



Appeal Decision

Hearing Held on 11 October 2022

Site visit made on 11 October 2022

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 22 November 2022

Appeal Ref: APP/L5810/W/22/3301609

The William Webb Ellis, London Road, Twickenham TW1 3RR

- 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 JD Wetherspoon PLC against the decision of London Borough of Richmond upon Thames.
 - The application Ref 21/3788/FUL, dated 28 October 2021, was refused by notice dated 24 December 2021.
 - The development proposed is removal of the existing plant equipment at first floor level. First floor rear extension. Installation of replacement plant equipment on roof of new first floor extension with acoustic brick barrier. Creation of roof terrace at first floor level with glazed screen and cantilevered canopy.
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Decision

1. The appeal is allowed and planning permission is granted for removal of the existing plant equipment at first floor level. First floor rear extension. Installation of replacement plant equipment on roof of new first floor extension with acoustic brick barrier. Creation of roof terrace at first floor level with glazed screen and cantilevered canopy at The William Webb Ellis, London Road, Twickenham TW1 3RR in accordance with the terms of the application, Ref 21/3788/FUL, dated 28 October 2021, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on (i) the historic environment; and (ii) the living conditions of neighbouring and surrounding occupiers.

Reasons

The effect on the historic environment

The William Webb Ellis

3. The William Webb Ellis is a Building of Townscape Merit (BTM), located on London Road which is a main thoroughfare through Twickenham, was originally constructed in the early 20th century. It is a large, three storey building, with the front elevation constructed principally in red brick with limestone detailing. The BTM is a fine example of a municipal building constructed using the late Anne revival technique. Having been erected as a post office it the front façade retains some individual architectural details drawing attention to this, including

royal crests with the initials 'E.R' referring to Edward the VII above the doors. It has established a prominent presence within the frontage of London Road, creating a rather magnificent stop gap within the street scene, and is readily appreciated due to the wide pavements and generally continuous building line along this section of London Road.

4. To the rear of the site remnants of the BTM's former life as a post office remain, within the rear wall the gates and crossover are evident, and indeed the historical development of the site is preserved through the continued presence of remnants of Victorian fireplaces which now form part of the side boundary wall and are visible when looking towards the site from Pocket Park.
5. The rear elevation of the BTM is more utilitarian and simpler, and whilst it contributes to the history of the site and the building, the architectural significance is encompassed within the seven bayed front elevation, incorporating highly decorative elements. Therefore, whilst the rear of the BTM contributes to the history of the building, the architectural and historical significance is experienced through the front of the building.
6. The proposal would replace the somewhat unattractive roof at first floor level with a glazed outdoor area, which in itself would be set back from the rear ground floor elevation. Whilst unashamedly modern in respect of the material, it creates a functional addition to the BTM which contributes to the evolution of it and its longevity as a viable public house. The plant equipment would be moved to the second floor and obscured from view by a yellow stock brick wall to match the existing rear of the BTM.
7. Whilst the proposed development would change the composition of the rear of the building, it would alter elements that had been previously subject to change themselves. Remaining unaffected would the prominent street level elements, including the gateway, crossover, and indeed the historical Victorian fireplaces, thus continuing to provide glimpses of the historical use of the site.
8. Having regard to the prominence of the front elevation, within which the significance is found, and the retention of the utilitarian rear façade design would be retained, I consider that the proposal would not harm the significance of the BTM.

The Grade II Twickenham Library (the Library)

9. The Library is adjacent to the site. It was built between 1906 and 1907 with its principle façade facing onto Garfield Road. The Library was designed in the French inspired neo-Classical style, with a strong symmetrical frontage that utilises prominent classical features, such as columns and a large central pediment with entablature, as well as the grand arched doorway. The five-bayed frontage that is a combination of limestone and red brick, combined with stone columns and entablature, is the principal contributor to the significance of the Library in respect of its aesthetic and architectural value. Whilst the northern, southern, and western elevations of the Library do not exhibit the level of architectural interest of the eastern façade they do contain some notable architectural features.
10. The Library is an example of a building constructed at the height of the construction of publicly funded libraries. This public drive for new premises

reflects the historic and communal value that this building holds, and the building still remains a key focal point of the local community.

11. The positioning and orientation of the Library make it by far the most prominent structure on Garfield Road. Although the building is slightly recessed the views to it are relatively unobstructed. This aspect of this building's setting is important, as it allows for the full appreciation of the building's architectural form and features. The Library, although in a quiet area of Twickenham, was heavily invested in by the local council and donors. As a result of this, the building was clearly designed to be appreciated from the street. The orientation and position of the building is therefore a key contributor to the significance of the Library.
12. The Library is experienced within the setting of the urban built form to the rear along London Road. The appeal site is separated from the Library by an accessway and tree, however the built form within the appeal site, including the retained gate posts and wall, contribute to the developed setting of the Library. Longer views towards the Library from either direction when travelling along Garfield Road take account of this built form. The Library was heavily invested in to create a municipal building that had substantial gravitas. Its architectural and historical significance allows it to maintain dominance within the street scene, despite the rising forms of development around it.
13. The proposed development would incorporate the yellow brick aesthetic of the row of early 20th century buildings that the Building is part of, which would allow it harmonise with the buildings along London Road, and to create a seamless extension of materials to the rear of the BTM. The glazed area would be stepped back from the rear of the site, and would not compete with the prominence of the Library when experiencing the Library or its setting from Garfield Road. The proposed development would increase the built form to the rear of the Library, however the materials and scale would be in keeping with the buildings along London Road.
14. The rear of these buildings, which are significant in height and have no overly cohesive form, contribute to the setting for the Library. Having regard to this existing mixed tapestry of built form, I am satisfied that the proposed development would not be harmful to the setting of the Library.

The Twickenham Riverside Conservation Area (the CA)

15. The CA, along with the Queen's Road Conservation Area, cover the historic core of the settlement focused around Twickenham, dating back to the medieval period. The medieval village was clustered along the riverside, and Twickenham grew rapidly around the site of the present St Mary's Church, expanding outwards to accommodate residential development, which evolved naturally as the area flourished. The opening of Richmond Bridge in 1777 connected Twickenham and Richmond for the first time, leading to a significant increase in traffic. The arrival of the railway in 1848 marked the end of Twickenham's reputation as a quiet area, and it grew to accommodate commuters. With the growth of the population the larger estates and older properties gave way to a more modern organisation of transport networks, facilities and homes.
16. The CA is split into six smaller character areas, each being distinct in its particular features, yet contributing to the wider CA to bear witness to the history and continuing evolution of the area. The appeal site is located on the

north western boundary of the Commercial Centre character area, that encompasses London Road, York Road, King Street and Church Street. Whilst the riverside is the focal point of the CA, containing characteristics typical of a medieval and post medieval town, the Commercial Centre Character Area is defined by its late 19th and early 20th century streetscape. It has the characteristics of a 20th century shopping centre, interspersed with residential streets.

17. The Commercial Centre Character Area contributes to the wider CA in depicting the later development of the area, however it contains significantly fewer listed buildings than the older elements of the CA, and has also been subject to substantial change through the realignment of transport routes. It continues to actively contribute through the presence of varying forms and styles of shop frontages that front directly onto roads, providing strong, channelled views through the CA. The front of the appeal site contributes to this character, and actively enhances it due to its aesthetic and historic significance.
18. The proposal would involve a fundamental change to the rear of the site through the introduction of additional built form. The use of the building as a public house is aligned to the character of the CA as a centre for shopping and facilities. Whilst views from within the CA, and indeed views in to the CA, would change to incorporate the outdoor area, this area is in keeping with the use of the building and the functionality of the CA. Visually the area would clearly relate to the public house, and whilst the additional development to house the plant equipment would add some bulk to the BTM, these additions would be representative of the commercial nature of the CA.
19. Accordingly, I find that the proposal would preserve the character of the CA.

Conclusion in respect of heritage assets

20. I have found that the proposal would not be harmful to the BTM or the setting of the Library. It would preserve the character and appearance, and not be harmful to the setting, of the Conservation Area. Accordingly it would comply with Policies LP1, LP3 and LP4 of the London Borough of Richmond upon Thames Local Plan 2018 (the Local Plan) which require development to contribute to the local environment, not adversely affect local heritage assets, and preserve the character of the BTM.

The effect on living conditions

21. There are residential properties either side of the appeal site, and opposite the site on Garfield Road. The window which is subject to potentially the greatest impact is the southernmost first floor window of Sovereign House. There is an existing parapet wall serving the public house which extends to second floor level and which projects approximately 2m beyond the rear elevation of Sovereign House. Beyond this parapet wall extends the faux roof form at first floor level which accommodates the existing mechanical plant equipment measuring approximately 1.9m high from first floor level and extending 11m – 12m to the rear.
22. The proposed development would project to the rear, however this would be at a lower height than the existing parapet wall. Given the existing restraints in respect of the properties in Sovereign House, the outlook would not be

significantly changed. Moreover, the outlook away from the site, which includes an open view towards Pocket Park, would remain unchanged.

23. A Daylight and Sunlight Report was submitted, the data within which was collected in accordance with the methodology within the Building Research Establishment's (BRE) guidance 'Site layout planning for daylight and sunlight: A guide to good practice' (BRE 209 2nd edition, 2011). The parties were given the opportunity to comment on the revised BRE guidance. The results of the detailed assessment of the potential daylight and sunlight effects identify that, whilst there will be some reductions to individual windows, the amount of daylight received within the closest neighbouring property would remain very high and in excess of the BRE criteria. The assessment of sunlight to neighbouring windows also demonstrated full compliance with the BRE criteria.
24. As such I am satisfied that the proposal would not be harmful to the outlook of neighbouring properties, and adequate levels of daylight and sunlight to neighbouring occupiers would be retained. It would therefore comply with Policy LP8 of the Local Plan (2018) which requires development to protect the amenity and living conditions of neighbouring occupiers.

Other Matters

25. A number of additional considerations were raised by interested parties. There is an existing level of noise associated with the appeal site due to the plant located on the first floor, and the ground floor rear courtyard used by customers. A noise survey was carried out to establish the likely change in noise levels as a result of the proposed development. To inform the noise impact assessment, measurements of existing background noise levels were carried out during a noise survey conducted at the site on Tuesday 19 November 2019. Weather conditions during the survey were mild and dry, with low wind speeds, presenting good conditions for noise measurement purposes. Concerns were raised by interested parties regarding the date and time of the survey. The parties confirmed, and I am satisfied by their response, that the time and day was chosen specifically to ensure a low background base rate, this would allow any increases to be appropriately identified and assessed.
26. Measurements identified that with the specified noise control mitigation measures in place as set out in the survey, the overall noise levels from these services would meet the noise limit objectives. Furthermore, following the installation of the proposed new plant, noise levels would be much lower than those currently at the nearby noise sensitive receptor locations. Therefore, contextually, the noise impact associated with the proposed plant would represent a significant improvement over the existing scenario. The use of the beer garden would be restricted, and this would be subject to a planning condition. A further condition would secure a Noise Management Plan to be submitted and adhered to by the Appellant, this would include methods of managing the area to ensure that the noise would not have a significant impact on noise sensitive receptors. I am satisfied that subject to the imposition of conditions, the use of the terrace would not be harmful to the living conditions of nearby residents.
27. Concerns were raised in the written evidence and at the hearing regarding the use of the existing courtyard. The Appellant confirmed that, whilst not relevant to the development subject to this appeal, they would seek to ensure that concerns were addressed. For the purposes of my decision I am satisfied that

the use of the proposed development subject to this appeal would be addressed by way of condition.

28. The terrace would introduce a level of activity at first floor height, set back from the rear boundary of the appeal site. Whilst there would be some distance between the terrace and the properties on the opposite side of Garfield Road, the glazing would be in close proximity to Sovereign House. However, I am satisfied that elements of obscure glazing could be used as necessary to ensure that privacy is retained, whilst ensuring a high level of design. This could be secured by condition.
29. There would be some form of lighting necessary for the proposed terrace which would be required only when the terrace would be open. In order to ensure that any lighting would not be harmful to the living conditions of nearby occupiers I consider that a condition securing a lighting scheme would be necessary. Subject to compliance with a condition I am satisfied that the proposed development would not be harmful in respect of lighting.
30. I am satisfied that the concerns raised by interested parties would be accommodated within the scheme and that appropriate conditions would ensure that the scheme would not be harmful to living conditions. Other matters have been raised regarding smoking and litter, these are matters that should be raised with the Council in the first instance and do not warrant dismissing the appeal on those grounds.

Conclusion and conditions

31. I have found that the proposal would not be harmful to the historic environment, and it would not be detrimental to the living conditions of neighbouring and nearby occupiers. It would therefore comply with the development plan when taken as a whole and the appeal should succeed.
32. Conditions were discussed at the hearing on a without prejudice basis. The plans are listed for certainty. Conditions requiring details of materials and glazing are necessary to preserve the character of the BTM, the setting of the listed building, and the character of the conservation area. A condition relating to construction vehicles is necessary to ensure that the construction phase does not result in environmental harm. Conditions requiring a Noise Management Plan, compliance with the acoustic report, hours of use of the terrace, and lighting, are necessary to ensure that the proposal does not result in harm to the living conditions of nearby occupiers. A condition requiring a fire safety strategy is necessary to ensure safe use of the building.
33. For the reasons above I conclude that the appeal is allowed.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1961-B01; 1961-001; 1961-001.1; 1961-101; 1961-201; 1961-300; 1961-002D; 1961-002.1D; 1961-202J; 1961-102K; 1961-202G.
- 3) No development shall take place until details of the design of the external elevations including fenestration, glazing and hard surfacing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the obscurely glazed elements of the proposed glazed screening on the northern and southern elevations of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained in perpetuity.
- 5) No development shall take place until details of illumination including the method and intensity of any such external and internal illumination has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be maintained in perpetuity in accordance with the approved details.
- 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 and not intended for transporting goods or passengers on roads are required to meet Stage IIIB of EU Directive 97/68/E and be NRMM registered. Such vehicles must be run on ultra low sulphur diesel (also known as ULSD 'cleaner diesel' or 'green diesel').

"Ultra low sulphur diesel" also means fuel meeting the specification within 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 run on alternative fuels. Such exemptions shall be applied for in writing to the local planning authority in advance of the use of vehicles, detailing the reasons for the exemption being sought and clearly identifying the subject vehicles. Exemptions that are granted will be in writing and such vehicles must not be used until written exemption has been issued by the local planning authority.

No vehicles or plant 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.
- 7) The plant hereby permitted shall not be installed or operated other than in strict accordance with the details provided in the acoustic report submitted by Spectrum Acoustic Consultants Ref: RK3281/19351/Rev3 dated 5th October 2021. A commissioning acoustic report shall be undertaken within two weeks of the mechanical services installation in

order to demonstrate the limiting noise levels detailed in the above report have been achieved. The results of the tests shall be submitted to and approved in writing by the Local Planning Authority.

- 8) A Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the first commencement of use. The NMP shall include, as a minimum, written details of the following information;
- i) In the event of complaint, the mechanism by which complaints are logged, investigated and actions taken and recorded; and
 - ii) Documentation of an annual review of the NMP.
- The NMP shall be made available upon request by the Environmental Health Department.
- 9) A Fire Safety Strategy (FSS) shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the first commencement of use. The FSS shall include, as a minimum, written details of the following information;
- i) Identify suitably positioned unobstructed outside space for (a) the positioning of fire appliances and (b) appropriate for use as an evacuation point.
 - ii) Identify appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures.
 - iii) Safety measures to minimise the risk of fire spread.
 - iv) Details of suitable and convenient means of escape, and associated evacuation strategy for all building users.
 - v) A robust strategy for evacuation which can be periodically updated and published.
 - vi) Details of suitable access and equipment for firefighting which is appropriate to the size and use of the development, including;
 - a. A site plan demonstrating that space has been identified for the appropriate positioning of fire appliances. These spaces should be kept clear of obstructions and conflicting uses which could result in the space not being available for its intended use in the future.
 - b. A site plan identifying appropriate evacuation assembly points. These spaces should be positioned to ensure the safety of people using them in an evacuation situation.

The development shall be constructed and maintained in accordance with the agreed fire safety strategy.

- 10) The roof terrace hereby approved shall be closed to customers between the hours of 21:00 and 09:00 Monday to Sunday inclusive.

END OF SCHEDULE

SCHEDULE OF APPEARANCES

FOR THE APPELLANT:

Mr Matthew Mortonson BA (Hons) PgDip MRTPI Associate Director, nineteen47
Mr Nathan Blick BA MA MCIFA Principal Heritage Consultant, Cotswold
Archaeology
Mr Rob Kirkaldy BSc (Hons) MIOA Senior Consultant, Spectrum Acoustic
Consultants Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr Sukhdeep Singh Jhooti MA , BA (Hons) , MRTPI, Planning Officer
Nicolette Duckham, Senior Conservation Officer MPhil IHBC FRSA

INTERESTED PARTIES;

Philippa Metherell

DOCUMENTS SUBMITTED AT THE HEARING

1929 Aerial photograph