
Appeal Decision

Site visit made on 15 September 2020

by Martin Small BA (Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th October 2020

Appeal Ref: APP/L5810/W/20/3247420

High Wigsell, 35 Twickenham Road, Teddington, TW11 8AH

- 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 Rupert Spice against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/1390/FUL, dated 30 April 2019, was refused by notice dated 19 September 2019.
 - The development proposed is construction of new 1bed (2 Persons) rooftop apartment with roof terrace, green roof and new external staircase thereto. Refurbishment of the existing block of flats installing new doors and windows, new glazed balustrading and supports to existing balconies, rendering of brickwork and addition of decorative pilasters and cornices.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development in the banner heading above is that which is set out on the appeal form and decision notice as it is more precise. However, I have had regard to the full text set out on the application form in reaching my decision.
3. The appellant submitted a revised drawing with the appeal showing an escape railing for the secondary fire escape and a corrected balustrade to the external roof terrace to match that shown on the roof plan. I consider this to be an amendment of a minor nature and no-one would be prejudiced by my consideration of it. I have therefore determined the appeal on the basis of this revised drawing.
4. During the appeal process, the appellant submitted a Unilateral Undertaking making a payment of a financial contribution towards affordable housing provision which sought to address the Council's second reason for refusal.

Main Issues

5. The main issues are the effect of the proposed rooftop apartment on:
 - i) the character and appearance of the host building;
 - ii) the setting of the Teddington Lock Conservation Area;
 - iii) the living conditions of the occupiers of No 37 Twickenham Road (No 37) with regard to outlook and privacy; and

- iv) whether or not the development should contribute towards affordable housing.

Reasons

Character and appearance of the host property

- 6. The appeal property is a 4-storey block of 12 flats dating from the early 1960's constructed in a yellowish brick. Despite being in a prominent position at the corner of Manor Road and Twickenham Road, it is a relatively simple unassuming building of a height that fits well into its context with lightweight balconies and restrained materials.
- 7. The proposed apartment on the top of the building would, notwithstanding its being set back from three sides of the roof, be clearly visible from Manor Road and Twickenham Road. The resulting building would be higher than those in its immediate context and thus incongruous. Whilst there are existing water tanks on the roof these are smaller than the proposed apartment and thus less prominent than it would be. The apartment would not be placed symmetrically on the roof, nor would its windows align with the fenestration of the floors below. The increased height and the effects on its simplicity would be harmful to the character and appearance of the appeal building and draw attention to it.
- 8. Whilst acceptable in their own right, and supported by some third parties, the external changes to the appeal building would not result, in my opinion, in a substantial improvement to the appearance of the building. Furthermore, I have no evidence that these works are dependent upon the construction of the additional apartment.
- 9. I therefore conclude that the proposed apartment would be harmful to the character and appearance of the existing building. Accordingly, the proposal would conflict in this respect with Policy LP1 of the Local Plan (2018) which requires all development to be of high architectural and urban design quality that maintains or enhances the character and heritage of the borough.

Teddington Lock Conservation Area

- 10. The appeal property is immediately adjacent to Nos 37-49 (odd) Twickenham Road, an attractive Victorian terrace within the Teddington Lock Conservation Area (TLCA). The appeal property is therefore within the setting of the TLCA. The National Planning Policy Framework (the Framework) sets out that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance, with great weight given to the conservation of designated assets. Any harm to the significance of a designated heritage asset should require clear and convincing justification.
- 11. The TLCA forms the distinctive historic core of Teddington to the south-east of the appeal site. The significance of the Area derives from its historical relationship with the River Thames. The attractiveness of the riverside setting encouraged the development of villas in the 17th and 18th centuries, with later development to the west with the coming of the railways in 1863 and industrial riverside development.
- 12. Nos 37-49 are identified as 'Buildings of Townscape Merit' (BTMs) by the Council with the status of non-designated heritage assets, the intention being to preserve their historical relationship with the river, of which the properties

had a view from their elevated position. Although now partially severed by the 4 and 5 storey apartment blocks in between, this relationship is still appreciable. The dwellings are elaborately designed, with an interesting homogenous architectural style containing Georgian and Victorian design elements. The significance of the terrace lies in this high quality design and materials and relationship to the river.

13. Although the appeal property is clearly different in design and appearance to the adjoining historic terrace with a higher eaves line, its roof is lower than the ridgeline and chimney stacks of the terrace properties and it is of a brick that relates acceptably to the London stock brick of the terrace. Its simple east elevation does not compete with the more detailed front elevation of the terrace. Consequently, it has a neutral effect on the setting of the TLCA.
14. However, the present reasonably comparable height relationship of the building and Nos 37-49 would be disrupted with the roof of the proposed apartment being higher than the ridgeline and chimney stack of No 37. The juxtaposition of the new apartment with No 37 would be awkward and visible from Twickenham Road in both kinetic and static views when approaching from the north-east and from the east in winter.
15. Although the wider significance of the TLCA and the relationship of the terrace to the river would not be affected, the additional height and the bulk of the new apartment would dominate No 37. It would therefore adversely affect the character and appearance of the BTMs and the appreciation of these heritage assets. I am not persuaded that the proposed external works would significantly improve the relationship of the appeal building with Nos 37-49 such as to outweigh the harmful effect of the additional apartment.
16. I therefore conclude that the proposed apartment would be harmful to the setting of the TLCA. Accordingly, the proposal would conflict in this respect with Policies LP1, LP3 and LP4 of the Local Plan. Policies LP3 and LP4 seek to protect the borough's historic environment and the significance of its designated and non-designated heritage assets, including their settings. Moreover, the proposal would not accord with the planning policy aim for Teddington set out in the Hampton Wick and Teddington Village Planning Guidance Supplementary Planning Document (2017) to maintain and enhance the distinctive local character of the area.

Living conditions of the occupiers of No 37

17. As the proposed apartment would be flush with the northern elevation of the appeal building it would be visible from the garden to the rear of No 37. However, the apartment would not project significantly beyond the rear elevation of this neighbouring property and would thus not intrude into the outlook to the rear down the garden and only to a limited extent into the outlook from the garden itself. It would therefore be neither overbearing nor create an unacceptable sense of enclosure, nor would it have an unacceptable visual impact for the occupiers of this dwelling. Any potential harmful overlooking could be mitigated by the use of obscure glazing if the development had been acceptable in all other respects.
18. I therefore conclude that the proposed apartment would not unacceptably harm the living conditions of the occupiers of No 37. It would thus comply with

Policy LP8 of the Local Plan, which seeks to protect the living conditions of the occupiers of neighbouring properties.

Affordable housing

19. Policy LP36 of the Local Plan requires the payment of a financial contribution towards the provision of affordable housing for developments of less than 10 dwellings. The Inspector that examined the Local Plan considered Policy LP36 to be adequately justified.
20. However, since the adoption of the Local Plan in 2018, a revised version of the Framework has been published. Paragraph 63 of the Framework states that provision of affordable housing should not be sought for residential developments that are not major developments. The Framework is a material consideration of significant weight.
21. Although the lack of a financial contribution towards affordable housing was a reason for refusal, the Council has not provided any evidence with the appeal that one is justified. I have no evidence of how the contribution would be used or whether the collection of contributions from small developments has been effective in delivering affordable housing in the borough.
22. Therefore, notwithstanding the appellant's willingness to pay a financial contribution, I am not satisfied that the Unilateral Undertaking (UU) meets the tests of Regulation 122(2) of the Community Infrastructure Regulations 2010 (as amended) and paragraph 56 of the Framework. I have therefore not taken the UU into account in my determination of this appeal.

Heritage Balance

23. The harm to the setting of the TLCA would be less than substantial. In accordance with paragraph 196 of the Framework the harm to this designated heritage asset should be weighed against the public benefits of the proposals.
24. The proposal would result in an additional unit of accommodation and would accord with the policies of the Framework on making efficient and effective use of land. The proposal would have some social, economic and environmental benefits. However, as a single dwelling, these benefits would be very modest.
25. The proposed refurbishment works to the property, the works to the secondary means of escape from fire and the provision of ramped access to the ground floor would be private benefits for the occupiers of the apartments rather than public benefits and cannot be taken into consideration in the heritage balance.
26. Although the harm I have found is less than substantial it carries considerable weight and importance. The public benefits would be very limited and therefore do not outweigh the harm to the setting of the Conservation Area.

Conclusion

27. I have concluded above that the proposed rooftop apartment would conflict with the development plan. There are no other considerations, including the advice of the Framework, that outweigh that conflict.
28. Therefore, the appeal is dismissed.

Martin Small INSPECTOR