



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: 13 April 2023

Appeal Ref: APP/L5810/W/22/3302647

Flat 7 Bonnepalm House 1 Waldegrave Park, Twickenham TW1 4TT

- 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 M Segal against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 22/0008/VRC, dated 24 December 2021, was refused by notice dated 4 March 2022.
 - The application ref: 19/3031/FUL sought planning permission for a "new mansard roof with lantern rooflight and restructuring of roof to the rear outrigger to create a flat roof". This application is described as "variation to condition U0076681 of application 19/3031/FUL to amend approved drawings" dated 24 December 2021.
 - The condition in dispute is U0076681 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans: SGLXP LE2.0, SGLXP P2F 2.0, SGLXP PBG1F 2.0, SGLXP PR 2.0, SGLXP SA2.0, SGLXP SB2.0, BLOCK PLAN, LOCATION PLAN received on 30/10/2019 SGLXP LN2.1 received on 13/01/2020. SGLXP LS 2.2, SGLXP LW 2.2 and SGLXP P3F 2.2 received on 04/02/2020.*
 - 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 allowed, and planning permission is granted for the variation of condition U0076681 of application 19/3031/FUL to amend approved drawings at Flat 7 Bonnepalm House 1 Waldegrave Park, Twickenham TW1 4TT in accordance with the terms of the application, Ref 22/0008/VRC, dated 24 December 2021, and subject to the conditions set out in the schedule at the end of this decision letter.

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 on the application form. The application seeks to vary an approved plans condition to amend the plan to which the development should be carried out in accordance with.

3. A late representation has been received from a third party. The late representation has been accepted as the third party was not notified of the appeal. I have taken the comments raised into account. The appellant and the Council have been given the opportunity to comment on these and did not provide any further comment.
4. I also sought the views of the main parties on whether the development for the original permission had commenced. The appellant advised that development began on 16 January 2023. The Council has not disputed this, and therefore in the absence of any evidence to the contrary, I shall proceed on that basis.
5. The appeal site is located within the Waldegrave Park Teddington Conservation Area CA45 (CA). Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act), requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the (CA).

Main Issue

6. The main issues are the effect of the proposed development on the character and appearance of the Conservation Area (CA) and whether condition U0076681 is necessary.

Reasons

7. The appeal site comprises the top floor of a substantial semi-detached building. It is located within a prominent position on the edge of the CA. The CA is a wide and straight residential avenue. The significance of the CA lies in its sense of spaciousness afforded by large, well-spaced houses and trees. It also noted within the CA appraisal that the 'gateways' to the CA at either end are not of the same quality as its centre. And it states that at the western end, there is the "bleak frontage of unsympathetic flat conversions of nos. 1 & 3", with the appeal site being No.1 Waldegrave Park (No.1) and the adjoining property No.3 Waldegrave Park (No.3). The CA appraisal identifies that the appeal property does not have the family resemblance of the architectural features of the majority of buildings within it.
8. The roof of the host dwelling, subject to the appeal proposals, is covered with large expansive flat roof dormers, these are highly visible within the area. Other than these, the building has a traditional appearance and shares a commonality in terms of scale with other properties and overall contributes to the CA. The host building fronts onto Waldegrave Park, and at the time of my site visit there were clear views of the front, side and rear elevations of the host building and adjoining property, particularly from Waldegrave Park and Waldegrave Road.
9. The adjoining No.3 has a mansard roof with modest dormer windows aligning with those below them, and a stone balustrade on the rear. The Council's case is that the permission¹ was only considered appropriate, firstly due to the mansard at No.3, and that it would reinstate a degree of symmetry to the semi-detached pair. Notwithstanding that the Council considers that the replacement of the glass balustrade over the rear pitch roof outrigger with a stone/brick balustrade reflects that on the adjoining property and would reinstate more of the symmetry than previous proposals at the rear, they

¹ 19/3031/FUL

consider the appeal proposals would change the approved development to the degree that it would appear visually intrusive and unsympathetic.

10. The adjoining property also has simple dormer windows on its front, side and rear elevations as per the appeal proposal. The Council does not object to the provision of dormer windows in principle. I do not disagree with this and therefore find that the main areas of dispute between the parties is the size and alignment of the dormers and windows, the front/side balcony and glass balustrade.
11. The position and alignment of proposed windows conflicts with the Council's Supplementary Planning Document House Extension and External Alterations 2015 (SPD) which seeks to ensure new windows are consistent with the host building and line up with existing openings. However, this conflict is limited because those on the front and rear elevation align with the windows below. Those on the side have marginally altered their position and alignment. Due to the overall scale of the building, which consists of 3 storeys, basement and roof accommodation, the dormer windows appear slim and lightweight and suitable contemporary additions as they are composed of glazing. Although they are close to the roof of the mansard, those on No.3 are similarly close to the top.
12. The proposed dormer windows would also be seen in the context of the large rear flat roof dormer window on the adjacent property on the corner of Waldegrave Park and Waldegrave Road. Therefore, whilst I appreciate the Council's position in seeking a window hierarchy in this instance the dormer windows are suitably scaled and their alignment is not markedly at odds with the position of the windows below to dominate or interfere with the façade.
13. The proposed windows on the front, rear and side are large but in my view are set sufficiently in from the edge of the host dwelling and would be in parts obscured by sections of the mansard and rear balcony, which would lessen their appearance. They would therefore not appear unduly intrusive. The glazed balcony would be lightweight and not visually prominent. Although there is no balcony on the attached property, for the above reason I do not find that it would appear as an assertive feature within the streetscene.
14. The appeal proposals retain the overall scale and bulk of the approved mansard. This would draw the main attention away from the external features proposed. The appeal proposals would also successfully replace prominent and extensive flat roof dormer windows which to my mind are more at odds with its adjoining neighbour, and I do not find the proposals to be significantly different to the approved scheme.
15. Overall, the appeal proposal would incorporate features found on the adjacent property. The proposal largely follows the SPD guidance and thus it would sit comfortably in its surroundings within this more varied part of the CA. I therefore conclude that the proposed development would not harm the character and appearance of the area and preserve the character and appearance of the CA. Even when attaching great weight to the importance of the heritage asset, I find the details of the development to be acceptable. The development would meet the statutory test. Consequently, I consider that the scheme complies with the requirements of the National Planning Policy Framework 2021 (the Framework).

16. The proposal would 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. Whilst I acknowledge there is some conflict with the SPD this is guidance and not all scenarios can be addressed, and each case must be assessed on its merits. The proposal satisfies the broad aims set out within this where it seeks to ensure development is sympathetic to its surroundings.

Other Matters

17. Interested parties have raised concerns about the effect of the proposed development upon their living conditions, in relation to privacy and noise. A condition has been imposed which would suitably prevent the use of the flat roof at the rear of building to address this. The glazed balcony to the side would be sited at an oblique angle to other properties and would also be enclosed by the mansard on one side. There is also a suitable distance from properties fronting Waldegrave Road and Waldegrave Park. Thus, I do not find that it would have an unacceptable impact upon neighbouring living conditions, particularly given its scale and likely level of use. In any event, such matters have not been transposed to the Council's refusals reasons, and I see no reason to disagree.

Conditions

18. The grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged. Other than the development having commenced, as I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. I shall vary the condition substituting the updated plan numbers, and the undisputed conditions in relation to the use of the flat roof and materials. I have imposed the suggested condition in relation to fire safety in the interests of the living conditions of future occupiers.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed and grant a new planning permission with a variation to the disputed condition.

K Williams

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing & proposed East Elevation - SGLxp Le 4.1R; Existing & Proposed North Elevation - SGLxp Ln 4.1R; Existing and proposed South Elevation - SGLxp Ls 4.1R; Existing and Proposed West Elevation - SGLxp Lw 4.1R; Existing and Proposed Third Floor Plan -SGLxp P3f 4.1R; Existing and Proposed Roof Plan - SGLXP Pr 4.1R; Existing and Proposed Section (AA) -Slap Sa 4.1R; Existing and Proposed Section (BB) - SGLxp Sb 4.1R; Existing and Proposed Section (CC) - SGLxp SC 4.1R; received 24 December 2021; Location Plan received 22 February 2022; and Block Plan.
- 2) The flat roof to the rear of the building shall not be used for any purpose other than as a means of escape in emergency or for maintenance of the building.
- 3) No new external finishes (including fenestration), including works of making good, shall be carried out other than in materials to match the existing.
- 4) The development must be carried out in accordance with the provisions of the Fire Safety Strategy prepared by Surety Fire Solutions and received at the LPA on 24th December 2021 unless otherwise approved in writing by the Local Planning Authority.

End of Schedule