



Appeal Decision

Site visit made on 20 December 2022

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2023

Appeal Ref: APP/L5810/W/22/3298274

The Old Stable 1 Bridle Lane, Twickenham TW1 3EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr David Woodnutt against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application 21/4197/VRC, dated 7 December 2021, was refused by notice dated 2 February 2022.
 - The application sought planning permission for a new slate clad pitch roof to replace an existing flat roof without complying with a condition attached to planning permission Ref 21/0406/FUL, dated 23 September 2021.
 - The condition in dispute is U0110052 Approved Drawings and Documents which states that: The development hereby permitted shall be carried out in accordance with the following approved drawings and documents, where applicable: -
20-BL-R, site location plan – received 8 February 2021.
Reasonable Exception Statement – received 8 September 2021.
 - The reason given for the condition is: To accord with the terms of the application, for the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application seeks to vary an approved plans condition to amend the plan to which the development should be carried out in accordance with. The new plan includes the approved roof form but altered to include a roof terrace and railings.
3. At the time of my site the appeal property appeared to have been altered largely in accordance with the proposed elevations, with a shallow pitched roof and space for the terrace, and I could see a table and chairs stacked upon a section of flat roof. There were no railings around the roof as shown on the proposed elevations. I have therefore assessed the proposed development on the basis of the submitted plans.

Main Issues

4. The main issues are the effect of the proposal upon:
 - the character and appearance of the area, including whether the proposal would preserve or enhance the character and appearance of the Crown Road St Margaret's Conservation Area CA49 (CA); and

- the living conditions of the occupiers of neighbouring residential properties, with particular regard to privacy and disturbance.

Reasons

Character and appearance

5. The appeal site is a former stable or coach house building within Use Class C1. The building is situated in a rear yard area of Bridle Lane, surrounded by buildings which front the main roads of Amyand Park Road and Crown Road which includes a variety of commercial and upper floor residential uses. It is a distinctive building of traditional proportions and subservient to the buildings fronting Crown Road which it is sited behind. It is also highly visible in views being at the head of converging parts of Bridle Lane.
6. There are a wide variety of roof forms with many large mansard roofs, balconies and dormer window extensions to the rear of the properties on Crown Road and Amyand Park Road. Although there are a mix of buildings and roof types, there are no other roof terraces which are similar in appearance to the appeal proposal. The proposal would create an exposed void within approximately a quarter of a hipped roof. This would be a contrast to the opposing half of the traditionally hipped roof, and not a prevalent characteristic of buildings in the area.
7. The space created by the terrace would be surrounded by railings. Although the proposed railings are black in appearance, which are similar to others in the area and would be lowered in comparison to those shown on the plans of the original building, they are still relatively high in comparison to the overall pitch and ridge height of the hipped roof. The railings would also be sited almost directly in line of the face of the front and side elevations with no set back from the eaves. As such they would clearly be sited proud of the roof plane and would create an uncomfortable angular arrangement which would dominate a significant part of the modest hipped roof plane.
8. Due to the position of the appeal building within Bridle Lane, the proposal would also appear highly visible from public views and from neighbouring buildings. Although the remainder of the roof utilises traditional slates for the roof covering, this would not prevent the overall prominence and awkward arrangement of the void and railings.
9. As such the proposal would result in an incongruous form of development and unbalance the appearance of the host building. The revised development would be materially diminished as a result of changes being made to the permitted scheme. I therefore conclude that the proposal would harm the character and appearance of the area. For the same reasons I find it would also not preserve or enhance the character or appearance of the CA.
10. Section 72(1) of The Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of CA's. The Crown Road and Twickenham Park Conservation Area Study (1997) predominantly refers to the urban character and commercial interest and quality of the buildings. I also find the significance of the CA is derived from this and that the appeal building makes a contribution to the historic environment and spatial quality of the CA due to its traditional form and relationship with the buildings on Crown Road. However, as the significance of

the CA is largely derived from the frontages, I therefore find that proposed development being sited to the rear of these, whilst being highly visible, would lead to less than substantial harm to the significance of the designated heritage asset.

11. The harm that would arise would be localised and the impact on the CA as a whole would be less than substantial when considering the provisions of the Framework. However, great weight should be given to the conservation of designated heritage assets. The Framework also requires that any less than substantial harm should be weighed against the public benefits of a proposal.
12. The appellants statement has referred to the proposal as being visually beneficial over the railings which due to the passage of time are stated to be lawful. However, as noted from my site visit, there were none in existence. I cannot attach significant weight to this, as they have been removed. I do not have sufficient evidence to conclude that they would be lawful. Even if they were, this is not a reason to allow development which for the reasons set out above would be harmful.
13. Therefore, the benefits in this case would be limited, it would create a seating area for the C1 Use, but this would not be a public benefit. There is no indication that the proposal could not continue to operate without additional outdoor space. There are no other public benefits set out before me. The totality of these would not outweigh the less than substantial harm to the significance of the CA.
14. The proposal would harm the character and appearance of the area and would not preserve or enhance the character and appearance of the CA. Consequently, the proposal fails to comply with the Policy LP1 and LP3 of the London Borough of Richmond Local Plan 2018 (Local Plan), which seek to ensure that development respects the local character as well as designated heritage assets. The proposal would also be contrary to the guidance within the Supplementary Planning Document 'House Extension and External Alterations 2015 (SPD) where it seeks to ensure that development is compatible with the host building and surrounding development. The proposal would also not accord with the Framework where it is aimed at achieving well designed places in chapter 12 and conserving and enhancing the historic environment in chapter 15.

Living Conditions

15. There are a number of balcony treatments to other properties in the immediate vicinity and there is a degree of mutual overlooking around the general environment of Bridle Lane. Even so, the Council considers that a high degree of overlooking would occur given the approved ridge of the roof would be limited in height.
16. The properties on Crown Road have windows on the rear of the building. I note that these comprise residential accommodation above the ground floor. Although the proposed terrace area is located to the front of the appeal building and the ridge height would obscure most users when seated, due to the shallow pitch and lower height this would still allow users of the terrace to overlook the remainder of the roof towards the properties to the rear. Given that the proposal is in very close proximity to neighbouring habitable windows,

this would likely result in loss of privacy. In addition, activity would be noticeable and conversations on the terrace would likely be audible.

17. Whilst I have been made aware that permission has previously been granted for a roof terrace under application 00/3178/HOT I do not have any details of the extent of this, the exact position and how well it was screened. Therefore, I cannot be certain whether what was approved is similar to this proposal. As such this limits the weight I can give to previous permissions which would provide a position against which to compare this proposal. Similarly, I have seen older photographs of the site, which shows the entire building with a flat-roof and railings around the entire perimeter of the building and tables and chairs on the flat roof. However, it is not clear whether they were lawful, and, in any event, these were not present when I visited the site.
18. I therefore must conclude based upon my site visit and the information before me. The appeal proposal would result in harm to the living conditions of neighbouring occupiers at Crown Road with regard to privacy and disturbance.
19. Consequently, the proposal conflicts with Local Plan Policy LP8 which seeks to protect the living conditions of existing, adjoining and neighbouring properties and in particular to prevent unacceptable overlooking and disturbance from balconies. The proposal would also conflict with the Council's SPD for similar privacy reasons. The proposal would also not fulfil the requirements of the Framework in chapter 12 which seeks to promote well-being and a high standard of amenity for all.

Conclusion

20. I have concluded that the altered plan including the terrace and railings would result in adverse effects on the character and appearance of the area, including the Crown Road St Margaret's Conservation Area, and on the living conditions of the occupiers of neighbouring residential properties, with particular regard to privacy and disturbance. Consequently, the approved plan condition specifying the original approved plans and documents is necessary and to vary it in the manner requested would result in a development that would cause material harm. I am satisfied that the condition meets the appropriate tests, as referenced in paragraph 56 of the Framework, and no party has raised any other matters in this regard.
21. For the reasons given above, having considered the development plan as a whole, and all other relevant material considerations, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR