

Appeal Decision

Site visit made on 12 June 2023

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2023

Appeal Ref: APP/L5810/D/23/3315809

24 Kew Gardens Road, Kew, Richmond TW9 3HD

- 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 E Minvielle against the decision of the London Borough of Richmond upon Thames Council.
 - The application Ref. 22/1672/HOT, dated 24 May 2022, was refused by notice dated 11 November 2022.
 - The development proposed is for a ground floor side extension, increasing the width of the garage, first floor side extension above garage, single storey rear extension, raised terrace and changes to bay window to dining room and bedroom above.
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor side extension, increasing the width of the garage, first floor side extension above garage, single storey rear extension, raised terrace and changes to bay window to dining room and bedroom above at 24 Kew Gardens Road, Kew, Richmond TW9 3HD in accordance with the terms of the application Ref 22/1672/HOT, dated 24 May 2022 subject to the conditions set out within the Schedule attached to this decision.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Kew Gardens Conservation Area, as well its effects upon a Building of Townscape Merit.

Reasons

3. The appeal dwelling comprises a large, detached two and a half storey villa set within the Kew Gardens Conservation Area which generally comprises buildings of a similar design and form that have been preserved to a high standard. The subject building has been identified by the Council as a Building of Townscape Merit (BTM) and I have no reason to doubt this designation, with it being a good example of Victorian architecture and consequently I consider it appropriate to deem it as a non-designated heritage asset.
4. I note that the Conservation Area Statement refers to houses being united by the predominant use of red, or in this case, yellow stock brick and timber sliding sash windows, as well as a variety of exuberant detailing such as decorative bargeboards, bay window and porches with distinctive roofscapes with

prominent gables with finials, ridge tiles, turrets and brick chimney stacks. It is therefore imperative that such features are not lost to unsympathetic alterations and additions.

5. The existing two storey element that would be extended as part of the proposal is recessive in nature and appears to be an original feature of no24. Forward of this is an attached single storey garage which would be widened slightly in order to facilitate the construction of the first floor element over. Nonetheless, the overall height of this element would be less than the existing gable and whilst I note that its set-back from the principal front elevation would not be so great as existing, nonetheless it would appear subordinate in form to the host building with very little change when viewing the property head on.
6. Therefore, whilst the first floor side extension would add bulk to the side of the building, I consider that it would not be significant and therefore would not form a highly intrusive feature within the street scene, nor would it materially erode the spaciousness of this part of the Conservation Area. I also consider that the proposal would not appear overly bulky or unduly prominent in relation to the host BTM or adjoining BTMs, with me noting that 23 Kew Gardens Road has been significantly extended at the rear and sub-divided into flats. Consequently, I consider that the proposal would adhere to the Council's adopted House Extensions and External Alterations SPD which requires side extensions to be well integrated with the host property or to be made to appear as an obvious addition which is subordinate to the main structure, so that the original form can still be appreciated. The proposal would appear as a natural evolution of the dwelling and with its main range remaining intact.
7. For the reasons cited above, I consider that the proposal would preserve the character and appearance of the Conservation Area and would not give rise to demonstrable harm to either designated or non-designated heritage assets. The proposal complies with Policies LP1, LP3, LP4 and LP8 of the London Borough of Richmond upon Thames Local Plan (2018) and The London Plan 2021 Policies D4 and HC1 which together require all development to be of high architectural and urban design quality, ensuring compatibility with local character whilst at the very least it conserving the historic environment of the Borough, whilst having regard to the guidance set out within the Council's SPDs relating to design and extensions.

Conclusion and Conditions

8. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
9. Other than the standard time limit condition, the Council recommends that conditions are imposed that require the development to be carried out in accordance with the approved plans and that materials and finishes to be employed on the external faces of the development shall match the existing building. I consider these necessary in the interests of the character and appearance of the area.
10. Furthermore, the Council has also suggested that conditions be imposed that prevent the use of the rear extension as a balcony or terrace, that all vehicles and construction plant utilise ultra-low sulphur diesel, in addition to the first floor windows in the side elevation of the extension being obscurely glazed and

non-openable where below 1.7m above the relevant floor level. I consider that these conditions are necessary to protect the living conditions of the occupants of surrounding residential properties.

11. Furthermore, a condition requiring the development to be carried out in accordance with the provisions of the Fire Safety Document submitted with the planning application is necessary to ensure that fire safety measures in accordance with the London Plan Policy D12 are adhered to. In the interests of the visual amenities of the area, I consider it appropriate to impose conditions that require the development to be carried out in accordance with the submitted Arboricultural drawings and documentation along with securing a monitoring programme in partnership with the Council's Arboricultural Officer.

C J Tivey

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: FLU.01, FLU.02, FLU.03, FLU.04, FLU.05, 1619.2.06 Rev A, 1619.2.07 Rev A, 1619.2.08 Rev A, 1619.2.09 Rev A & 1619.2.10 Rev A.
3. No new external finishes (including fenestration), including works of making good, shall be carried out other than in materials to match the existing, except where indicated otherwise on the submitted application forms and/or approved drawings.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no part of the roof of the extensions hereby approved shall be used as a balcony or terrace nor shall any access be formed thereto.
5. During onsite construction of any phase of development, all non-road transportable industrial equipment or vehicles which are fitted with an internal diesel powered compression ignition engine between 37 and 560KW and not intended for transporting goods or passengers on roads are required to meet Stage IIIB of EU Directive 97/68/E and be NRMM registered. Such vehicles must be run on ultra low sulphur diesel (also known as ULSD 'cleaner diesel' or 'green diesel').

"Ultra low sulphur diesel" means fuel meeting the specification within BS EN 590. Where these standards are succeeded, they should be applied when reasonable. Exemptions to these standards may be granted for specialist equipment or for equipment with alternative emission reduction equipment or run on alternative fuels. Such exemptions shall be applied for in writing to the local planning authority in advance of the use of such vehicles, detailing the reasons for the exemption being sought and clearly identifying the subject vehicles. Exemptions that are granted will be in writing and such vehicles must not be used until written exemption has been issued by the local planning authority.

No vehicles or plant to which the above emission standards apply shall be on site, at any time, whether in use or not, unless it complies with the above standards, without the prior written consent of the local planning authority.

6. The development must be carried out in accordance with the provisions of the Fire Safety Document received by the Council dated 24 May 2022 unless otherwise approved in writing by the Local Planning Authority.
7. The proposed first floor windows in the side elevation of the building hereby approved, as shown on drawing 1619.2.09 Revision A, shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.7 metres above the relevant floor level.
8. The development hereby approved shall not be implemented other than in accordance with the principles and methodology as described within the

following approved Arboricultural details, unless otherwise previously agreed in writing with the local planning authority.

- o "Arboricultural and Planning Integration Report Ref: GHA/DS/125660:21"

- o "Arboricultural Impact Assessment, Rev B, dated Aug 2022"

- o "Tree Protection Plan, Rev B, dated Aug 2022"

A. Prior to commencement of works, confirmation of the appointment of a retained Arboricultural consultant to conduct and submit an auditable system of site supervision and monitoring shall be submitted to and approved by the Local Planning Authority.

B. Illustrated monitoring reports shall be submitted to and approved by the Local Planning Authority, upon completion of works hereby approved.

9. (A) Following the implementation of the Tree Protection, and no later than 14 days prior to the commencement of development (or any materials or machinery being brought onto the site), the Local Planning Authority Arboricultural Officer shall be formally invited, to attend a 'pre-start meeting'. Key stakeholders (including site manager, project arboriculturist and other key site personnel) shall attend the pre-start meeting.

(B) Minutes from the meeting must be prepared and submitted by the applicant and approved for formal discharge by the Local Planning Authority, prior to the commencement of development.

(C) Following the commencement of trial excavations for the proposed foundations the local authority Arboricultural officer shall be invited to attend to view the excavation and exposed roots. A minimum of 7 working days' notice prior to commencement (or any materials or machinery being brought onto the site) must be given.

(D) Following the site visit, minutes from the meeting and details of the foundation construction to be utilised must be prepared and submitted to and approved by the Local Planning Authority Arboricultural Officer prior to the commencement of development.

(E) Any subsequent and agreed root pruning must be undertaken by the on-site supervising Arboricultural consultant.