



Appeal Decision

Site visit made on 16 May 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2022

Appeal Ref: APP/L5810/W/22/3290307

Riverside Court, River Reach, London, TW11 9QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Alexander Brook Properties Ltd against the decision of the London Borough of Richmond Upon Thames.
 - The application Ref 21/3648/GPH01, dated 18 October 2021, was refused by notice dated 10 December 2021.
 - The development proposed is described as "Two additional storeys on top of the current building, to add eight 2 bedroom 4 person flats and two 2 bedroom 3 person flats. The appearance of the new storeys will continue that of the existing parts of the building."
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats.
3. Development is not permitted by Class A if there is conflict with any of the limitations set out in paragraph A.1, or if it fails to comply with the conditions set out at paragraph A.2. No conflict with paragraph A.1 was identified by the Council, and I see no reason to disagree with this conclusion.
4. Since the appeal was submitted the High Court issued its judgment in the case of *Cab Housing & Others v Secretary of State for Levelling Up, Housing and Communities & Others* [2022] EHC 208 (Admin). This judgment addresses development under Part 20, Class A and therefore I invited the main parties to comment on it. I have taken their comments into account in reaching my decision.
5. The Council's reason for refusal cites policies in the London Borough of Richmond Upon Thames Local Plan 2018. However, the prior approval process does not require that a proposed development be assessed against the development plan. I have therefore had regard to the policies only so far as relevant to the relevant to the prior approval.

Main Issue

6. The main issue is whether prior approval should be granted having regard to the external appearance of the building.

Reasons

7. Riverside Court is six storeys in height and is the tallest building in the immediate area, which is characterised mainly by dwellinghouses generally no more than three storeys in height with some smaller blocks of flats. Due to its height, it is a prominent feature in the street scene. However, as it is located at the end of a cul-de-sac with a five-storey block of flats nearby it does not appear overly dominant in longer views.
8. The appeal site is outside but adjacent to the Broom Water Conservation Area (the CA) which is focused on Broom Water and Broom Water West and is characterised by detached houses of similar scale although individual character.
9. The addition of a further two storeys to Riverside Court would result in a building of eight storeys that would appear significantly more prominent in this site specific setting. It would be much taller than any surrounding building, appearing as a dominant presence in the street scene and in wider views and as a result would appear incongruous in its setting, including in longer views from the opposite bank of the River Thames.
10. While the appeal site lies outside the CA, having regard to the National Planning Policy Framework it is necessary to consider the impact of the proposed development on the significance of this designated heritage asset. The additional storeys would result in the building being an overly dominant presence within its setting. It would therefore fail to preserve or enhance the setting of the CA.
11. The proposed development would replicate the external appearance of the block with matching external materials and glazing. However, this would not be sufficient to offset the greater height of the building and its incongruous scale in this setting.
12. The appellant has drawn my attention to taller buildings elsewhere in London, as well as tall buildings in Thameside settings, in support of their appeal. However, I have been provided with little information about their setting and context, including when they were granted permission. Their existence does not overcome the harm that would result from the scale of the proposed development.
13. The proposed development would therefore not be consistent with the prevailing height and form of the specific street scene and river frontage, so would fail to comply with Condition A.2.(1)(e) of Part 20, Class A of the GPDO.

Conclusion

14. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR