



Appeal Decision

Site visit undertaken on 8 August 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 30 August 2023.

Appeal A Ref: APP/L5810/D/23/3321966

48 Berwyn Road, Richmond TW10 5BS

- 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 NTA Planning LLP against the decision by the London Borough of Richmond Upon Thames.
 - The application, ref. 23/0416/HOT, dated 15 February 2023, was refused by notice dated 20 March 2023.
 - The development proposed is described as a proposed first floor side and rear extension.
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Appeal B Ref: APP/L5810/D/23/3321967

48 Berwyn Road, Richmond TW10 5BS

- 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 NTA Planning LLP against the decision by the London Borough of Richmond Upon Thames.
 - The application, ref. 23/0414/HOT, dated 15 February 2023, was refused by notice dated 20 March 2023.
 - The development proposed is described as a proposed first floor side and rear extension.
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Appeal C Ref: APP/L5810/D/23/3324005

48 Berwyn Road, Richmond TW10 5BS

- 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 NTA Planning LLP against the decision by the London Borough of Richmond Upon Thames.
 - The application, ref. 23/0922/HOT, dated 6 April 2023, was refused by notice dated 24 May 2023.
 - The development proposed is described as a proposed side and rear extensions.
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Appeal D Ref: APP/L5810/D/23/3324009

48 Berwyn Road, Richmond TW10 5BS

- 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 NTA Planning LLP against the decision by the London Borough of Richmond Upon Thames.
 - The application, ref. 23/0925/HOT, dated 6 April 2023, was refused by notice dated 24 May 2023.
 - The development proposed is described as a proposed side and rear extension.
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Appeal A:

1. The appeal is dismissed.

Appeal B:

2. The appeal is dismissed.

Appeal C:

3. The appeal is dismissed.

Appeal D:

4. The appeal is dismissed.

Procedural Matter

5. This decision deals with four planning appeals under s78 of the Town and Country Planning Act 1990. Whilst each of the appeals are to be considered individually under these processes, as the cases are for the same site, and are similar in their nature and considerations; to avoid repetition and for the avoidance of doubt, I have dealt with each of the appeals within this single letter.

Application for Costs

6. Appeals C and D contain an application for costs which is made by NTA Planning against the London Borough of Richmond Upon Thames. These applications are the subject of a separate decision.

Main issue – Appeals A, B, C and D

7. The Main issue for each of the appeals is the effect of the proposal upon the character and appearance of the existing dwelling, as well as the surrounding locality, with special regard to the Sheen Common Drive Conservation Area (CA).

Reasons – Appeals A, B, C, and D

Legal and Policy Context

8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA), in respect of development affecting conservation areas, states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area.
9. In undertaking extensions to the existing buildings, the London Borough of Richmond Upon Thames Local Plan 2018 (LP) Policy LP1 lists a number of design principles in order to ensure development respects, contributes to and enhances the local environment and character, such as consideration around compatibility with existing character; development patterns, views, local grain, scale; height, layout, siting, heritage assets and natural features, amongst others. LP Policy LP3 is related to heritage assets and seeks to conserve and enhance heritage assets, with development within CAs required to preserve and where possible enhance the character or appearance of the CA.

10. These policies are supported by the House Extensions and External Alterations Supplementary Planning Document (SPD) which contains further explanations and guidance with regards to extensions to existing properties. With regards to extensions the SPD seeks that the overall shape, size and position of extensions should not dominate the existing house and should harmonise with the original appearance. There is also the emphasis on protecting key spaces and gaps, and ensuring subservience. Additionally London Plan Policy HC1 (c) seeks that development conserve the significance of heritage assets and avoid harm by integrating heritage considerations early on in the design process.
11. According to paragraph 199 of the National Planning Policy Framework (the Framework), great weight should be given to an asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance. Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 requires that, where a proposal would lead to 'less than substantial harm,' the harm should be weighed against the public benefits of the proposal.

Site Description and Significance of the CA

12. The significance of the CA is detailed within the CA appraisal and consists of a triangular shaped area that is centred upon Berwyn Road, Orchard Rise and Sheen Common. The area consists of a homogenous group of detached dwellings which were constructed during the 1930s. Each of the dwellings are detached and situated along the roads with a common setback from front boundaries with a restrained design and use of building materials which seeks to emulate an arts and crafts design and material palette. Buildings are two storeys and contain red clay roof tiles, large chimney stacks, hipped roof forms, use of render and brown brick, hanging tiles, large canted bay windows and large chimney stacks. Dwellings are relatively modest in size and are positioned so that gaps exist between dwellings, particularly at first floor level, where there are glimpses to the tops of trees. Along Berwyn Road, there is an emphasis on vegetation with street trees and planted verges between the road and footpath which along with front gardens reinforces a leafy and spacious quality and character to the CA.
13. The appraisal notes that problems and pressures within the CA are development pressure that harms the balance of the landscape setting; loss of traditional architectural features and materials due to unsympathetic alterations, amongst others. Having visited Berwyn Road, I agree with the appellant that there are examples of alterations and additions, some more successful than others, with some historic extensions having a negative effect upon the CA, such as larger side extensions that have eroded the visual gaps and evidence of a few dwellings having a crown roof. I disagree with the appellant's Statement of Case that these elements are part of the established character that contributes to the significance of the CA.
14. The appeal building is one of the original characteristic dwellings which make up the CA and reflects the origins of the development of this area. The building is two storeys with hipped roof form, canted bay window with render to the first level and brick to the ground floor with characteristic chimney stack. There is a dominance of vegetation to the front garden, with gaps in

and around the dwelling reinforcing the leafy and spacious character with glimpse between the dwelling and the neighbouring dwelling to the tops of trees in the rear garden. The dwelling has a single storey side extension where the existing garage has been incorporated into the dwelling and also a part single, part two storey rear extension. Given the curvature of the road at this point, the appeal dwelling is set further forward than properties to the south. I disagree with comments within the appellant's Statement of Case (SoC) that the dwelling does not make a positive contribution to the character and appearance of the area. The existing dwelling has limited extensions and is an architecturally authentic example of the dwellings which make up the estate and positively contribute to the street scene, the character and appearance and local distinctiveness of the locality.

Effect upon the Character and Appearance of the locality, including the CA

Appeal A

15. This proposal seeks to construct a two storey wrap around extension from the side over the existing single storey side extension and full width of the rear. According to the appellant's appeal documents, the depth of the proposed dwelling would be approximately 21 metres deep and would align with the rear walls of no.s 46 and 48 to the south. The wrap around extension would elongate the ride over the side extension with a crown roof with two further valleys that have a front façade that is set back from each other, but maintaining the same ridge height.
16. The proposed extensions are very large, and result in a large and disproportionate amount of bulk and massing when compared to the proportions of the existing dwelling. Whilst I can appreciate arguments that the proposal maintains the same rear building line to the dwellings to the south; as the appeal building is set forward from these properties, the actual depth of the proposal is an additional 5 metres at two storeys from these neighbouring properties to the south. I agree that the properties to the south are large and have had very large extensions, however this is not comparable to the proposal which would be much larger. I note comments in the Planning Officer's report which comments that the two dwellings to the south were extended prior to the establishment of the CA, and this perhaps illustrates why these two dwellings to the south are uncharacteristic of the more modest sized dwellings within this locality. As highlighted in the SPD, the starting point should be the dwelling itself and establishing appropriate extensions based upon the existing form, scale and characteristics, which does not appear to have occurred in this proposal. Whilst the extension would have a similar 'building line' to the two neighbouring dwellings, in this particular case there is more emphasis on the proportions of the extension in relation to the existing dwelling.
17. The additional bulk and mass and in particular the depth of the proposal is unlike nothing in the vicinity and would present a disproportionate and domineering appearance that would not be in keeping with the architectural authenticity or architectural integrity of the existing dwelling. I can also appreciate attempts by the applicant to reduce visual bulk by the inseting of the side extension, however this is unconvincing. The indented valleys over-complicate the roof form into a crown type roof with an elongated ridge which accentuates the visual bulk and massing, rather than reduce it.

Additionally, the erosion of much of the visual gap and separation between the dwellings is harmful to the positive characteristics of the locality.

18. I also note comments with regards to other dwellings within the street scene and how they have been extended, such as No.s 40 and 34 Berwyn Road. However neither of these dwellings have a similar complicated roof form and appear much more subservient than proposed under this scheme. Whilst I appreciate that the appellant is concerned with transparency of decision making by the Council, what is illustrated by the Council decision making is that each application is decided upon their own merits as not every scheme is identical, some decisions will have been made in a different policy context and some will be based upon the design and site context of the site. As such, comparing this dwelling with another application along Orchard Rise which has had some very large alterations was dependant upon its site context, and is not comparable to this situation at the appeal site.
19. In considering applications within CAs there is also the consideration of the significance of the area which takes into account both the tangible and intangible aspects which are important to the CA. It would appear that the appellant's appeal documents only focus upon what can be seen from a public view point, rather than appreciating the CA as a whole which takes into account both public and private domains and tangible and intangible elements of heritage value. The duty under s72 of the PLBCA does not restrict itself to an assessment of only tangible aspects and what can be seen from a public view point.
20. Taking the above into account, the proposal would not be a sympathetic alteration to the existing dwelling and would be harmful to the architectural authenticity and integrity of the existing building as a result of its disproportionate bulk and massing. Consequently the proposal would not preserve or enhance the significance of the CA and would cause 'less than substantial harm' to the CA. The scheme would be contrary to LP Policy LP1 and LP3, and London Plan Policy HC1.

Appeal B

21. This proposal would have the same depth and side projection as Appeal A, however instead of having a hipped roof form, the two storey side and rear wrap-around extension would have a flat roof form that would sit under the eaves of the existing roof. This appeal was refused for the same reason as Appeal A.
22. Many of the elements of the assessment under Appeal A are also relevant to Appeal B with concerns such as depth, width and visual bulk remaining excessive and disproportionate to the scale, form and grain of the existing dwelling. Whilst the removal of the pitched roof has resulted in a reduction of visual bulk and massing, the reduction in roof form is not enough to make the scheme acceptable and in accordance with LP Policies LP1 and LP3. Whilst I can appreciate that the SPD speaks of side extensions with a flat roof as being an appropriate design approach, this also needs to be balanced with the proportions of the existing dwelling, site context and parameters. The extent of the extension is still very large and disproportionate, with the flat roof adding a severe and box-like form which has an awkward juxtaposition to the existing dwelling and which completely encapsulates it. The proposal is neither proportionate or subservient to the existing dwelling,

and does not overcome concerns raised within Appeal A, in particular to the depth and width of the proposal.

23. Taking the above into account, the proposal would not be a sympathetic alteration to the existing dwelling and would be harmful to the architectural authenticity and integrity of the existing building as a result of its disproportionate bulk and massing. Consequently the proposal would not preserve or enhance the significance of the CA and would cause 'less than substantial harm' to the CA. The scheme would be contrary to LP Policy LP1 and LP3, and London Plan Policy HC1.

Appeal C

24. This proposal incorporates a two storey extension to the side which terminates at the end of the existing dwelling, a single storey component that has the same depth as Appeals A and B and is as wide as the existing dwelling and two storey side extension; and a two storey component that is approximately half the width of the new rear façade and is the same depth as Appeals A and B. All of the elements of the proposal would have a flat roof form. This proposal was refused for the same reason as detailed for Appeals A and B.
25. There is a further reduction to the first floor extension to the rear of the appeal building, where instead of being the entire width of the existing building and proposed side extension, the two storey component would be as wide as the existing dwelling. Despite the reduction in first floor, previous concerns regarding the depth and the form, bulk and massing of the extension remain, particularly with relation with the depth of the extension which is disproportionate to the existing dwelling. The reduction in size of the rear extension is not to a point which would make it acceptable under LP Policies LP1, LP 3 or London Plan Policy HC1.
26. The proposal would still remain a substantial projection from the side and rear of the existing dwelling, having a dominant appearance which subsumes the existing dwelling. The width and depth of the proposed extensions are excessive and would not represent a subservient and proportionate extension that would be congruous to the architectural authenticity or integrity of the existing building.
27. Taking the above into account, the proposal would not be a sympathetic alteration to the existing dwelling and would be harmful to the architectural authenticity and integrity of the existing building as a result of its disproportionate bulk and massing. Consequently, the proposal would not preserve or enhance the significance of the CA and would cause 'less than substantial harm' to the CA. The scheme would be contrary to LP Policy LP1 and LP3, and London Plan Policy HC1.

Appeal D

28. This proposal incorporates the same extensions to the side and rear as per Appeal C. The difference between the proposals is that this proposal would have a hipped roof that extends over the two storey side extension, a flat roof over the single storey part rear extension and a hipped roof over the rear two storey extension. The proposal would maintain the same depth as proposed under Appeals A, B and C. This proposal was refused for the same reason as detailed for Appeals A, B, and C.

29. Given the concerns in each of the proposals regarding the depth, width and visual bulk of the extensions, these concerns remain within this proposal. There is less of an overcomplicated roof form than Appeal A, however the bulk, massing and depth of the extensions is still substantial that the proposal could not be considered subservient or proportionate to the existing dwelling. The reduction in size of the rear extension is not to a point which would make it acceptable under LP Policies LP1, LP 3 or London Plan Policy HC1.
30. The proposal would still remain a substantial projection from the side and rear of the existing dwelling, having a dominant appearance which subsumes the existing dwelling which is accentuated by the hipped roof form which adds additional bulk and visual massing. The width and depth of the proposed extensions are excessive and would not represent a subservient and proportionate extension that would be congruous to the architectural authenticity or integrity of the existing building.
31. Taking the above into account, the proposal would not be a sympathetic alteration to the existing dwelling and would be harmful to the architectural authenticity and integrity of the existing building as a result of its disproportionate bulk and massing. Consequently, the proposal would not preserve or enhance the significance of the CA and would cause 'less than substantial harm' to the CA. The scheme would be contrary to LP Policy LP1 and LP3, and London Plan Policy HC1.

Public Benefits

32. Paragraph 202 of the Framework requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal. Each of the appeals has shown to cause 'less than substantial' harm to the CA, which as described previously, I am required to weigh against the public benefits of the proposal. In each of the appeals, the appellant has described the public benefits as providing an optimal viable use for the occupants. Additionally, each of the proposals would also provide short term employment opportunities as a result of the construction of either of the extensions presented. However, these benefits may also be present in a more appropriately designed or differently configured scheme that would be more in accordance with the policies of the development plan.
33. That said, in each of the appeals I therefore find that the public benefits would not outweigh the harm to the CA. Each of the proposals would therefore conflict with the Framework, which directs, at paragraph 199, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance'.
34. In conclusion on this matter, I consider that each of the proposed developments would cause less than substantial harm to the significance of the CA. It has not been shown that public benefits would outweigh this harm and so the proposal would conflict with the development plan and the Framework.

Other Matters

35. I note submissions from interested parties with regards to impact of living conditions of No.46 by reason of outlook, loss of privacy, and access to light; and parking due to increased occupancy. Each of these matters were dealt with within the Planning Officer's Report which found that whilst there was a change to existing conditions, the change was not material enough to warrant refusal of each of the applications. Given the conflict with the Development Plan with regards to character and appearance and the CA, there is no need to revisit these matters further.
36. In Appeals C and D I note commentary within the appellant's SoC regarding the appellant's feelings as to how their application was dealt with which resolves around allegations of bias and unfair treatment of the appellant. This is not a planning matter and has not formed part of this determination.

Overall Conclusion – Appeals A, B, C and D

37. For the reasons given above, and having considered all other matters raised, Appeals A, B, C and D are dismissed.

J Somers

INSPECTOR