



Appeal Decisions

Hearing held on 7 April 2022

Site visit made on 11 April 2022

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 14th April 2022

Appeal A Ref: APP/L5810/W/20/3264437

42 High Street, Teddington, TW11 8EW

- 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 Unico Developments Limited against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 19/0511/FUL, dated 14 February 2019, was refused by notice dated 4 June 2020.
 - The development proposed is redevelopment of site to provide a mixed-use development comprising A3 restaurant at basement and ground floor and eight residential units above.
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Appeal B Ref: APP/L5810/W/21/3272172

42 High Street, Teddington, TW11 8EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Unico Developments Limited against Richmond Upon Thames London Borough Council.
 - The application Ref 21/0270/FUL is dated 28 January 2021.
 - The development proposed is redevelopment of site to provide a mixed-use development comprising class E at ground floor and basement and eight residential units above.
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Decisions

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

Preliminary Matters

3. The postcode is cited variously in different documents. The Parties have confirmed that the correct post code is TW11 8ES.
4. There are two appeals on the same site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the schemes together, except where otherwise indicated. Appeal A relates to application Ref 19/0511/FUL (the first application). Appeal B relates to application Ref 21/0270/FUL (the second application) which was submitted in an attempt to overcome the reasons for refusal of the first application. The Council did not reach a decision on the second application within the target time scales but subsequently indicated that the second application would have been refused for

the same reasons as the first application if the Council were in a position to determine it.

5. In July 2021 a revised National Planning Policy Framework (the Framework) was published. Matters relating to the adoption of the Strategic Flood Risk Assessment and the London Plan 2021 were taken into account for the second application. The Parties have had the opportunity to comment on these matters in relation to the proposals.

Main Issues

6. The main issues for both appeals are: the effect of the proposals on the character and appearance of the High Street and Cedar Road street scenes; and the effect on heritage assets, namely the setting of Nos 38-40, The Teddington Arms, a Locally Listed Building also known as a Building of Townscape Merit (which I will refer to as No 40) and the High Street Teddington Conservation Area (the CA).

Reasons

Character and appearance of the street scenes

7. The appeal site, which was in use as a bank and flat, is on the prominent corner of Cedar Road and High Street. The former is predominantly residential whereas High Street has active shop fronts at the ground floor and some residential uses on upper floors. Both appeal proposals are for mixed uses with residential units on the first, second and third floors.
8. At the time of the first application a bank use fell within Class A2 (Financial and professional services)¹, and the proposal was for Class A3 restaurant on the ground and basement floors. Under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which amends the UCO, banks fall under Class E(c)(i) (financial services) and a restaurant falls within Class E(b) (sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises). The second application proposes a Class E use on the ground and basement floors.
9. Policy LP26 of the London Borough of Richmond on Thames Local Plan 2018 (the LP) seeks to prevent the loss of retail floor space but none would be lost by the proposal. Third Parties have expressed concern about the numbers of hot food premises locally. However, the Council raises no concerns about the principle of the loss of the bank, or its replacement with a restaurant or a Class E use. This is because, although Policy LP26 of the LP seeks to restrict further A3 Class and A4 Class (drinking establishments) uses at Nos 112-196 (evens) High Street, the restriction does not apply to the appeal site part of the High Street and the Council does not consider there to be an overconcentration of such uses in this particular stretch of the frontage.
10. I find no compelling reason to reach a different conclusion to the Council in this accessible location in a Key Shopping Frontage in Teddington town centre. I find the proposed mix of uses would be of an appropriate character and would have the benefit of providing an active frontage at ground floor.

¹ Town and Country Planning (Use Classes) Order 1987 (the UCO)

11. The appeal building is a two-storey flat-roof building that has a single storey rear extension and a side forecourt onto Cedar Road. It was constructed in the 1960s and is different from the older buildings along this side of High Street. There is office space at ground and first floor level, currently vacant, and a residential unit with a separate external staircase for access. The premises appear somewhat run down and the forecourt has been described as unattractive and in need of improvement. I agree it does not have a positive appearance in the street scene.
12. The appeal site is at the end of a row of buildings that stretch along the south side to No 6 High Street, also a former bank. Both No 6 and the appeal site are very different architecturally to the buildings in between which predominantly form a long run of an original red brick terrace of similar ridge height. The row has a horizontal appearance in terms of ridges, eaves, fascia boards, cill and lintel heights. However this is countered with strong vertical elements within the design which serve to break the appearance into individual unit modules.
13. The roofs are broken into individual unit modules by upstanding projecting party parapet walls as are the front walls by brick piers, which project slightly forward and continue the vertical emphasis below them. The latter also serve to partially screen down pipes. Ground floor commercial frontages vary but again the individual unit modules are evident by the dividing pillars and ornamental capping detailing which separate them. Above that there is a symmetry of fenestration within each unit with windows being taller than they are wide and the vertical and horizontal glazing bars. Rhythm is also evident at the middle floor where pairs of projecting windows alternate with flat windows.
14. Nos 36-40 (evens) High Street are somewhat different in appearance and have a slightly lower ridgeline than the neighbours. No 36 has replacement fenestration of a different rhythm. Nevertheless a symmetry of fenestration remains at No 36 with the first floor bay window central beneath the two windows of equal width placed symmetrically above it and a central ground floor window balanced by doors to either side.
15. No 40 has two full floors with accommodation in the roof space. The flat roof of the existing building on the appeal site is approximately level with the eaves as viewed from High Street. The side wall supporting No 40's substantial slate double-pitched mansard roof can be seen above the flat roof of the appeal building. At ground floor there are two arched openings and a pedestrian entrance on the right-hand side facing High Street. Above that two bay windows are surmounted by two narrow dormers lined up above them with a rooflight between.
16. In townscape terms, although of somewhat different design and scale, No 40 appears to terminate the long terraced row. This is reinforced where No 40 is seen as an individual building, terminating views from Vicarage Road towards the High Street. The appeal site is at the end of the row but, as it is set back, smaller, and of limited architectural quality it has a diminished, secondary role in the street scene, and No 40 is more visually prominent.
17. The appeal site is wider than No 40 and about as wide as two of the individual unit modules in the remainder of the terraced row. On the High Street frontage the proposed building would occupy the full width of the site. I have been told that the designs for the High Street frontage seek to take a cue from the modular unit buildings along the row. However, neither design has the strong

vertical features that would clearly read as two individual unit modules as is strongly evident elsewhere along this part of the High Street. Rather the flat roof stepped elements, the different window proportions, and the paucity of glazing bars would emphasise the horizontal with little by way of vertical balance.

18. Both designs would have a small section of sloping tiled roof above the proposed plant room of similar angle and ridge height to the top part of the mansard at No 40 and which would read with it. In both of the proposed designs a flat roofed/parapet box like structure would project forward of the sloping roof as part of the second floor and there would be a third floor flat roofed block above part of the second floor. This would protrude slightly above the rest of the roof, extending around the corner onto Cedar Road. Paragraph 5.12 of the Heritage Assessment 2020 describes this as a corner angle forming more of an attic than a tower. I will refer to this element of the proposals as the corner attic for simplicity.
19. For Appeal A part of the second floor would have the appearance of a large dormer. It would stand separately from the corner attic. Despite the small gap between them the bulk and mass of these blocks would appear top heavy and out of character with the adjoining roof and narrow vertical dormers at No 40 and would have little in common with the remainder of the terraced row. The open balconies at the corners of the first and second floors would do little to alleviate the heavy appearance which would be exacerbated by the solidity of the brick fluting detail of the third floor corner attic. The roof of the first floor and the ground floor fascia would align with the eaves and fascia of No 40 which would provide a degree of continuity. However, the different window heights, sizes and shapes add to the overall discordant effect in relation to the terraced row as a whole. The use of brick would not be sufficiently unifying to counteract this harmful effect.
20. For Appeal B the High Street elevation would appear much simpler and calmer. However, the stepped block appearance would be significantly more pronounced, there would be less alignment with features at No 40 and little by way of vertical balance. The overall appearance in my judgement would be slab like and monolithic. The discordant effect would be exacerbated by the seemingly illogical fenestration. Again there would be little in common with the remainder of the row and again the use of brick would not be sufficiently unifying to counteract this harmful effect.
21. The character of Cedar Road is of traditional late Edwardian/early Victorian two storey houses of similar scale albeit with some differences such as single or double storey bay windows, some with gable roofs, and ornamental detailing. They are of domestic scale and generally set back behind short front gardens. Overall it presents a harmonious and attractive residential street. The existing building is not in character with the rest of the street but it does provide some openness being low and set back from the pavement edge.
22. Each proposal would have a three stepped roof line facing Cedar Road with the highest part being the attic corner at the junction with High Street. The middle section would be much wider than the corner section and marginally lower. The section closest to No 2 Cedar Road would have a roof height about the same height as the ridge line of No 2 and, unlike the rest of the proposed building, would be stepped back approximately in line with the front wall of No 2.

23. Despite the stepped arrangement both of the proposals would result in buildings that would appear monolithic and top heavy in relation to the domestic character and appearance of the more traditional houses. This would appear particularly stark in relation to No 2 at second floor and above, despite the lowered height and set back of the nearest part, as the gap between the two would be only some 3.5m and because of the bulk of the cube form in relation to the pitched roof at No 2. Both proposals incorporate extensive glazed areas and balconies which would be out of proportion with the simpler, smaller scale, regularly arranged fenestration of the houses on Cedar Street. The proposals at Appeal B would have a less cluttered, calmer elevation but to my mind this is not sufficient to overcome the harms I have identified.
24. There would be nothing wrong in principle with a contemporary design, flat roofs or a higher focal point on this corner plot. However, whilst I do not doubt the proposed designs have a high architectural quality, using modern materials that have less geometrical constraints than more traditional materials, they do not relate well to this tight grained historical environment. I acknowledge that the Supplementary Planning Document Design Guide 2006 (the DG) encourages taller buildings on corners and my attention has been drawn to a number of such cases.
25. Of particular relevance in the context of the localised street scenes is the roof of the former bank at No 6. However this is only marginally higher than the adjacent ridge and remains the same height around the corner. The more modern development opposite the appeal site at Nos 37-39 (odds) High Street has a tall gable. However, the eaves are much lower and the roof slopes away from the Vicarage Road elevation as it turns the corner. The rest of the building is then separated by a double row of parking from the next, lower, building which is more in scale and design with the houses adjoining.
26. In my view neither of the proposed designs satisfactorily pick up meaningful cues from the adjoining street scenes in terms of scale, form or detailing. I acknowledge that the carpark on the other side of Cedar Road provides some openness and that trees obscure views of the corner particularly at times of full leaf. However, this does not justify buildings of the scale, form or siting proposed which would be of too stark a contrast in relation to the more extravagant detailing in the High Street row and smaller scale of Cedar Road.
27. I conclude that the proposals at Appeal A and those at Appeal B would be of a scale, form, design and siting that would be unduly obtrusive and harmful to the character and appearance of the localised street scenes of this part of the High Street and Cedar Road. They would lack grace rather than complementing the street scenes. Accordingly I find conflict with Policies LP1 and LP2 of the LP which seek development of a character and design that responds well to its local context and that would have a wholly positive impact on the character and quality of the area and similar principles in the DG.

Heritage Assets

28. The CA, a designated heritage asset, embraces most of the High Street and extends along short sections of the roads which join it. The appeal site and Cedar Road car park are in the CA but none of the houses on Cedar Road are. The CA is of significance as the historic core of a formerly-rural village, which has evolved overtime to become part of the wider suburbs of London. The development of the railway to the west of the High Street, the tram and the

associated intensification of both residential and commercial uses in the area, reflect the 18th-20th century pressure of urban infill and expansion as Teddington emerged as part of the wider suburbs of the capital.

29. The rich collection of buildings of varying appearance and roofscapes along the High Street reflect the changing history of English architecture over this time, as well as the ceaseless development and redevelopment of the town and its commercial centre over a long period. A typical historic form is the terraced block with a modular unit appearance within it similar to the row discussed above. Such mid terraces along High Street are typically two to three storeys high. Ends of terraces are typically higher. There are some single storey buildings such as those at on the corner of High Street and Vicarage Road opposite to the appeal site where there are examples of the single storey commercial units built onto the frontages of older houses. At the western end a number of much larger more modern buildings occur: some of these such as Harlequin House are cited in the Conservation Area Statement as detracting from the CA due their height and appearance.
30. Overall I consider the character of the CA to be that of a varied and busy commercial centre supplemented by residential activity. There is an eclectic mix of predominately two storey traditional brick 18th century and later Victorian buildings on distinctively narrow plots to the North side, addressing the more imposing three storey well detailed Edwardian shopping parades to the South side. The variety of building forms, façades and roofscape provide great interest and diversity to the street scene. Although diverse in its architecture, the street scape is unified by the broadly modest scale of the building stock; the consistent, traditional materiality of brick, stucco and paint; and its fine-grained street pattern, enclosed by groups of buildings fronting the street on both sides, with an established rhythm of frontages.
31. The building on the appeal site does not have a positive effect on the character and appearance of the CA and there are no objections to its demolition. Appropriate redevelopment would continue the evolving trend of building styles and the proposed mix of uses would match and complement the character of the CA. On the other hand I have found that both proposals would harm the local street scene for the reasons set out above.
32. The proposals relate to one small part of the CA and there are some positive elements as explained above. On balance I conclude that both proposals would have a neutral effect on the character and appearance of the CA as a whole, which amounts to its preservation.
33. No 40 is a non-designated heritage asset. It was originally a carriage works and it seems likely that the two arched openings facing High Street, together with the pedestrian entrance on the right-hand side, are original to the building. Subsequently it appears to have been used as a car showroom but currently it is a public house and alterations have been made over time to enable the different uses. The proportions of the building, together with the carriage arches and the balanced arrangement of windows to the upper floor levels, lends No 40 an inherent historic character and visual interest, and this is the main contributor to the building's local heritage value. Neither proposal involves its demolition.
34. The prominence of the building within the immediate street scene allows a clear appreciation of the historical attractive frontage principally because of the

two broad arches which are the main element of its local heritage interest. It can be particularly appreciated from Vicarage Road where No 40 is seen as an individual building, terminating views from Vicarage Road towards the High Street. The building on the appeal site does not complement No 40 but as it is small scale it does allow it to be perceived as of individual character. These aspects comprise the setting of No 40.

35. Appropriate re-development of the appeal site would provide a better context for No 40. However, despite the gaps between the proposed buildings and No 40 at second and third floor the perception of No 40 as an individual building would be somewhat diminished because of the scale of the proposal and in particular the scale and proportions of the competing attic corner. This would be offset to some extent by the contrasting designs so I conclude that the harm to the setting in which No 40 is appreciated would be small.
36. I conclude that both proposals would have an acceptable effect on the character and appearance of the CA and I find no material conflict with Policy LP3 of the LP in seeking to protect designated heritage assets. However, I find some harm in relation to the setting of No 40 and accordingly some conflict with Policy LP4 of the LP in seeking to protect non-designated heritage assets.

Other Matters

37. I have found the character and appearance of the CA would be preserved so I do not need to carry out the balancing required under Paragraph 202 of the Framework. Nevertheless I acknowledge that the proposals would boost the supply of housing on a previously developed site in an accessible location; would enhance the vitality of the town centre and would provide temporary employment during construction and longer term jobs in the commercial premises. There would be some environmental benefits from the regeneration of the existing premises and there is likely to be a delay in any alternative scheme coming forward for the site.
38. I also acknowledge that the appellant has demonstrated to the satisfaction of the Council that the schemes would not be sufficiently viable to sustain affordable housing. I see no reason to come to a different view. At the Hearing it was indicated that there may not be a sufficiently viable alternative for re-development. On the other hand Lewis and Co indicate there is a high level of demand for restaurant, office and retail uses and locally residential values are high. It seems improbable therefore that there would be no viable options for re-development.
39. I acknowledge there has been extensive consultation with Officers. In recommending that planning permission should be granted for the first application Officers balanced harm to the character and appearance of the CA against public benefits as required under Paragraph 202 of the Framework. However, the Planning Committee came to a different view and refused planning permission. There was further discussion with Officers before the second application was submitted. I have reached my own decisions on the basis of the evidence and the material planning considerations of the case.
40. During my site visit I viewed the examples of buildings drawn to my attention by the appellant as indicated on Plan No 01-953 including No 114 High Street on the corner of Udney Park Road; Informer House, No 2 High Street; the Travel Lodge, Station Road; Harlequin House, No 7 High Street; and No 70

High Street. Many of the examples are taller than is proposed under the appeal schemes. As explained above there is no objection in principle to a higher focal point on this corner plot as is found elsewhere in the area. However, none of the examples I have seen are sufficiently similar in overall scale, form, design, siting or relationship with adjoining buildings as to set such a precedent as to lead me to conclude differently on the main issues.

41. None of the above matters leads me to any different conclusions in relation to the main issues.

Conclusions

42. In failing to fully comply with Policies LP1, LP2 and LP4 the proposal cannot be said to comply with the development plan as a whole. I find insufficient material considerations to justify decisions other than in accordance with the development plan.
43. For the reasons given above I conclude that Appeal A should be dismissed. For the reasons given above I conclude that Appeal B should be dismissed.

S Harley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul Tucker, QC

Caroline Wilberforce, Verve Planning

Jeremy Chandler Browne, Chandler Browne Architects

Dr Chris Miele, Montagu Evans (heritage)

FOR THE LOCAL PLANNING AUTHORITY:

Thomas Faherty, Planning Officer

William Tysterman, Principal Planning Officer

Marc Wolf-Cowen, Urban Design/Conservation Officer

INTERESTED PARTIES:

Ken Howe

Keith Atkinson

John O'Neill

DOCUMENTS supplied after the Hearing

1. Addendum to Statement of Common Ground Draft Conditions Appeal A dated 8 April 2022
2. Addendum to Statement of Common Ground Draft Conditions Appeal B dated 8 April 2022