
 - b. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); detailing the quantity, density, size, species, position and the proposed time or programme of planting of all shrubs, hedges, grasses etc., together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with BS 3936:1986 (Parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS 4043: 1989, Transplanting root-balled trees; and BS 4428:1989, Code of practice for general landscape operations (excluding hard surfaces).
 - c. All hard and soft landscape works shall be carried out in accordance with the approved details.

End of Schedule