



Appeal Decisions

Site visit made on 28 March 2023

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 27th April 2023

Appeal A Ref: APP/L5810/W/22/3305032

12 High Street, Hampton Hill TW12 1PD

- 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 J Greenall against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 20/3395/FUL, dated 25 November 2020, was refused by notice dated 14 February 2022.
 - The development proposed is removal of former bakery sheds and outbuildings and construction of new ground and first floor extensions to provide 3 no. flats and retained commercial unit fronting High Street. Reinstatement of 5 metre Deer Leap.
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Appeal B Ref: APP/L5810/Y/22/3305034

12 High Street, Hampton Hill TW12 1PD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs J Greenall against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 20/3396/LBC, dated 25 November 2020, was refused by notice dated 14 February 2022.
 - The works proposed are removal of former bakery sheds and outbuildings and construction of new ground and first floor extensions to provide 3 no. flats and retained commercial unit fronting High Street. Reinstatement of 5 metre Deer Leap.
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Decision

1. The appeals are dismissed.

Preliminary Matter

2. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - the effect of the proposal on biodiversity;
 - whether the proposal would preserve the existing building, a Building of Townscape Merit (BTM), the Grade II listed boundary wall, the setting of Bushy Park, a Grade I listed Registered Park and Garden, and any of the features of special architectural or historic interest that it possesses and whether the proposal would preserve or enhance the character or appearance of the High Street (Hampton Hill) Conservation Area (CA);

- the effect of the proposal on the living conditions of neighbouring occupiers with regard to privacy and noise;
- whether the proposal would accord with the Council's development plan strategy for the loss of employment and office uses; and
- the effect of the proposal on a nearby tree.

Reasons

Biodiversity

4. The site lies adjacent to Bushy Park Special Scientific Interest (SSSI). The wider impact on the SSSI has not been addressed in the appeal submissions, and had I been concluding differently on the other main issues this would have been a matter I would have had to explore in more detail.
5. Bat surveys were submitted as part of the appeal which concluded that no bats emerged from the property and activity was generally low with a peak of two common pipistrelles. As I observed during my site visit, there are a number of nearby properties with rear windows facing Bushy Park. In addition, external lighting could be controlled via a suitably worded condition. Therefore, given the other light sources in the area, any increase in light spill from the proposed windows would be unlikely to result in harm to bats.
6. While not determinative, as it has not been demonstrated that the proposal would not result in adverse effects on biodiversity, it would not accord with Policy LP15 of the Local Plan (July 2018) (LP) which seeks, among other things, to protect biodiversity in, and adjacent to, the borough's designated sites for biodiversity.
7. As LP Policy LP15 states that major developments are required to deliver net gain for biodiversity, and the proposal would not be major development, the proposal would not conflict with the Policy in this particular respect.

BTM, Listed building, Registered Park and Garden and CA

8. The existing two-storey building is a Building of Townscape Merit (BTM) which appears to date from the 19th century. Its significance lies in its origins and character as a modest traditional shop.
9. Bushy Park is a Grade I Registered Park and Garden that dates from the 15th century. The listing states that it is a royal deer park that has been enlarged by subsequent monarchs. Given the above, I find that the special interest of the listed park and garden, insofar as it relates to these appeals, to be primarily associated with its 15th century origins and history as a royal deer park.
10. The boundary wall to Bushy Park is Grade II listed. The listing for Bushy Park states that the boundary walls are dated variously to the 16th, 17 and 19th centuries. The special interest of the boundary wall, insofar as it relates to these appeals, lies in its connection with Bushy Park.
11. The CA forms the historic core of the original linear settlement and is enclosed by closely packed predominantly two storey Victorian buildings occupying traditional long narrow plots. As stated in the Conservation Area Study, the early settlement pattern of a linear street is still apparent, and the linear character is reinforced by the boundary wall of Bushy Park. The wider

landscape setting of Bushy Park and the backdrop of mature trees contribute to the enclosure and distinctive village character of this area.

12. Accordingly, the significance of the CA insofar as it relates to the appeal, lies in its modest village character.
13. The scheme proposes the demolition of the rear part of the building and the erection of a two-storey rear extension that would contain three dwellings.
14. The existing rear part of the building is constructed very close to the boundary wall of Bushy Park. It appears to be constructed of metal portal frame dating from the 20th century, with infilled masonry walls to the height of the boundary wall and corrugated sheet cladding above. The roof of this rear element is pitched and rises to the boundary wall, resulting in a tall rear wall adjacent to the boundary with Bushy Park.
15. As such, the materials and form of the rear part of the existing building appear discordant against the traditional materials and forms of the front part of the building and the wider conservation area. It therefore provides a negative contribution to the significance of the BTM, conservation area and setting of the boundary wall and Bushy Park.
16. The proposal includes a two-storey rear extension that would extend across the full width of the existing building. Although the projection to the rear would be less than the existing rear element, the proposed extension would be greater in height, being almost the same as the front part of the building. The two gable end forms and flat roof part of the extension would result in a massing that would visually compete with the original front part of the building and would appear discordant against the traditional forms of the host building. This would unacceptably diminish the traditional character of the BTM.
17. Although the proposal would not be visible in most public views from High Street, the proposal's awkward relationship with the host building would appear incongruous against the modest village character of the CA particularly when seen from Bushy Park. Therefore, the scheme would erode the character and appearance of the CA.
18. The removal of the rear extension would provide a spaciousness to the setting of Bushy Park and the boundary wall. However, the form and scale of the proposed extension would nonetheless appear discordant against the modest character of the surrounding area and would therefore result in an adverse effect on the setting and special interest of the listed park and garden and the boundary wall.
19. I note the Method Statement for Removing Bakery Buildings Alongside Listed Wall which sets out that the demolition of the rear part of the existing building would be carried out by hand. The evidence indicates that the walls within the site are not keyed into the boundary wall. As such, I see no reason why a suitably worded condition requiring a further assessment and programme of works could not adequately mitigate the risk of loss of historic fabric. Notwithstanding this, given the form and scale of the proposal, the scheme would harm the setting of Bushy Park and the significance of the BTM as well as the CA.
20. Consequently, the proposal would fail to preserve the significance of the BTM and would erode the setting of the nearby Registered Park and Garden thereby

causing harm to its special interest. In addition, the proposal would also fail to preserve the character and appearance of the High Street (Hampton Hill) CA.

21. Given the limited scale of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
22. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant is of the opinion that the proposal would be beneficial as the removal of the rear part of the building would create space adjacent to the listed boundary wall and provide a spaciousness to the setting of Bushy Park. However, given the form and scale of the proposal, these are not sufficient to outweigh the harm that I have identified. In any event, the continued viable use of the appeal property, boundary wall and Bushy Park is not dependent on the proposal as the building and Registered Park and Garden have ongoing uses that would not cease in its absence. In the absence of any substantiated evidence to the contrary neither would any public benefits accrue in relation to the CA.
23. This would fail to satisfy the requirements of the Act, the Framework and conflict with the development plan. More specifically, the proposal would conflict with LP Policies LP1, LP3 and LP4 which together seek to maintain and enhance the high-quality character and heritage of the borough and its villages as well as the significance and setting of heritage assets and non-designated heritage assets.

Privacy and noise

24. The proposal includes first floor rear balconies. The northern balcony would be in close proximity to the boundary with No 14 High Street. Views to the neighbouring window could be gained from the corner of the balcony. While I note the evidence regarding the position and width of the balconies, future occupiers could gain views, albeit obliquely, to the first-floor neighbouring window at close proximity when stood on the balcony facing the building. Therefore, the proposal would result in harm to the privacy of the neighbouring occupiers.
25. Although the proposal would result in future occupiers being present in the proposed garden areas and balconies, this would be unlikely to result in additional undue noise given the residential and commercial uses in the area.
26. No 10 High Street lies to the south of the site. While future occupiers would have views to the shared courtyard on the ground floor, this would not be at a close proximity and would not unduly affect the privacy of the neighbouring occupiers.
27. Consequently, the proposal would harm the living conditions of neighbouring occupiers with regard to privacy. Therefore, it would conflict with LP Policy LP 8 which seeks, among other things, to ensure balconies do not raise unacceptable overlooking to nearby occupiers.

Loss of employment and office use

28. The proposal would result in the change of use of part of the site from light industrial use and office to residential. LP Policies 41 and 42 set out criteria for

the loss of these uses. This includes evidence of completion of a full and proper marketing exercise of the site at realistic prices both for the existing use or an alternative office-based or industrial use completed over a minimum period of two continuous years.

29. As the site has not been marketed in accordance with the above, the proposal would conflict with LP Policies 41 and 42.
30. Consequently, the proposal would not accord with the Council's development plan strategy for the loss of employment and office uses.

Tree

31. A mature, healthy Oak tree lies within Bushy Park in close proximity to the site. An Arboricultural Impact Assessment (AIA) was submitted with the appeal which concluded that if the proposal is implemented in accordance with the recommendations laid out in the report, neither the tree or wider landscape will be adversely affected. I see no reason why a suitably worded condition requiring compliance with the methodology within the AIA would not adequately mitigate against any substantial risk of harm to the tree.
32. Consequently, the proposal would not harm the nearby tree. Therefore, it would not conflict with LP Policy LP 16 which requires the protection of existing trees.

Other Matters

33. Revised drawings were submitted with the proposal which omit the balconies. Even if I had regard to these drawings, given my findings above, this matter has not altered my overall decision.
34. The site benefits from prior approval for the conversion of the former bakery sheds to two dwellings. In addition, the Appellant has indicated how the space could be converted. As such, there is a realistic possibility that this scheme would be implemented should this appeal be dismissed. Notwithstanding this, given my findings above, this matter has not altered my overall decision.

Conclusion

35. For the reasons given above, the proposal would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeals are dismissed.

R Sabu

INSPECTOR