



Appeal Decision

Site visit made on 8 February 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

Appeal Ref: APP/L5810/D/21/3283747

36 Ham Street, Ham, TW10 7HT

- 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 and Mrs A. Ling against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 21/1794/HOT, dated 17 May 2021, was refused by notice dated 13 July 2021.
 - The development proposed is ground floor garden extension.
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Decision

1. The appeal is allowed, and planning permission is granted for ground floor garden extension, at 36 Ham Street, Ham, TW10 7HT, in accordance with the terms of the application, Ref: 21/1794/HOT, dated 17 May 2021, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. On 20 July 2021, after the Council made its decision, the Government published its revised National Planning Policy Framework (the Framework). I am satisfied that the changes are not significant in relation to the appeal proposal. I therefore do not consider it necessary to invite further comments from the parties on this matter.
3. The appellants explain that a section drawing was requested by the Council and submitted, however there was a formatting error with the drawing which meant that the text was not visible. A correct version of this drawing (Ref A108 Rev 2) was submitted with the appeal. The drawing does not seek to amend the proposal but rather clarify the section detail. I do not consider the interests of any party to be prejudiced if I take the plan into account. I shall therefore determine the appeal on the basis of the plans listed on the Council's decision notice and plan A108 Rev 2.

Main Issue

4. The effect of the proposal upon the character and appearance of the building and the area, including the Ham House Conservation Area.

Reasons

5. The appeal site is within the Ham House Conservation Area (HHCA). The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the

desirability of preserving or enhancing the character or appearance of a Conservation Area.

6. The HHCA focusses on the highly significant Ham House and its estate. It includes Ham Street that runs north to south from Ham House towards Ham Common. It contains a eclectic mix of buildings including some larger mansions and smaller terraces and almshouses. The appeal building relates to a part of the HHCA that is more dense than other parts, with a characterful mix of smaller traditional buildings that create an interesting streetscene. This mix, along with the gaps between buildings that give views towards the wider backdrop of trees and open spaces, are significant positive contributors to the character and appearance of the HHCA.
7. The existing dwelling is referred to as a building of townscape merit. It is a small brick building with simple but well-ordered facades that faces out towards the road and over its plot. Its historic form is easily appreciated despite the addition of a mansard roof and various single storey extensions. It is prominently positioned alongside the road and is a significant positive contributor to the character and appearance of the HHCA.
8. The proposal would see rooflights added to the existing single storey extension and a small store building replaced with a larger structure that would link the garage to the existing extensions. Rather than continuing the form of the existing extension the proposed infill building would have a low mono pitched roof that would follow the roof line of the timber clad garage. A living green wall would form its inner face and its roof would have a covering of sedum. The proposed extension would thus be quite different to the existing extensions, with a modest form and a softer appearance that would give it the appearance of a garden building rather than a conventional extension to the dwelling.
9. Although the inner roof edge would be higher than the adjacent eaves the difference would be slight, and the fall of the mono pitched roof beyond this would ensure that the building would have a form that is subordinate to the existing extension and the three storey dwelling. The entire side boundary of the garden is already developed as a small store building exists in the area of the proposed extension. The proposal would see built form at the site increase; however, adopting a contrasting form would successfully break up the mass of these additions, and would ensure that extensions along this side of the garden do not appear excessive in length or dominant.
10. The top of the extension would be glimpsed from the road, over the height of the boundary. It would represent an interesting addition to the eclectic mix of buildings in the area, but not one that would be dominant or obtrusive. The three storey form of the existing dwelling and the contribution that it makes to the character and appearance of the HHCA would be unaffected by the proposal.
11. In summary, the proposal would preserve the character and appearance of the building and the area, including the HHCA. It would thus accord with the requirements of the LBCA and paragraph 199 of the Framework, which states that great weight should be given to the conservation of heritage assets. It would accord with Policies LP1, LP3 and LP4 of the London Borough of Richmond upon Thames Local Plan 2018, which together seek to ensure that development proposals are designed to a high quality that is compatible with

local character and conserve the historic environment including non-designated heritage assets.

Other Matters

12. The rear of the proposed extension and its roof would be more visible to the occupiers of the neighbouring dwelling, No. 38 Ham Street, than the existing structure. However, the addition in bulk from this side would be modest and would be significantly lessened by the use of a sedum roof covering, the growth of which would be limited owing to the characteristics of this type of plant. The section drawing shows that the roof height of the proposed building would be lowered against the boundary, and would thus be below the maximum height of 2.2m recommended in the Council's Supplementary Planning Document House Extensions and External Alterations 2015. For these reasons I am satisfied that the proposal would not harm the living conditions of the occupiers of this neighbouring dwelling.

Conditions

13. I have had regard to the planning conditions suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty. I have imposed a condition relating to materials to safeguard the character and appearance of the building and the area.
14. I have imposed a condition to ensure that the measures set out in the submitted tree report are followed during the construction process, to avoid harm to the nearby trees, in the interests of safeguarding the character and appearance of the area.
15. I have imposed a condition relating to fire safety to ensure that the development incorporates the necessary fire safety measures.
16. I have imposed a condition to manage the use of vehicles and equipment during construction to help mitigate the impact of the development on air quality.
17. The Council suggested a condition to prevent the use of the roof of the proposal as a balcony or terrace. The only way the roof could be accessed would be via a ladder. It would be without a balustrade; it would not be level and would not have a surface finish that would suit a balcony use. For these reasons I consider it highly unlikely that the proposed roof would be used for such purposes, and I am therefore of the view that this condition is not necessary.

Conclusion

18. For the reasons above, the appeal should be allowed.

A Tucker

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 following approved plans: A001, A105 Rev 1, A106 Rev 1, A108 Rev 2, A121 Rev 1, A122 Rev 1, A126 Rev 1, A127 Rev 1, A128 Rev 1 and A129.
- 3) No site clearance, preparatory work or development shall take place until the tree protection measures set out in the submitted tree report (BS5837:2012 Tree Survey and Arboricultural Impact Assessment, ref PB/5837&AIA-21/14.05 14 May 2021) are in place. The measures shall remain in place during construction and shall be followed by all site personnel.
- 4) No new external finishes (including fenestration), including works of making good, shall be carried out other than in accordance with the details submitted.
- 5) The development hereby approved shall be carried out in accordance with the provisions of the Planning Fire Safety Strategy Statement unless otherwise approved in writing by the Local Planning Authority.
- 6) During onsite construction of any phase of development, all non-road transportable industrial equipment or vehicles which are fitted with an internal diesel powered compression ignition engine between 37 and 560KW are required to meet Stage III of the EU Directive 97/68/E and be NRMM registered. Such equipment or vehicles must be run on ultra low sulphur diesel, which is fuel meeting the specification with BS EN 590.

Where these standards are succeeded they should be applied when reasonable. Exemptions to these standards may be granted for specialist equipment or for equipment with alternative emission reduction equipment or equipment that runs on alternative fuels. Such exemption shall be applied for in writing to the local planning authority in advance of its use, detailing the reasons for the exemption being sought and clearly identifying the subject vehicles. Such equipment must not be used until written exemption has been issued by the local planning authority.

No vehicles or equipment to which the above emission standards apply shall be on site, at any time, whether in use or not, unless it complies with the above standards, without the prior written consent of the local planning authority.