



Appeal Decision

Site visit made on 18 October 2023 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2023

Appeal Ref: APP/L5810/D/23/3325100

149 Castelnau, London SW13 9EW

- 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 Chris Holbrook (Sacrasoil Ltd) against the decision of the Council of the London borough of Richmond Upon Thames.
 - The application Ref 23/0894/HOT, dated 4 April 2023, was refused by notice dated 30 June 2023.
 - The development proposed is described as 'proposed outbuilding and all associated work at 149 Castelnau'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. Whether the proposed development would preserve or enhance the character or appearance of the Castlenau Conservation Area (CCA) with particular regard to trees.

Reasons for the Recommendation

4. The CCA draws its significance from the distinct street to Hammersmith Bridge amongst other things. Landscaping is an important aspect of the CCA adding a pleasant sense of verdancy and enclosure. Standing on site, in the location of the proposed development, it is clear that there are nearby trees in an adjacent garden with large canopies, which suggests that they may have large root areas that, in the absence of any confirmative information to the contrary, may spread into the appeal site. The trees make a significant contribution to the intrinsic qualities of the CCA.
5. Whilst the appellant states that they will place the structure on flat pads and that the root structures of nearby trees will not be affected, I have no supporting evidence. The suggested solutions could be appropriate, but without an accurately measured assessment of the root protection areas or any coherent construction plan in place to demonstrate how the storage of materials, the use and storage of plant and machinery, or access and egress to the site will be implemented, I cannot be certain that there will not be an adverse effect on the longevity and health of the trees. Whilst not subject to a

Tree Preservation Order, the trees are afforded statutory protection due to being within the CCA. As such, I cannot be certain that the development will not harm the significance of the CCA. Given what would need to be known prior to being certain where buildings can go, it would not be possible to deal with this matter through the use of conditions. With this in mind, I cannot be sufficient certainly the appeal scheme would preserve or enhance the character or appearance of the CCA.

6. The harm to the CCA would be less than substantial in the terms of the National Planning Policy Framework (2023) (the Framework). Nevertheless, it is a matter of considerable importance and weight. The Framework requires that such harm be weighed against any public benefits of the proposal. Any benefit derived from the proposal would be personal and no other public benefits have been advanced that might outweigh the harm to the CCA.
7. Accordingly, the proposal would fail to comply with Policies LP1, LP3 and LP16 of the London Borough of Richmond Upon Thames Local Plan (2018) insofar as they seek to protect existing trees and to ensure development respects, contributes to and enhances the local environment and character. In addition, the proposal would fail to comply with the relevant paragraphs of the Framework. Specifically, section 16 which concerns the protection of the historic environment.

Conclusion and Recommendation

8. For the reasons given above, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight (including the Framework) which would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and my representative's report and on that basis I dismiss the appeal.

John Morrison

INSPECTOR