



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/D/21/3277387

2 Rutland Drive, Petersham, TW10 7AQ

- 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 Oliver Benjamin against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 21/1025/HOT, dated 20 March 2021, was refused by notice dated 25 May 2021.
 - The development proposed is front garage extension & terrace pergolas and louvre.
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Decision

1. The appeal is allowed, and planning permission is granted for front garage extension & terrace pergolas and louvre at 2 Rutland Drive, Petersham, TW10 7AQ, in accordance with the terms of the application Ref 21/1025/HOT, dated 20 March 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.

Main Issue

3. The effect of the proposal on the character and appearance of the building and the area, including the Petersham Conservation Area and the setting of the grade II* listed building known as Rutland Lodge.

Reasons

4. Rutland Lodge is a grade II* listed building that stands to the south of the appeal building. The appeal building is located within the Petersham Conservation Area (PCA). Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

5. Rutland Lodge dates from the late 17th century. It has a fine 7 bay front elevation, faced in brick with a strong sense of symmetry. The upper two floors are divided horizontally by a richly carved modillion cornice and the centrally placed entrance door is framed by a substantial doorcase. It stands prominently at the junction between three roads behind a formal front boundary and forms a high quality group with other large dwellings of a similar age nearby. The area to the front of the Lodge, its prominent position relative to the road and other substantial historic buildings are characteristics of its setting that contribute significantly to its special interest.
6. The rear elevation of Rutland Lodge is more modest but of a similar quality to the front and with a similar degree of formality. It faces over a substantial private garden. The garden provides a spacious and verdant setting to the building's rear aspect, which are characteristics of this part of its setting that contribute to its special interest.
7. The PCA is centred on the historic core of Petersham village. Owing to its position between the river and areas of historic parkland it is relatively isolated from nearby development and retains a strong sense of identity. The area of the appeal site includes an exceptional group of 17th and 18th century mansions, which includes Rutland Lodge. The scale of these buildings, and their setting behind substantial boundaries and within large grounds with mature trees, are features of the area that contribute significantly to the character and appearance of the PCA.
8. Although the appeal building occupies a substantial footprint it is low lying. Accommodation is primarily at ground floor level, with a flat roof first floor element that provides an additional living room and gives access to the roof area over the ground floor, which is used as a garden terrace.
9. It is separated from Rutland Lodge by the large garden, which is dominated by substantial trees that significantly limit views between the buildings. Architecturally it is entirely different to Rutland Lodge. It has a simple modern appearance, with large areas of glazing and little ornamentation. It sits alongside a similar modern dwelling, however this building is rendered and steps forward from the appeal building. Whilst the two are of a similar age and of a broadly similar architectural style they differ in terms of fenestration, materials and siting and do not appear as a symmetrical pair as the Council suggests.
10. At my visit I could make out occasional glimpses of the appeal building from the surrounding public realm. However, meaningful views of the building are almost entirely had from within the appeal site or from other private buildings. The appeal building does not contribute positively to the character or appearance of the PCA and is not a component of the setting of Rutland Lodge that contributes to its special interest.
11. The front of the appeal building is not symmetrical and is only visible across a short length of private drive. It is set back from the front of the neighbouring dwelling. The proposed garage extension would be to its front and would occupy an area already enclosed by brick walls to either side. It would have a roof form that would ensure that it holds a good relationship with the appeal building. It would be lower than the brick wall to which it would attach and finished in a palette of materials that would ensure it has an additive form.

12. 4.1.1 of the Council's Local Plan Supplementary Planning Document House Extensions and External Alterations 2015 suggests that the essence of visual success is to look at the street as a whole. In this case the streetscene is limited to two modern dwellings that face towards a short length of a private gated access drive, which is over a secondary area at the back of a larger plot that surrounds the substantial Rutland Lodge. They do not form a strong building line or have a consistent front boundary.
13. On this basis, and taking into account the presence of the existing brick walls that extend forward of the appeal building, I am satisfied that this element of the proposal would not be visually dominant and would not harm the character of the appeal building. It would have no impact on the setting of the listed building and would not be visible beyond Rutland Drive.
14. The two pergolas would sit alongside the first floor element of the appeal building. They would soften what is currently a fairly stark element of the building through the use of a natural material and by placing some areas in shadow for parts of the day. This would reduce the visual impact of the first floor glazing, and would give this element of the building some depth that would help to break up its rather plain massing. The pergolas would also provide structures that would be suitable for climbing plants, which occupiers of the dwelling are likely to utilise given the lack of a ground level garden. At the same time, the design details show that the pergolas would be carefully executed to accord with the simple form and crisp lines of the existing building.
15. Although the pergolas would effectively extend the mass of the existing building at first floor level and would be prominent owing to their elevated position, for the reasons already given I am satisfied that they would not have a greater visual impact and would not therefore harm the character and appearance of the PCA or the setting of the listed building.
16. In summary, the proposal would preserve the character and appearance of the building and the area, including the PCA and the setting of the nearby listed building. 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 and LP3 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 conserves the historic environment.
17. The Council refers to the Ham and Petersham Neighbourhood Plan 2018-2033 (NP) in its first refusal reason, although no specific policies are mentioned. I have reviewed this document with reference to the NP policies listed in the Council's officer report, however none appear to relate to a proposal to extend an existing dwelling. The NP has not therefore been determinative.

Other Matters

18. The second reason for refusal states that the outward opening doors to the garage would impede the existing communal access to the detriment of pedestrian and highway safety. The appellant is willing to fit doors that are inward opening to address this impact, and the Council has suggested a condition that would ensure that the development is carried out in this manner. The walls of the garage would not extend out further than the existing walls, so

beyond the impact of outward opening doors the proposal would have no impact on the width of the existing access. On this basis I am satisfied that this matter is addressed and it does not need to form a main issue of this appeal.

19. There are a number of comments before me relating to the proposal's impact on the privacy enjoyed by occupiers of the existing flats at Rutland Lodge. The Lodge is a considerable distance from the appeal building. The intervening garden is shared and is not a private space for the sole use of a single household. Additionally, it is occupied by substantial evergreen trees and the existing roof area is already used as a garden terrace. The proposal would not increase its usable area. It would provide a greater level of shelter to parts of the terrace and thus allow the terrace to be used at times when the weather is less favourable, however this benefit would be limited by the open sides and shallow depth of the structures; and, taking into account the distance and screening benefit of the existing trees, I concur with the Council's view that the proposal would have no material impact on privacy or overlooking.
20. There are also several comments before me that refer to procedural issues and ongoing legal matters regarding the existing appeal building. There is no information before me to suggest that the proposal seeks to regularise a matter relating to the existing building that the Council considers to be outstanding. It is limited to proposed alterations to the existing building, and my consideration of the merits of the proposal should not extend to matters of civil dispute.

Conditions

21. 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.
22. I have imposed a condition to ensure that the doors of the proposed garage shall open inwards to maintain the safe use of the existing driveway.
23. I have imposed a condition relating to fire safety to ensure that the development incorporates the necessary fire safety measures.
24. 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.
25. I have not imposed a condition to prevent the use of the garage as a balcony or terrace as the garage roof would not be level and would be without any access or a balustrade. For these reasons I consider it highly unlikely that the garage roof would be used for such purposes, and I am therefore of the view that this condition is not necessary.

Conclusion

26. 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: X000, X001, X002, X003, X004, X005, X006, P001, P002, P003, P004, P005, P006, Pergola Concept Drawing, Column Concept Drawing and External Door / Window / Wall / Louvre Concept Drawing.
- 3) No new external finishes (including fenestration), including works of making good, shall be carried out other than in accordance with the details submitted.
- 4) Notwithstanding the details shown on drawing No. P001, the garage doors of the development hereby approved shall open inwards, in accordance with details submitted to and approved in writing by the Local Planning Authority.
- 5) The development hereby approved shall be carried out in accordance with the provisions of the Fire Strategy Drawing No. FS001, 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.