



Appeal Decision

Site Visit made on 18 November 2020

by Rory MacLeod BA(Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/L5810/W/20/3246570

The Mitre, 20 St. Marys Grove, Richmond TW9 1UY

- 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 Chris French against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 19/2817/FUL, dated 3 September 2019, was refused by notice dated 18 November 2019.
 - The development proposed is a new timber decking with timber fencing to the residential unit on first floor.
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Decision

1. The appeal is allowed and planning permission is granted for a new timber decking with timber fencing to the residential unit on the first floor at The Mitre, 20 St. Marys Grove, Richmond, TW9 1UY in accordance with the terms of the application, Ref 19/2817/FUL, dated 3 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 3134/01, 3134/02, 3134/03, 3134/04, 3134/05, 3134/06, 3134/07, 3134/08, 3134/09 and 3134/10.
 - 2) No new external finishes, including works of making good and fenestration, shall be carried out other than in the materials stated on the approved drawings.

Preliminary Matters

2. Work has commenced on the structural frame for the decking but ceased without construction of the decking surface or steps down from the adjacent first floor room.

Main Issues

3. The main issues are (a) the effects on the living conditions of occupiers of nearby dwellings and (b) the impact of the proposal on the character and appearance of the Sheen Road Conservation Area.

Reasons

Living conditions

4. The appeal relates to a two storey end of terrace building in use as a public house with ancillary residential accommodation on the first floor. The rest of the terrace comprises two storey houses with small dormer windows in the rear

roof slope. The adjacent house, 22 St. Marys Grove, has a two storey outrigger and single storey rear extension beyond this adjacent to the site's boundary with garden areas to the side and rear of these.

5. The depth of the proposed decking would exceed that of the outrigger and therefore afford close views back towards a first floor window in its rear wall. As this is an obscure glazed window to a bathroom there would not be a loss of privacy within the room. The elevated nature of the decking would also afford views towards the rearmost part of the back garden to no.22 beyond the rear extension, but not to the garden to the side of the outrigger closer to the house which would ordinarily provide a more private area. The rearmost part of the garden is already overlooked from the rear facing dormer windows in the adjacent dwellings at nos. 20 and 24; the closer opportunity for viewing the end part of the garden would not result in any material loss of privacy. High garden walls would preclude any overlooking of the back garden to no.24 and others in the row. There would be sufficient separation to dwellings to the rear and to the other side to preclude any loss of privacy through overlooking.
6. Most of the decking would be alongside the flank wall of the outrigger which would provide a degree of protection from any noise from its use. The potential for disturbance should also be considered in the context of the use of land at the rear of the building as a beer garden. It is unlikely that any noise or disturbance from activity on the decking would result in a significant loss of amenity for neighbouring occupiers. The limited depth of the decking beyond the rear wall of the outrigger would not result in a sense of enclosure for the occupiers of no.22.
7. The proposal would thereby satisfy the requirements of Policy LP8 of the Richmond Local Plan (2018) (RLP) which requires development to protect the amenity and living conditions for occupants of neighbouring properties and to ensure that balconies do not result in unacceptable overlooking or noise or disturbance.

Character and appearance

8. The Mitre Public House occupies a prominent location at the corner of St Marys Grove with a short private cul-de-sac Gretna Gardens; this leads to a block of almshouses to the rear of no.18 and to a row of lock up private garages to the rear of nos.20-34. The surrounding area is predominantly residential in nature but mixed in form. The site and much of the surrounding area is within the Sheen Road Conservation Area. The public house is centrally located in the row of "Buildings of Townscape Merit" (BTM) at 2-50 St Marys Grove.
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states with respect to any buildings or other land in a conservation area, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Policy LP3 of the RLP is similar requiring great weight to be given to the conservation of designated heritage assets, such as conservation areas, when considering the impact of a proposed development on the significance of the asset.
10. The Sheen Road Conservation Area has two distinct elements; the first is development along Sheen Road itself, and the second later roads running up to the railway line to the north. The appeal site is within the latter area. The Sheen Road Conservation Area statement states this area is characterised by

rows of large terraced and semi-detached late Victorian houses sometimes with attractively detailed brickwork and slate roofs. Many are designated Buildings of Townscape Merit. The streets provide views down towards the railway and are mostly well planted with trees.

11. The significance of the conservation area therefore lies in the historic and architectural quality of the buildings and their collective appearance in the street scene. The Mitre makes a positive contribution towards the conservation area. It has green glazed brickwork below the ground floor windows and arched first floor windows below a decorative parapet roof to its front and side elevations. The remainder of the terrace has arched windows but is recessed. Other buildings in the row differ in architectural detail but hold a consistent building line. These buildings, including The Mitre, are designated as BTMs and collectively form an attractive street scene in the conservation area.
12. The buff painted walls to the front and side elevations do not carry round to the rear of the building. The rear walls and outbuildings at the site and along the terrace are constructed in yellow stock bricks. The irregular form of outriggers and square bay windows together with the change in materials present a less decorative and more utilitarian character at the rear of the site and terrace.
13. The proposed decking would occupy a relatively small area in the fold between the rear wall of the building and the flank of the outrigger to no.22. The outrigger would conceal most of the structure in views from gardens to the north. The pitched roofs to outbuildings at the site and the row of lock up garages would similarly constrain views from the rear. The decking would not be visible from any point along the St Marys Grove frontage. The high boundary walls and gates to Gretna Gardens would also screen the structure in close views from land to the side of the site as it would be set back from the return road frontage. The decking would be most visible in diagonal views from the opposite side of Gretna Gardens to the rear of no.18. But even from here it would still appear as a modestly sized structure in relation to the much higher adjacent walls.
14. In this most prominent viewpoint, the timber structure would be seen over the timber gates to Gretna Gardens. There is also a ground level timber decking with timber balustrading at the front of the site, an amenity area for customers to the public house. The use of timber for the proposed decking would not be out of keeping with its use elsewhere at the site. It would be perceived in the context of a mix of materials at the rear of the site including brickwork, ground floor rendered walls, slates to pitched roofs and various materials to window frames.
15. Whereas there are elements of consistency and regularity in the appearance and rhythm to the front of the terrace of which The Mitre forms part, this is not the case at the rear of the site. The beer garden at the rear of The Mitre is enclosed by the high dual pitched roof to an outbuilding used for pilates, and by lower mono-pitched roofs to rear extensions and a second outbuilding. There is irregularity of form across the rear of the terrace in that the outrigger at no.22 is not mirrored by a similar form at the appeal site, as occurs at the other end of the terrace and which is commonplace where there are outriggers. The decking would also be perceived against other adornments around the beer garden such as wires for climbing plants, rows of lights and hanging baskets. In this context, the decking would not result in unacceptable visual clutter.

16. The decking would be a modestly sized structure and concealed by existing built forms when viewed from most directions. Its siting, design and materials would be compatible with the irregular form and mixed character at the rear of the site and at the back of the terrace. The proposal would be compatible with Policy LP1 of the RLP which promotes design quality in the context of local character.
17. The proposal would not be seen from St Marys Grove and would therefore have no impact on the appearance of its street scene. It would not adversely affect the elements of the building that define its contribution to the significance of the Sheen Road Conservation Area. It would therefore have a neutral impact and would preserve the character and appearance of the conservation area. The proposal would not be contrary to Policy LP3 of the RLP which requires development to conserve the historic environment of the borough.
18. The inclusion of The Mitre in a row of BTMs relates to the same features to the front and side elevations of the building that contribute to the significance of the conservation area. The proposal at the rear of the site would not affect these features. It would therefore be compatible with Policy LP4 of the RLP which seeks to preserve, and where possible enhance, the significance, character and setting of non-designated heritage assets, including BTMs.
19. The proposal would therefore satisfy the requirements of the special duty set out in paragraph 9 above in relation to the desirability of preserving or enhancing the character or appearance of the conservation area. As there would not be less than substantial harm to the significance of a designated heritage asset, there is no need to weigh harm against any public benefits arising as required by Paragraph 196 of the National Planning Policy Framework.

Conditions

20. A condition is necessary to list the plan numbers in the interests of certainty and to enable the approval of minor material amendments should this be expedient. I concur with the Council that a condition is necessary to control the use of materials other than those specified in the interests of a satisfactory appearance. However, I do not consider that the Council's suggested condition requiring approval of privacy screening to be necessary in relation to any impact on the amenities of nearby occupiers. The standard condition affording three years to commence works in connection with permission is not needed as construction of the decking has commenced.

Conclusion

21. The proposal would not adversely affect the living conditions of occupiers of nearby dwellings, or the character and appearance of the Sheen Road Conservation Area. For the reasons given I conclude that the appeal should succeed subject to the conditions specified.

Rory MacLeod BA(Hons), MRTPI

INSPECTOR