



Appeal Decisions

Site visit made on 21 September 2020

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2020

Appeal A: Appeal Ref: APP/L5810/W/20/3250701 The Caxton Building, 110 Kew Green, Kew TW9 3AP

- 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 Senesco Limited against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/2869/FUL, dated 6 September 2019, was refused by notice dated 8 November 2019.
 - The development proposed is a single storey side and rear infill extension at ground floor; roof extension; and external alterations and associated works for B1 business use (Scheme A).
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Appeal B: Appeal Ref: APP/L5810/W/20/3250704 The Caxton Building, 110 Kew Green, Kew TW9 3AP

- 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 Senesco Limited against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/2761/FUL, dated 6 September 2019, was refused by notice dated 7 November 2019.
 - The development proposed is a single storey side and rear infill extension at ground floor; roof extension; and external alterations and associated works for B1 business use (Scheme B).
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. The main difference between the two proposals is the treatment of the front of the building by Kew Green. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. I have used the address of the appeal proposals taken from the Council's Decision Notices, which accord with that on the Appeal Forms, in my formal decisions. The address given on the Application Forms does not exist.

Main Issues

5. The main issues are the effect of the proposals on:

- Nearby trees, with particular regard to biodiversity and the significance of the Kew Green Conservation Area (KGCA)
- The character and appearance of the area including the significance of heritage assets

Reasons

Trees

6. To the rear of the appeal building are two mature trees, a Horse Chestnut (T1) within the side street between the appeal building and Kew Bridge; and, a Norway Maple (T2) in a small park to the north of the appeal building. Both trees are well-established with substantial canopies and both make a positive contribution to the significance of the KGCA as well as the biodiversity of the area.
7. Both proposals are substantively the same with regard to this issue. An Arboricultural Assessment and Method Statement (AAMS) was submitted with the planning applications, to which the Council requested clarification of a number of matters.
8. The appellant was unable to respond to these prior to the Council refusing planning permission, but has done so in their Statement of Case, including the submission of a construction crane drawing. The Council has not submitted a Statement of Case for either of the proposals and so it is not clear whether they are content with the appellant's response.
9. However, from the evidence I am satisfied that the AAMS and the information submitted with the appellant's Statement of Case demonstrate that the trunks of both trees and their roots would be satisfactorily protected during the construction phase.
10. With regard to the canopies of the trees, there would be considerable separation distance between them and the proposed developments, including the Crittal-type extensions on the roof, which would be constructed off-site and lifted into place by a crane. With reference to the construction crane drawing¹ I am satisfied that the proposed developments could be implemented without damaging these trees and that this could be controlled through appropriately worded conditions.
11. For these reasons neither the scheme for Appeal A nor the scheme for Appeal B would adversely affect nearby trees. They would, therefore, accord with Policies LP3 (designated heritage assets), LP15 (biodiversity) and LP16 (trees, woodlands and landscape) contained in the Richmond Local Plan July 2018 (RLP), in this regard.

Character and Appearance

12. The appeal building is located at the end of a mixed terrace of 2/3-storey traditional buildings at the junction of Kew Green and Kew Road. Kew Road

¹ Ref. 1315 SC 0400

- crosses the River Thames to the north via the Grade II listed Kew Bridge, which elevates Kew Road relative to the appeal building and has stone walls running along its entire length. A side road – part of Kew Green – extends around the corner by the appeal building, separating it from Kew Bridge.
13. The terrace contains several locally designated Buildings of Townscape Merit (BTM), including the appeal building and the next door 108 Kew Green. It also contains the Grade II listed buildings at 98-106 and 90-96 Kew Green.
 14. To the rear of the terrace is a small park and recreational area, whilst Kew Green itself is located to the front, bisected by Kew Road, and with the Royal Botanical Gardens Kew (RBGK) further to the southwest. The RBGK is a designated World Heritage Site (WHS)² and the appeal building is located within its buffer zone. The WHS designation highlights the international importance of places and their significance as a heritage asset. However, designation does not introduce any additional statutory controls and in this case, the separation distance between the appeal building and the RBGK means that the proposals would not significantly affect its setting.
 15. The appeal building is prominently located within the KGCA, which extends southwards from the River Thames and includes all of Kew Green, but not the RBGK, which it adjoins. The significance of the KGCA is focused upon Kew Green itself, together with the buildings, structures, streets and spaces in its vicinity. The terrace containing the appeal building has a close visual relationship with the northern part of Kew Green.
 16. The appeal building is a 2-storey brick building that has been constructed in phases; the front element dates from the mid-19th century, whilst the contiguous rear elements date from the early 20th century. These distinct elements are noticeable from the surrounding streets, although the western elevation of the whole building has been rendered and painted, and its internal function is as a single light industrial unit.
 17. The front element has a brick parapet facing Kew Green, which hides a butterfly roof behind. The front elevation has two sash windows at first floor level with two further windows at ground floor, alongside a contemporary entrance. The western side elevation is blank and has three support buttresses.
 18. The rear element has a number of component parts: a small, pitched-roof building at the northern end; a mono-pitched roof structure containing a 2-storey bay feature; and, two flat roofed structures of differing heights, which form the western elevation. A narrow, irregularly shaped courtyard is formed by the appeal building and the boundary wall with No 108.
 19. There are a variety of different window types and sizes on the rear element of the building, with the western side elevation, facing Kew Bridge, also displaying an historic metal sign³ just below roof-level.
 20. The design, siting and massing of No 110 make it a visually prominent building which has been designated as a BTM because of the positive contribution it makes to the area. Its design makes it visually distinct from the other

² UNESCO Convention Concerning the Protection of the World Cultural and National Heritage 1972

³ The sign reads CAXTON NAME PLATE MFG CO LTD

buildings in the terrace, which have a more residential character. Despite forming the end of the terrace, it is also lower in height than its neighbours.

21. The scheme that is the subject of Appeal A would demolish the front parapet wall and butterfly roof and add a further storey to the front element of the appeal building. Two additional windows would be provided on the front elevation, smaller than the first floor windows beneath but aligned with them, with a new window to the rear.
22. Four new windows, of a scale and design similar to those on the front elevation, would be inserted into the western side elevation of the front element, reinforcing its appearance as somewhat distinct from the rear element. It would include a gable roof similar to that on 108 Kew Green, but without its prominent dormer window. The ridgeline would be higher than that of 108 and the chimney stack would also be raised somewhat.
23. The scheme that is the subject of Appeal B would lower the front parapet wall and remove the butterfly roof to also add a further storey to the front element of the appeal building. However, this would be largely contained within a new double pitched mansard roof, similar to those on Nos 98-106 Kew Green. The mansard would include two new dormer windows on the front elevation, aligned with the first floor windows beneath, with a new dormer window to the rear.
24. The western side elevation of the front element would also include four new windows similar to those proposed for the Appeal A scheme, and which would also reinforce its appearance as somewhat distinct from the rear element. The mansard roof ridgeline would be higher than that of 108 and the chimney stack would also be raised somewhat, although in both cases less so than for the Appeal A scheme.
25. Both schemes would include a ground floor rear infill extension with a flat roof, next to the boundary with No 108, as well as a contemporary, flat-roofed, rectangular extension at second floor level that would comprise Crittal-type glazing, joined to the rear of the proposed gable/mansard roofs by glazed links of a slightly lower height.
26. The proposed schemes would represent significant changes to the appeal building. However, they would respond to the building's phased development, and the scale, design, massing and materials of the proposed changes to the front element of the building would not be out of keeping with either the BTM or the adjacent terrace.
27. The greater height and massing of the proposals at this corner location would be a more visually appropriate end to the terrace than exists at present, particularly when seen in the context of the elevated Kew Bridge. Whilst the loss of the butterfly roof would detract from the character of the BTM, it is not visible from nearby streets and in the context of the overall scheme the loss would cause only limited harm to its significance.
28. The glazed extensions/links would be substantively the same for both Schemes and would be positioned on an unremarkable, largely flat roof on the rear element of the building. They would be set back a short distance from the western elevation of the building, widening towards the rear as the building

- does. They would be set back a greater distance from the boundary with No 108, but still reasonably close to it.
29. The substantial trees to the rear of the appeal building would largely screen the glazed extensions from views along much of Kew Bridge, although less so in winter. However, when close to the junction with Kew Green the glazed extensions would be visually prominent features at second floor level.
 30. The proposed works to the front of the appeal building would largely screen the adjacent glazed extensions from views from the front. However, the flared shape of the extensions would mean that they would still be partly visible. In some views from Kew Road to the south, and the northern/western parts of Kew Green, and from the rear of the terrace and the park and recreational area by the river, they would also be visible.
 31. The design and materials of the proposed glazed extensions would respond to the existing fenestration on the rear element to a limited extent. However, the western elevation of the rear of the building is predominantly rendered brickwork, containing a range of different fenestration sizes and designs. The less prominent rear and eastern side is brickwork with similarly varied fenestration.
 32. The glazed extensions would therefore have a significantly different appearance to the rear element of the existing building, which I do not consider to be sympathetic. Whilst the existing building is composed of distinct elements, the juxtaposition of the glazed extensions with the existing building and the proposed works to the front would greatly increase the contrast, creating a harmful dissonance.
 33. Consequently, the scale, design, massing, materials and position on the building would make the proposed glazed extensions obtrusive and incongruous additions to the BTM, which occupies a prominent position within the KGCA. They would, therefore, detract from the character and appearance of both and would harm their significance.
 34. For the same reasons the proposed glazed extensions would also diminish, to a limited extent, the setting of a number of nearby listed buildings, in particular Kew Bridge and the rear of 98-106 Kew Green, as well as the BTM at No 108, also harming their significance.
 35. In my view, and despite the appellant's stated design ethos, the proposals would cause less than substantial harm to these heritage assets.
 36. The proposals, including the glazed extensions, are said to be required to provide additional space and an improved layout to enhance the functionality of the building and enable the current business to remain at this location. However, no detailed evidence has been provided to demonstrate how the proposals would improve the functionality of the building, so as to enable the existing business to stay and prosper at this location.
 37. Few details of the existing business have been provided. No substantive evidence has been submitted to demonstrate that the business is unviable in the current premises. I gather from the evidence that it has been trading at this location for a number of years. Furthermore, no substantive evidence has been provided to show that the building is in disrepair or is at any actual risk.

38. 15 people from the surrounding area are said to be employed at the light industrial business, and the appellant states that their employment would be protected by the proposal. Even if the appeals were to be dismissed, there is no compelling evidence that the business, or the 15 skilled jobs would be at any particular risk and in any event, these jobs are predominantly private benefits to the owner/employees.
39. Whilst the increase to the employment space at the site would be a benefit to the employment stock of the Borough, no additional employees would be needed as a result. Given this and the limited scale of the proposals, I give this public benefit only very limited weight.
40. The works to the front would enhance the appearance of this part of the appeal building and the townscape value of the terrace within which it is located. However, the works that would deliver these benefits do not seem to be dependent upon the erection of the glazed extensions, and they would also cause the loss of the butterfly roof, so I give this public benefit only very limited weight.
41. I have had regard to the statutory duties under section 66 (1) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires decision makers (amongst other things) to have special regard to preserving the setting of a listed building or any features of special architectural or historic interest it possesses; and, to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
42. Therefore, with reference to paragraph 196 of the National Planning Policy Framework 2019 (the Framework) I am not satisfied that the very limited public benefits of the proposals would outweigh the less than substantial harm to designated heritage assets that I have identified.
43. For these reasons the proposals for Appeal A and Appeal B would detract from the character and appearance of the area including the significance of heritage assets. They would, therefore, conflict with Policies LP1 (local character and design quality), LP3 and LP4 (non-designated heritage assets) contained in the RLP and with the Framework, in this regard.

Conclusion

44. Notwithstanding the acceptable impact of the proposals on nearby trees in the KGCA, the harm to the character and appearance of the area including the significance of heritage assets would outweigh this. The proposals would conflict with the development plan as a whole and there are no material considerations that cause me to determine this appeal otherwise than in accordance with the development plan.
45. For the reasons given above, and taking into account all matters raised, I conclude that Appeal A and Appeal B are dismissed.

Andrew Parkin

INSPECTOR