



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: 02 March 2022

Appeal Ref: APP/L5810/W/21/3286848
20 The Hermitage, RICHMOND, TW10 6SH

- 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 Duncan Bullock against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 21/1577/HOT, dated 4 May 2021, was refused by notice dated 23 August 2021.
 - The development proposed is Rear extension to the Lower Ground and Upper Ground floor, including a rear courtyard and landscaping works. Existing garage to be re-built as a store and garden room with new roof profile to match no. 21.
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Decision

1. The appeal is allowed, and planning permission is granted for rear extension to the lower ground and upper ground floor, including a rear courtyard and landscaping works. Existing garage to be re-built as a store and garden room with new roof profile to match No. 21, at 20 The Hermitage, Richmond, TW10 6SH, in accordance with the terms of the application, Ref 21/01577/HOT, dated 4 May 2021, subject to the conditions set out in the attached schedule.

Main Issue

2. The effect of the proposal on groundwater throughflow.

Reasons

3. The dwelling is within the Groundwater Throughflow Catchment Area. The proposal would not provide accommodation that would be lower than the existing lower ground floor level, however it would extend the existing lower ground floor level out to the rear, which would include the excavation of an area of the rear garden, to provide an extension and a level courtyard. Insufficient details were submitted with the application to enable the Council to ascertain whether the excavations would have an impact on flood risk.
4. The Council is concerned that the assessment submitted with the appeal includes an analysis of a single borehole, however this revealed that groundwater at the site is at least 6 metres below ground level. This is well below the proposed excavation depth. Monitoring of the borehole is ongoing. Furthermore, the proposal would be at the same level as the existing lower ground floor level, which the appellant reports is not waterproofed and has not suffered from water ingress.

5. The report recommends that a groundwater mitigation plan is undertaken that would allow for further monitoring that would inform the final drainage design. This report could be secured by an appropriately worded condition.
6. On this basis I am satisfied that the proposal would not have an adverse impact on groundwater throughflow. It would thus accord with Policy LP11 of the London Borough of Richmond upon Thames Local Plan 2018 (LP), which seeks to ensure that such schemes would not increase or otherwise exacerbate flood risk on the site or beyond.

Other Matters

7. The Council's first refusal reason also refers to the impact of the proposal on the structural stability of neighbouring buildings and other infrastructure. Although the Council still maintains concern about this matter in its statement the proposal is modest in scale, and I am thus satisfied that this matter can be addressed through an appropriately worded condition.
8. The Council's second refusal reason refers to the unknown impacts of the proposed air conditioning unit on the living conditions of the occupiers of nearby dwellings. The appeal included an acoustic report to address this matter. The Council confirms in its statement that the submission of this information is sufficient to address this reason for refusal, subject to the addition of an appropriately worded condition. Having reviewed the evidence before me I see no reason to take a contrary view. This matter should not therefore form a main issue of the appeal.
9. The proposed lower ground floor extension would not result in any overlooking or loss of light to the attached neighbouring dwelling, No. 19 The Hermitage. The proposed study would extend out from the existing dwelling to align with the existing extension to the rear of No. 19. The increase in depth would be modest and it would be to the south of the existing extension at the rear of No. 19 with a mono pitched roof that slopes down into the plot. It would thus not result in the loss of light to this neighbouring dwelling. In terms of privacy, the end window of the study would be elevated and would allow some views towards the rear garden of No. 19 over the boundary wall, however this would be similar to the views out from other rear windows of the appeal property and would not result in a significant additional loss of privacy.
10. The existing dwelling is within the Richmond Hill Conservation Area (RHCA). 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. The impacts of the proposal would be largely limited to the small rear garden of the existing dwelling and would not harm the character or appearance of the wider area. The existing garage with its modern garage door would be replaced with a simple structure that would preserve the character and appearance of the RHCA.

Conditions

11. I have had regard to the planning conditions suggested by the Council. I have considered them against the tests in the National Planning Policy Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty.

12. I have imposed a condition to require the submission of a construction method statement to ensure that the proposal would adhere to Policy LP11 of the LP, to ensure that the development will be constructed to minimise the impacts during construction on the living conditions of the occupiers of nearby dwellings.
13. I have imposed conditions to ensure that the development is carried out in accordance with the submitted basement impact assessment, and that a groundwater mitigation plan and structural statement are submitted. These will manage flood risk, safeguard structural stability and ensure that the development is safe.
14. I have imposed a condition relating to materials to safeguard the character and appearance of the building and 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. I have imposed a condition to ensure that the development is carried out in accordance with the submitted acoustic report, to protect the living conditions of the occupiers of nearby dwellings.
18. I have imposed a condition to ensure that the south facing window of the study is obscurely glazed and fixed shut to safeguard the living conditions of the occupiers of the neighbouring dwelling, as it would be in an elevated position and would introduce a new opportunity for occupiers of the dwelling to look out towards the garden of No. 21 The Hermitage.
19. I have not imposed the landscaping condition suggested by the Council as the scheme is modest and the area to be landscaped would be small and enclosed. The choice of paving materials and plants would have no meaningful impact on the character or appearance of the wider area or nature conservation interests. I am therefore of the view that such a condition would not be necessary.
20. The Council suggested a condition to prevent the use of the roof of the proposal as a balcony or terrace. The roof of the study would be pitched and would be wholly undesirable for such uses. The lower roof over the Kitchen would be glazed. The side window to the study that would provide the only access would be fixed and no balustrade is proposed. I am satisfied that it is highly unlikely that either roof area would be put to such uses, and I am therefore of the view that this condition is not necessary.
21. The Council also suggested a condition to ensure that the outbuilding is retained in a use that is ancillary to the dwelling. This building would be modestly sized and the rear part would open out directly onto the small garden. Putting the building to an alternative use would severely compromise the living conditions of the occupiers of the existing dwelling. Furthermore, the use of the building for other uses such as a separate self-contained dwelling would require planning permission. I am therefore of the view that this condition is not necessary.

Conclusion

22. 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: 2103 / PL.00, 2103 / PL.01, 2103 / PL.02 Rev A, 2103 / PL.03 and 2103 / PL.04 Rev A.
- 3) 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:
 1. The size, number, routing and manoeuvring tracking of construction vehicles to and from the site, and holding areas for these on/off site;
 2. Site layout plan showing manoeuvring tracks for vehicles accessing the site to allow these to turn and exit in forward gear;
 3. 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);
 4. Details and location where plant and materials will be loaded and unloaded;
 5. 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;
 6. Details of any necessary suspension of pavement, roadspace, bus stops and/or parking bays;
 7. Details where security hoardings (including decorative displays and facilities for public viewing) will be installed, and the maintenance of such;
 8. Details of any wheel washing facilities;
 9. Details of a scheme for recycling/disposing of waste resulting from demolition and construction works (including excavation, location and emptying of skips);
 10. 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;
 11. 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);
 12. Details of the phasing programming and timing of works;
 13. Where applicable, the Construction Management Statement should be written in conjunction with the Arboricultural Method Statement, and in

accordance with British Standard BS5837:2012 'Trees in relation to design, demolition and construction - recommendations', in particular section 5.5, 6.1, 6.2, 6.3 and 7;

14. A construction programme including a 24 hour emergency contact number;

15. See also TfL guidance on Construction Logistics Plans.

- 4) No development shall take place, including any works of demolition, until a Groundwater Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan should outline groundwater level monitoring and the percolation testing and how this has informed the proposed drainage design. Should the proposed drainage pose a risk to flooding of the lower ground floor it would be recommended that the basement extension and lower courtyard be water proofed with appropriate pumping (or similar). Once agreed the development shall be carried out in accordance with the agreed details.
- 5) No development shall take place, including any works of demolition, until a structural statement or similar has been submitted to and approved in writing by the Local Planning Authority. Once agreed the development shall be carried out in accordance with the agreed details.
- 6) No new external finishes (including fenestration), including works of making good, shall be carried out other than in materials that accord with details submitted to and approved in writing by the Local Planning Authority.
- 7) 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.

- 8) The development hereby approved shall be carried out in accordance with the provisions of the Fire Safety Strategy plan ref 2103 / PL.05 unless otherwise approved in writing by the Local Planning Authority.

- 9) The plant hereby permitted shall be installed in strict accordance with the details provided in the acoustic report submitted by KP Acoustics Planning Compliance Report, Ref 23451.PCR.01 and dated 4 November 2021. The plant shall thereafter be retained as approved. The plant shall not be used unless the equipment is installed in compliance with these details.
- 10) The basement hereby approved shall not be constructed other than in accordance with the recommendations, mitigation and resilience measures proposed in Basement Impact Assessment prepared by H Fraser Consulting, dated 12 November 2021; SuDS Statement Official prepared by 3S Architects, dated 12 May 2021, unless otherwise agreed in writing by the local planning authority.
- 11) The proposed ground floor south facing glazing to serve the study that is below a minimum height of 1.75 metres (5'7") above the relevant floor level shall at no time be openable or glazed, otherwise than in obscured glass.