



Appeal Decision

Site visit made on 01 November 2022

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2023

Appeal Ref: APP/L5810/D/22/3290308

Old Vicarage, Sudbrook Lane, Richmond, TW10 7AT

- 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 Brooks against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 21/2954/HOT, dated 22 July 2021, was refused by notice dated 21 October 2021.
 - The development proposed is for the erection of rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is situated within the Petersham Conservation Area (the CA) which covers the historic parts of the village to the north and south of an axis along Petersham Road and River Lane. The Metropolitan Open Land (MOL) also washes over the village. The MOL essentially offers the same level of protection as Green Belt and the policies of the National Planning Policy Framework (the Framework), as they apply to development within the Green Belt are applicable. With that in mind, the main issues in relation to the appeal are:
 - i) Whether the proposal would amount to inappropriate development within the MOL;
 - ii) The effect of the proposal on the openness of the MOL;
 - iii) Whether the proposal would preserve or enhance the character and appearance of the building and the CA and the effect on the setting of nearby listed buildings; and
 - iv) If the proposal does amount to inappropriate development, whether any harm in that respect, and any other harm, is outweighed by other material considerations such as to amount to the very special circumstances needed to justify the proposal.

Reasons

Whether the Proposal Would Amount to Inappropriate Development

3. Policy G3 of the London Plan (2021) and Policy LP13 of the Richmond Local Plan (2018) identify that MOL should be protected from inappropriate development, in accordance with the policies of the Framework as they apply to Green Belt. The Framework states that new development is inappropriate in the

Green Belt unless it falls within a closed list of exceptions, as set out at paragraphs 149 and 150.

4. Paragraph 149(c) states that an extension to a building will not be inappropriate provided it would not result in disproportionate additions over and above the size of the original building. An original building is defined as a building as it existed on 01 July 1948 or, if constructed after that date, as it was built originally. In some cases development plans will specify a limit, often expressed as a volumetric percentage, above which extensions will be considered to be disproportionate. However, in this case, the development plan nor the Framework identify a specific figure. Consequently, any assessment requires a matter of judgement as a matter of fact and degree.
5. On measuring proportionality, the Framework refers to 'size'. This can, refer to volume, height, external dimensions, footprint, floorspace or visual perception. Neither party has clearly expressed the extent to which the property has been extended from its position in 1948. The appellant has suggested that the current proposal would equate to a 14% increase in both footprint and floorspace compared to the existing dwelling but that is not the required assessment. The existing dwelling has already been altered quite substantially, including a single storey side extension, basement extension and a three-storey rear wing (including attic rooms), as approved by the Council in 2015.
6. Although that approved development replaced a conservatory and other single storey elements, judging from the planning history of the site, those elements had themselves been erected since 01 July 1948. The rear wing extends across just over half of rear elevation and adds substantial depth and mass to the property. Prior to its construction the dwelling would have been comparatively shallow in depth, compared to its width. When the additional volume of the single storey side extension and basement are taken into account the increase in floorspace, volume and scale over an above the original dwelling is already significant.
7. By squaring off the corner the apparent bulk of the dwelling would noticeably be increased. In contrast to the shallow original floorplan, with steeply pitched roof typical of the Victorian style, the substantial rear additions would extend across the full extent of the rear elevation, with a roof height consistent with the original. The resultant dwelling would have a square floorplan with depth almost equal to its width. The visual effect of the change would be marked in comparison to the comparatively slender proportions of the original dwellinghouse.
8. Overall, I find that the additional volume, mass and visual scale of the appeal proposal, in combination with the previous extensions referred to above, would result in disproportionate additions to the original dwellinghouse.
9. The appellant also contends that the proposal would amount to limited infilling within a village, thereby meeting the exception at paragraph 149(e) of the Framework. There is no doubt that the property sits within a village but in my experience, infilling within a Green Belt context is generally related to the development of a small gap between buildings in an otherwise built-up frontage, as opposed to development involving the extension of a dwelling.
10. Although the proposal would square off the dwelling to the rear it would effectively extend outwards from two walls into a space that is currently free

from development. I consider it to be an extension rather than 'infill' development in the normal meaning of the word.

11. If a different view were taken, almost any dwelling with an L-shaped floorplan in a village would be able to square off the rear, regardless of the scale of the extension on the basis of being defined as infill. Or, as has happened in this case, a smaller rear wing could first be erected under the exception at paragraph 149(c), followed by a further application to square off the resulting building under paragraph 149(e). That could have perverse consequences, contrary to the aim of preserving the openness of the Green Belt, and reinforces my view that the correct way to consider an extension to a detached building such as this is under paragraph 149(c) as opposed to infill development.
12. Accordingly, based on the evidence presented, the proposed development would not fall under any of the exceptions listed in the Framework and would by its virtue of scale and size compared to the original building be inappropriate development in the MOL. It follows that the proposal would also conflict with Policy G3 of the London Plan (2021) and Policy LP13 of the Local Plan (2018) which seek to protect MOL from inappropriate development.

Openness

13. As set out at paragraph 137 of the Framework the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. Similarly, Policy LP13 of the Local Plan (2018) seeks to protect and retain MOL in predominately open use. The essential characteristics of Green Belts/MOL are their openness and permanence. The concept of openness has a spatial as well as a visual aspect to it.
14. The host dwelling, which is a substantial three-storey property with a basement, is significantly set back from Sudbrook Lane within a large, spacious landscaped garden. The garden is bound by high walls and mature vegetation, such that views into it from public vantage points are limited and restricted to longer range views from higher ground within Richmond Park. Nonetheless, owing to its substantial size, the garden contributes to the general sense of spaciousness within this part of the village and to the openness of the MOL.
15. Since the proposed development would increase the scale, massing and footprint of the host dwelling, there would be an impact on the openness of the MOL in a physical sense, given that the extension would project into space that is currently free from built development. The extension would not be insubstantial in scale and volume and glimpses would be available from a distance in Richmond Park. However, from those vantage points the extension would be viewed against the already considerable backdrop of the existing building such that any visual impact would be limited.
16. Overall, having regard to both visual and spatial aspects there would be some harm to the openness of the MOL but this would be localised and limited in extent.

Building of Townscape Merit, Petersham Conservation Area and the setting of adjacent Listed Buildings

17. The host dwelling is locally listed as a Building of Townscape Merit (BTM) and sits towards the western edge of the CA.

18. It is characteristic of the English gothic revival architectural style, with its distinctive rich red brick, steeply pitched roofs, asymmetrical fenestration, and high-quality detailing and features. It is noted in the Character Appraisal & Management Plan (2007) that *'the church, village hall and vicarage adopt a distinctive beautifully detailed Byzantine style in rich red brick and terracotta'*. I note that the dwelling does not appear to have ever been the vicarage associated with All Saints Church but, nonetheless, there is a significant degree of harmony in the design and use of materials.
19. The CA covers the majority of the village and has a varied character and appearance with dwellings of individual design. As set out in the Character Appraisal & Management Plan (2007), the significance of the area along Sudbrook Lane is derived from the distinctive large, detached mansions set within spacious gardens with mature trees. The dwelling clearly fits that mould and makes a positive contribution to the character and appearance of the CA on account of its design and well-maintained, spacious, garden.
20. As noted above, the original footprint of the dwelling had a comparatively wide frontage in comparison to its depth, with characteristically steeply pitched roofs and gables, as is typical of the Victorian Gothic style. The existing rear extension has added depth to the property but is offset substantially, such that the original shallow side profile remains visible. The mass of the rear wing is broken up by the use of the central gable and it remains subservient in design terms to the original dwelling.
21. In contrast the appeal proposal would notably alter the proportions of the property by squaring off the building. The resultant depth would be almost equal to the width and the extended portion would span the full width of the original rear elevation, with a roof height consistent with the original property. The roofline would wrap around the entirety of the building and the visual effect of the various gables would be diluted due to the absence of any notable set back or variation in roof height. Due to that substantial additional bulk and change in profile something of the original flavour of the dwelling with its comparatively slender proportions and asymmetrical features would be lost. Whilst the appellant maintains that the extension would bring balance to the rear elevation, such symmetry is not typical of the original design and I do not consider that to be a positive element in support of the scheme.
22. I recognise that high quality details and craftsmanship are proposed, as is evident on the existing extension which blends in almost seamlessly with the original. However, in my view, harm would arise as a result of the cumulative scale of the additions which would significantly dilute the original proportions of the property which are integral to its character.
23. Whilst I find that the proposal would cause harm to the character and appearance of the building, the wider effect in the CA would be limited due to the significant screening afforded by the high boundary walls and mature vegetation. Moreover, the relationship with the Grade II listed All Saints Church (now All Saints House) is significantly interrupted by a substantial modern building. Given that, and the position of the proposed extension facing away from the Church, the extended dwelling would neither compete in scale nor detract from All Saints Church. The evidence indicates that there has never been a functional link between the church and the building, which was actually

the vicarage for a different church elsewhere. Thus, visually, the two would not be read together and no functional relationship would be harmed or severed.

24. Given the substantial extent of the garden associated with the property the extended dwelling would not harm the essential character of this part of the CA which is made up of large properties set within substantial grounds. Consequently, whilst I find that the design would cause harm to the character and appearance of the dwelling itself, I am of the view that that the setting of adjacent listed buildings would be preserved and that the character and appearance of the CA would also be preserved.
25. For the reasons above, the proposed development would cause harm to the character and appearance of the host dwelling, a BTM. In that respect, the proposal would conflict with policies LP1 and LP4 of the Local Plan (2018) which seek, amongst other things, to ensure high architectural quality to reflect the local character, together with the conservation of non-designated heritage assets.

Other Considerations

26. A Certificate of Lawful Development exists for a single storey rear extension in broadly the position of the appeal proposal. However, the scale of that extension would be substantially smaller than that of the current proposal and the two are not directly comparable in terms of their impact. Moreover, the design of the LDC scheme lacks architectural detail and would be unsympathetic to the design of the original property. Given the great care that the appellant has taken in the design of previous extensions I have reservations as to whether he would proceed to build the LDC scheme in the event that the appeal proposal was dismissed due to the unsympathetic effect it would have on his property. Consequently, this matter attracts little weight in the overall balance.
27. The appellant contends that the extension will allow for the continued use of the property which will, in turn, help to preserve the future maintenance of the BTM. There is nothing to indicate that the same means would not be met without a further extension and this carries no weight in the planning balance. I also acknowledge the appellant's comments on the Council's approach to engagement. However, that is a matter between the parties concerned and I have determined the appeal on the planning merits of the proposal.

Planning Balance and Overall Conclusion

28. The proposed development would constitute inappropriate development and, by definition, would be harmful to the MOL by way of that inappropriateness. It would also have a limited but negative impact on the openness of the MOL. Paragraph 148 of the Framework requires that substantial weight to any harm to the Green Belt. That also applies to the MOL. I have also found that the proposal would cause harm to the host dwelling which is a BTM. The proposal is contrary to the relevant policies of the development plan in those respects.
29. Inappropriate development within the MOL should not be approved unless very special circumstances exist. As set out at paragraph 148 of the Framework, such circumstances will not exist unless the harm to the MOL and any other harm, are clearly outweighed by other considerations. Given the very limited weight I attach to the other matters put forward by the appellant it is clear that

such circumstances do not exist in this case. Thus, there is nothing to indicate that a decision should be taken other than in accordance with the Development Plan and I shall dismiss the appeal.

Chris Preston

INSPECTOR