



Appeal Decision

Site visit made on 4 January 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 JANUARY 2023

Appeal Ref: APP/L5810/D/22/3307274

23 Orchard Rise, Richmond Upon Thames, Richmond TW10 5BX

- 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 and Mrs Morrison against the decision of the London Borough of Richmond Upon Thames.
 - The application Ref 22/2309/HOT, dated 25 July 2022, was refused by notice dated 9 September 2022.
 - The development proposed is two storey side extension, single storey rear extension, replacement windows to rear with contemporary styled aluminium windows and erection of side dormer roof extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the planning application form, excluding words that are not acts of development.
3. The reason for refusal in the Council's decision notice refers to various supplementary planning documents/guidance and other documents, some of which appear to have been improperly referenced. For the avoidance of doubt only two supplementary planning documents were submitted to this appeal.
4. There are several elements to the appeal proposal, but the Council's officer report confirms that the reason for refusal is focussed upon elements at the rear of the appeal property, namely the proposed two-storey bay window and alterations to the ground and first floor fenestration, which I will term 'the proposed elements' for the purpose of this appeal. The remaining elements of the appeal scheme are acceptable to the Council and from the evidence before me and my site visit, I have no reason to conclude differently. Therefore, my appeal decision will focus on the proposed elements.

Main Issues

5. The main issues are the effect of the proposed development upon the character and appearance of the host property and whether the proposed development

would preserve or enhance the character or appearance of the Sheen Common Drive Conservation Area (CA).

Reasons

6. The appeal property is a two-storey detached dwelling located within the CA. The Council's Conservation Area Statement (the CA Statement) details that the CA is considered to be a good example of a 1920's planned housing estate of two-storey detached dwellings. The CA Statement references key features which include the unity of date, architectural style and materials, and the existence of well-maintained landscaped or red bricked paved edged verges. The palette of materials used for houses is considered to be restrained and uniform. These include plain red roof tiles, red/brown bricks, pebbledash, render, tile hanging, casement windows and half-timbered first floors. In regard to windows, the statement notes the presence of casement windows and remarkably few instances of unsympathetic replacement windows.
7. The appellants argue that the significance of the CA is limited to a description confined to views from the public realm. I disagree. The CA Statement clearly references the estate as a whole. It refers to the architectural style and materials of the houses in the CA without distinction between the front or rear of properties. The reference to Orchard Rise is in the context of variances in verges with other streets within the CA.
8. The rear of the appeal property is rendered, and includes an original two-storey angled bay, with tile hanging between the ground and first floor levels. It therefore retains its original form and materials and provides a positive contribution to the character and appearance of the CA.
9. The proposed square bay, due to its form and design in combination with the extensive glazing and the extent of zinc cladding would be a significant departure from the host property. The proposed first floor windows, due to their siting, design, form, height, width and extensive glazing would not respect its characteristic form. Therefore, the proposed elements would not appear sympathetic and harmonious to the character and appearance of the CA. They would not comply with the London Borough of Richmond Upon Thames Local Plan Supplementary Planning Document – House Extensions and External Alterations 2015 (SPD) which encourages the retention of the built form of the host property and requires that alterations should enhance the quality of the building. Whilst the National Design Guide supports contemporary design interpretations, the correct approach depends very much on the context, and in conservation areas it is important to recognise specific features that merit conserving and enhancing.
10. On my site visit I saw that the neighbouring house at No.21 had a two-storey angled bay and tile hanging, and although there is a conservatory, its design reflects the angular design of the bay. Along the row, No.19 has an altered rear form due to a two-storey extension, but this property has no planning history, and the appellants consider it likely that the extension was built long ago. I also saw that No.17 has a substantial ground floor rear extension, but the first floor includes the angled bay, and an angled bay form is also sited within the rear elevation of the ground floor extension, and therefore the rear respects the appearance of its host property and the wider area.

11. I was unable to see the rear of No.15 on my site visit. However, the Council included an undated aerial photograph in the officer's report, which shows a two-storey angled bay. Consequently, in this part of the CA, the character and appearance of angled bays to the rear has been respected and preserved. The proposed elements would undermine this.
12. The appellants have provided details of a recent planning permission for No.15. At my site visit, it appeared that this permission was being implemented. The proposed drawings show the removal of the two-storey bay. The drawings also indicate that the form and design of the proposed fenestration at the first-floor level respects the character and appearance of the CA in terms of casement windows, and this was acknowledged in the officer's report for that planning application. The use of contemporary materials in this case was considered acceptable and I saw no reason to disagree.
13. The appellants raise concerns about the consistency of decision-making and draw my attention to other properties along Berwyn Road. I saw the rear of these properties from the appeal site. In terms of No.37, I saw that the first-floor fenestration form of casement windows respected the character and appearance of the CA and the use of contemporary materials did not detract from it. At No.41, I saw that the first-floor fenestration followed a vertical form with windows in timber to match existing, and this is sympathetic to the character and appearance of the CA. The officer report relating to this property noted that the proposed windows would not be unduly out of character compared to the existing ones, and I saw no reason to disagree.
14. The appellants have also provided information relating to a recently granted planning permission for No.39 Berwyn Road, which is not yet implemented. This includes similar elements to the appeal scheme at the first-floor level, including a proposed square bay, with both horizontal and vertical windows with extensive glazing. As with the appeal proposal, it appears to me that the first-floor rear elements of this scheme fail to respect the original character of the host property and the wider character and appearance of the CA, due to their form, design, materials and extensive glazing.
15. This view is based on an appreciation of the importance of retained architectural elements and materials to the significance of the CA as a whole. The value placed on such matters is recognised in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The National Planning Policy Framework (the Framework) paragraph 195 also sets out that the significance of any heritage asset that may be affected by a proposal should be taken into account, seeking to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Further, the Framework paragraph 199 sets out that great weight should be given to the asset's conservation. The CA Statement also refers to development pressures including the loss of traditional architectural features and materials due to unsympathetic alterations. Such provisions and considerations are highly relevant to my decision.
16. Views of the rear of the appeal property would be largely limited to private gardens or immediate neighbours. Nonetheless, as I have described, whilst there has been some erosion of characteristic features, rear elevations have

clearly retained some elements of interest which contribute to the significance overall. In this sense, the Framework reference to the irreplaceable nature of heritage assets, and the fact that they should be conserved in a manner appropriate to their significance so that they can be enjoyed by existing and future generations, is of relevance.

17. In accordance with paragraph 202 of the Framework, the harm I have identified is less than substantial in the context of the CA as a whole. However, this would represent conflict with the provisions of the Act, the significance of which is not diminished by the fact that this is not a locally listed building. In these circumstances, the harm must be weighed against any public benefits of the proposed development. Whilst the proposal would represent a high standard of design, this is a requirement and so not a benefit as such. The only benefit would be an improvement to residential amenity for the occupiers of the proposed development, which is not a public benefit.
18. I therefore conclude that the proposal would harm the character and appearance of the host property. It would also fail to preserve or enhance the character or appearance of the Sheen Common Drive Conservation Area, and it would cause less than substantial harm to its significance as a designated heritage asset. There are no public benefits that would outweigh this harm.
19. The proposed development would conflict with Policies LP1 and LP3 of the London Borough of Richmond Upon Thames Local Plan 2018. The proposed development would fail to follow the guidance of the SPD and the London Borough of Richmond Upon Thames Richmond and Richmond Hill Village Planning Guidance 2016. These policies and guidance seek to ensure that development proposals respect, contribute to and enhance the local environment and character; and to preserve and where possible enhance the character or appearance of conservation areas.

Other Matters

20. The appellants claim that the case officer did not undertake a site visit but relied upon photographs from the internet. The handling of the planning application is not a matter for me to consider within the scope of this appeal. I have assessed the proposal on my own observations and the evidence before me. The lack of objection on the grounds of design or materials is a neutral consideration.

Conclusion

21. The proposal conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR