



Appeal Decision

Site visit made on 8 August 2023

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

an Inspector appointed by the Secretary of State

Decision date: 31st August 2023

Appeal Ref: APP/L5810/D/23/3319171

20 Sheendale Road, Richmond Upon Thames TW9 2JJ

- 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 & Mrs Ray against the decision of the London Borough of Richmond Upon Thames.
 - The application Ref 22/3690/HOT, dated 13 December 2022, was refused by notice dated 15 March 2023.
 - The development proposed is described as the extension to the existing garage to accommodate a mezzanine. Addition of window to Crofton Road and 4 rooflights.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon:
 - The character and appearance of the host building and the surrounding locality, with special attention and regard to the Sheendale Road Conservation Area (CA); and
 - The living conditions of No.21 Sheendale Road, with particular regard to sense of enclosure.

Reasons

Character and Appearance, including the CA

3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA), in respect of development affecting CAs, states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area.
4. The CA is sited around a small group of eighteenth and early nineteenth century villas that front Sheendale Road and are also considered to be Buildings of Townscape Merit, or non-designated heritage assets in line with Paragraph 203 of the National Planning Policy Framework (the Framework). The area has a leafy character where positive contributions are made from the street trees, well planted front gardens and mature trees to the rear gardens where the tops of vegetation can be experienced through the visual gaps in between dwellings. The CA boundary also includes the rear gardens and small laneway of Crofton Terrace which provides vehicular access to the rear of properties. Being located to the rear there is an inherent hierarchy with the laneway being much narrower with a lower status than the much wider Sheendale Road that provides the frontages and main entrances to the

dwelling. To the rear many of the dwellings have small garages of single storey height with some of those nearby the appeal site appearing to have been constructed relatively recently. The rear gardens are dominated by vegetation and a very low scale of built form and an undeveloped aspect over the rear of the dwellings which reinforces the relationship and experience of the hierarchy of built and natural forms from the front to the rear. These are some of the elements that reinforce the qualities of local character and distinctiveness of this particular locality.

5. The appeal site is one of the characteristic original villas of the area and is noted as a Building of Townscape Merit. To the rear of the appeal site is a single storey brick garage situated along Crofton Terrace. The rear of the appeal site is relatively well planted and contributes to the undeveloped nature of the area with a clear hierarchy between the form and function of buildings from the front to the rear of the site.
6. In undertaking development, 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. LP Policy LP4 applies specifically to non-designated heritage assets and seeks to preserve and where possible enhance their significance and character.
7. The increase in height of the built form from one storey to two storeys, as well as the increased depth would be unlike anything in the immediate locality and would increase the status and hierarchy of the building to this rear laneway. Additionally, the alterations to the existing garage would erode the openness and undeveloped vegetated and traditional layout and nature of the rear of the dwellings, and would be detrimental to the positive qualities that inform the local character and distinctiveness of this particular locality.
8. I note comments in the appellants Statement of Case (SoC) that the CA appraisal is predominantly concerned with the front facades of buildings along Sheendale Road. However, it should not be assumed that the CA Appraisal speaks of every element of significance, or that because something is not mentioned, that it is not significant. The duty provided under s72 of the PLBCA does not make any differentiation between whether the development is within the public or private realm, and an assessment of harm is not limited to front facades or tangible aspects such as views and should also incorporate intangible aspects. As such it is not appropriate to discount the contribution to the significance of the rear of the buildings to the CA, which as described contribute to the significance of the CA, the status, and architectural authenticity, hierarchy and integrity of the existing built form.
9. I can also appreciate concerns from the appellant and interested parties with regards to crime in this laneway, involving both break-ins of garages and anti-social behaviour. I also appreciate details of reports made to the Police as in the submitted appeal documents. However, as also mentioned in these documents, there may be other means of reducing these behaviours which

would entail similar benefits but not cause as much harm to the character and appearance of the CA. In other words, there is no clear evidence before me that the increase in surveillance provided by an office/storage on the first floor would be the only way or that it would be more efficient or effective than other means of controlling such behaviours as also detailed in discussions with neighbours, eg increased lighting, CCTV, police presence etc.

10. Taking the above into account, the proposed scheme would be contrary to LP Policies LP1, LP3 and LP4 as detailed previously. Consequently, and although serious, the proposed scheme would cause 'less than substantial harm' to the significance of the CA within the meaning of the term in paragraph 202 of the National Planning Policy Framework (the Framework). Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification. 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. I have also applied Paragraph 203 of the Framework which seeks to consider harm to non-designated heritage assets.
11. The appellant has outlined public benefits such as the increased natural surveillance which would reduce crime to the locality, as well as the provision of home office space and storage. Additionally, the scheme would provide short term employment opportunities in the construction of the building as well as accommodate office space for the appellant. As previously discussed, the benefits to crime reduction are limited and benefits such as reducing crime may be able to be achieved by alternative means. With regards to office space and storage, additional storage/office space may also be available to the property via other means that may be more in accordance with local plan policies. That said, these benefits would not justify the harm I have identified.
12. I therefore find that the public benefits would not outweigh the harm caused to the significance of the CA. The scheme therefore conflicts 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.'
13. In conclusion on this matter, I consider the proposed development 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, the Framework and my duty under the PLBCA.

Living Conditions

14. No.21 Sheendale Road adjoins the appeal site and is well planted with mature vegetation, and does not have a garage building to the end of the garden. It would appear that formal outdoor entertaining space is located close to the rear of the dwelling, and whilst there are trees planted to the rear, the open aspect and vegetation would be a positive characteristic of their enjoyment of this property which is present to both the north, south and east of the rear garden.
15. The proposed increase in height and depth as a result of the proposal would increase the amount of built form to the rear of the garden, and whilst the vegetation provides some screening, this would not alleviate the differences or

changes in built form which have a different character than open and vegetated forms. Whilst there would be a noticeable change to the rear aspect towards No.21 as a result of the proposal, given the length of the rear garden, and the available open aspect, I do not consider the harm caused to be at a level where it would cause significant detriment to the neighbouring resident as a result of sense of enclosure.

16. Consequently, the proposal would be made in accordance with LP Policy LP8 which seeks to avoid detriment to neighbouring resident's living conditions, as a result of development.

Conclusion

17. Whilst I have agreed with the appellant with regards to the matter involving living conditions, when the development plan is taken as a whole, this would not alleviate the harm that is caused to the character and appearance of the area, including the CA. For the reasons given above, I conclude that the appeal be dismissed.

J Somers
INSPECTOR