



Appeal Decisions

Site visit made on 13 December 2022

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal A Ref: APP/L5810/W/22/3303818

2 South Avenue, Sandycombe Road, Kew TW9 3LY

- 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 Andrew Trevillion against the decision of the London Borough of Richmond Upon Thames.
 - The application Ref DC/KEM/22/0850/FUL, dated 15 March 2022, was refused by notice dated 9 May 2022.
 - The development proposed is the creation of a roof terrace at the second floor to Flat 2 to provide private amenity space.
-

Appeal B Ref: APP/L5810/W/22/3307107

2 South Avenue, Sandycombe Road, Kew TW9 3LY

- 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 Andrew Trevillion against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref DC/KEM/22/2314/FUL, dated 25 July 2002, was refused by notice dated 13 September 2002.
 - The development proposed is the creation of a roof terrace at the second floor to Flat 2 to provide private amenity space.
-

Decision

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

Preliminary Matters

3. The appellant sought to amend the finish to the privacy screen during the course of Appeal A. As I cannot be sure all parties, including third parties, would have had the opportunity to comment or be aware of such a change, I have determined the appeal on the basis of the screen before the Council and that which was consulted upon. In any event, the scheme in Appeal B largely reflects the changes sought.
4. In relation to Appeal A, the appellant has provided updated plans showing the correct level of the rear first floor window of 10 North Avenue (No. 10) and existing trees in the garden of No. 10. As these are corrected plans providing existing context, there is no prejudice in considering these plans. I have therefore accepted the corrected plans as part of Appeal A.

Main Issue

5. The main issue of both appeals is the effect of the proposed developments on the character and appearance of the surrounding area, with particular reference to the setting of Kew Gardens Conservation Area and nearby non-designated heritage assets.

Reasons

6. The appeal site forms part of a mixed use development, behind Sandycombe Road and North Avenue. The appeal site is located immediately adjacent to the Kew Gardens Conservation Area. 1-10 North Avenue are also designated as Buildings of Townscape Merit (BTMs).
7. The significance of the Conservation Area includes “flamboyant” roofscapes as outlined within the Conservation Area Study¹ and my observations on site.
8. BTMs are identified, within the Buildings of Townscape Merit SPD², as buildings and structures that, due to their historical associations, architectural style and visual interest, as well as possibly their siting in an area, are of significance to the history and character of the environment. Policy LP4 of the London Borough of Richmond Upon Thames Local Plan (Local Plan), 2018, states that BTMs are non-designated heritage assets. The significance of 1-10 North Avenue is the ornamental details found on the properties.
9. The existing roofscape of the appeal property varies in height and design but is generally lower and flat nearest the Conservation Area and the BTMs on North Avenue. The uncomplicated design of this aspect of the roofscape doesn’t draw attention and, therefore, it amplifies the detailing on the neighbouring roofs and provides a positive setting for the Conservation Area.
10. Whilst the proposed screens, balustrades and planters would be set back from the edge of the building, they would be much taller than the existing balustrades and would not allow views through the screens. The massing and lack of transparency would lead to the screens being bulky and visually dominant, when compared with other features in the nearby roofscape. Although the proposed privacy screens would be lower than the main roof, they would significantly increase the height of the roof in the area of the building immediately fronting the Conservation Area. The proposed privacy screen would be an incongruous feature as they would distract from the ornate roofscape of the neighbouring BTMs and would appear bulky in a section of flat roof.
11. The proposed planting part of Appeal B would soften the appearance of the screens and would compliment existing vegetation on the balcony of Flat 2. However, as with a condition to address the materials of the screens, this would not prevent the bulky mass and solid form of them competing with and being discordant with nearby roofscapes.
12. Although the proposed developments would be largely screened from wider views, it could still be seen from the other side of the railway line. It would

¹ Conservation Area Study Kew Road no.55, Kew Gardens no. 15 & Lawn Crescent no. 20, London Borough of Richmond Upon Thames

² Supplementary Planning Document, Buildings of Townscape Merit, Adopted May 2015

therefore have a harmful effect on the setting of the Conservation Area and the non-designated heritage asset.

13. There is an existing privacy screen between Flat 2 and Flat 5; however, this is sited between balconies, below the roofline, and away from the Conservation Area and neighbouring BTMs. Although the design of the apartment block already includes similar privacy screens, the proposed privacy screens on the flat undeveloped section of the roof next to the Conservation Area and BTMs would appear as an alien feature.
14. The existing roof terraces at 281 and 303 Sandycombe Road are materially different from the appeal scheme. They are both sited below the eave height of the main part of their host property.
15. The proposal would lead to less than substantial harm to the setting of the Conservation Area. However, the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The public benefit generated by the proposed development is associated with the provision of additional amenity space, provision of privacy screens, lack of harm to the living conditions of nearby occupiers or in relation to underground facilities and fire safety, and, biodiversity gain and drainage benefits generated by new planting. The public benefits are limited and would therefore not outweigh the harm.
16. While the effect on the non-designated heritage asset would be indirect and the modest scale of the proposed development, the proposal would also result in limited harm to the significance of a non-designated asset.
17. I conclude that the proposed developments would have an unacceptably harmful effect on the character and appearance of the surrounding area, with particular regard to the setting of the Kew Gardens Conservation Area and nearby non-designated heritage assets. The appeal schemes are therefore contrary to Policies LP1, LP3 and LP4 of the Local Plan. These policies state that a development proposal needs to demonstrate how it relates to the existing context and to be compatible with the local character; and, preserve and, where possible, enhance the character and appearance of the Conservation Area and non-designated heritage assets.
18. The proposed developments are also contrary to the guidance contained within the External Alterations SPD³ where it advises that the proposed development should reflect existing character/detail.

Conclusion

19. The proposed developments conflict with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

³ London Borough of Richmond Upon Thames, Local Plan Supplementary Planning Document House Extensions and External Alterations, May 2015

20. Therefore, for the reasons given above, I conclude that the appeals should be dismissed.

J Hobbs

INSPECTOR