



Appeal Decision

Site visit made on 7 November 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2023

Appeal Ref: APP/L5810/W/23/3318878

94-102 Part B Ground floor, High Street, Hampton Hill TW12 1NY

- 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 Ramazan Cakmak against the decision of the Council for the Richmond Upon Thames London Borough Council.
 - The application Ref 22/2764/FUL, dated 8 September 2022, was refused by notice dated 5 January 2023.
 - The development proposed is a proposal for an enclosed front extension, formed with sliding glass panels and retractable roof and installation of a canopy extraction flue to the side flank elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. The former more accurately reflects the scope of the proposed plans which were submitted, consulted upon, determined by the Council and are now the subject of this appeal. In the interests of clarity, I rely upon the description contained in the application form for the purposes of the heading above.

Main Issues

3. The main issues are the effect of the proposal on i) the character and appearance of the area, including the setting of the Hampton Hill High Street Conservation Area; ii) highway safety and iii) sustainability objectives.

Reasons

Character and appearance

4. The appeal site occupies a mixed-use area with commercial and residential units located in close proximity to one another. The appeal site consists of mainly commercial facilities, albeit the ground floor is currently vacant. Whilst a more modern building, the design has a sensitive and traditional appearance through the incorporation of appropriate materials such as buff coloured brick and standing seam roof. The site adjoins several non-designated heritage assets (referred to as Buildings of Townscape Merit) and is opposite the Hampton Hill High Street Conservation Area (HHCA), albeit outside the HHCA boundary.
5. Paragraph 206 of the National Planning Policy Framework (the Framework) requires new development within the setting of Conservation Areas to enhance

or better reveal its significance. The Framework defines the setting of a heritage asset as "*the surroundings in which a heritage asset is experienced.*"

6. The HHCA Character Appraisal indicates its significance is derived from its linear historic core, which is largely commercial and residential, retaining a distinctive traditional village character. The HHCA and the High Street itself contains many fine original shopfronts which contribute to its character and significance. The HHCA boundary was extended in 2019, to include examples of the early stages of development of Hampton Hill. The properties have high quality materials and design considered to represent a homogenous area of development which contributes to the historic character and special interest of the HHCA.
7. There is no distinct building line fronting Hampton Hill High Street, with shops and frontages set forward and backward of one another adding variety and interest within the setting. The appeal site provides an important setback in the area. The grouping of the buildings around the appeal site, including the adjoining residential property of Templeton Court, coupled with the 1960s shopping parade at Nos 169-177 High Street, opposite the site, provide an important break in the architecture, allowing breathing room and an open feel within the vicinity. The provision of the single storey enclosed front extension would appear discordant within this setting, enclosing this important breathing space.
8. Whilst it is acknowledged that the proposal would be relatively lightweight given the sliding glass panels and retractable roof, it would nevertheless provide a prominent fixed feature within the more open context to the detriment of the setting of the HHCA. During my site observations, it was apparent that there was a limited amount of street furnishings, signage and a small amount of goods, tables and chairs located on forecourts fronting the roadside. However, given their modest, temporary and transient nature these do not provide a permanent overriding influence over the character of the area or the HHCA, in the way that the proposal would.
9. In respect to the proposed extraction flue, this is located on the flank elevation at the rear of the premise. The appellant has indicated that the appearance of the unit could be screened by mock brick cladding, which could be secured through a suitable condition. From the limited details before me, whilst the unit would provide a utilitarian appearance, given its tucked away location and potential options for screening, this part of the proposal would have a limited impact on the host property, character and appearance of the area in general and the setting of the HHCA.
10. Given it would be relatively localised, the harm I have identified to the significance of the heritage asset would be less than substantial. Paragraph 202 of the Framework advises where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
11. I have had regard to the public benefits of the appeal scheme, which would provide increased employment opportunities and make a modest contribution to the vitality and viability of the commercial host property and Hampton Hill High Street, providing a limited public benefit. However, the appeal scheme would fail to preserve the character and appearance of the area and the setting

of the HHCA a heritage asset, to which I must attach importance and great weight. Accordingly, the public benefits would not outweigh the less than substantial harm that would be caused to the significance of the heritage asset identified above.

12. The proposal would also be located in close proximity to a tree subject to a Tree Preservation Order¹ (TPO). No details have been supplied with the appeal in respect to any foundation works for the proposed development, nor an arboricultural impact assessment in respect to potential impacts on the tree subject to the TPO. Given the proximity of the proposal to the existing tree outside the appellant's ownership, there would be potential for root protection areas to be impacted. Furthermore, no evidence has been submitted with the appeal to indicate whether the retention and protection of the tree during construction would be possible.
13. In the absence of any evidence highlighting that the TPO could be protected and retained or any information to the contrary, I must adopt a precautionary approach. As no suitable evidence has been presented, I find that it has not been demonstrated that the development could proceed without harm to the nearby tree which contribute to the character and visual amenity of the area.
14. The appellant considers that the use of appropriate conditions could protect and retain the tree. However, given the close proximity of the proposal to the tree this could create the need for more extensive and regular pruning which would diminish the contribution the existing tree could make to the character and appearance of the area and, in combination with the potential reduced space for roots, is likely to decrease its life expectancy. As such, I am not persuaded that the imposition of a condition would mitigate the likelihood of further harm to the character and appearance of the area arising from the development's effect on the TPO in the long term.
15. For the reasons above, the proposed development would harm the character and appearance of the host property and would fail to preserve or enhance the setting of the HHCA. The proposal would therefore be contrary to Policies LP1, LP3 and LP16 of the Richmond Local Plan (RLP) adopted July 2018 which collectively require all development to be of high-quality design; respecting and enhancing the local character and appearance; protecting existing trees and making a positive contribution to the significance of the historic environment including its heritage assets. Nor would it accord with the relevant paragraphs in the Framework insofar as it requires development to be sympathetic to local character and seeks to safeguard significant trees due to their contribution to character and quality of urban environments.

Highway safety

16. The Council are concerned that the scheme as designed would not make adequate provision for car or cycle parking as a result of the proposal. The knock-on effect of this would be an overspill of on-street parking on the surrounding roads. The proposal would result in the loss of three off-street parking spaces for cars and eight cycle spaces. From the plans before me there is no provision for either replacement car park bays or secured cycle parking facilities. Therefore, highway safety and amenity issues could arise as a direct result of the lack of parking provision for the appeal scheme.

¹ London Borough of Richmond Upon Thames Ref: 58/00014/TPO

17. The approach of RLP Policies LP44 and LP45 and the Transport Supplementary Planning Document (SPD) adopted June 2020, collectively seek to promote sustainable travel and decrease car use. Higher trip generating development, will be located in areas with good public transport, with sufficient capacity measured as Public Transport Accessibility Levels (PTAL). Areas with a PTAL score of 5 or higher are considered to be appropriate locations for high trip generating development.
18. The appeal site is located within an area with a PTAL of 2 indicating that the site does not benefit from good sustainable transport measures. The appellant has submitted a Transport Statement (TS) which highlights that the loss of the car parking spaces and cycle stand will have no adverse impact on the surrounding area. However, as the proposed development would not benefit from any off-street parking spaces, the displaced spaces would lead to an increased demand for parking on the street. The TS fails to provide any information in respect to the existing and proposed trip generation, therefore I am unable to conclude that there would be no impact as a result of the loss of parking spaces.
19. During my site observations, all of the off-street spaces were occupied and opportunities for on-street parking were limited within the vicinity of the site, although it is acknowledged that the number of vehicles and users will fluctuate throughout the day. Nevertheless, I have no information from the appellants with regard to a parking stress survey, nor have I been presented with any details of a travel plan or alike, seeking to reduce reliance on the car and promoting more sustainable forms of transport. As such, there is no evidence before me, to clarify that there is availability of sufficient car parking or cycle spaces nor that there are particular pressures caused by existing uses or developments in the area.
20. Accordingly, the proposal fails to demonstrate that it would not result in a harmful effect on the free flow of highway traffic, caused by the increased demand for parking on nearby roads. It would be contrary to RLP Policies LP44 and LP45 and the aims and objectives of the Transport SPD which amongst other things, seek to ensure that development adheres to parking standards and facilitates meeting strategic targets in respect of reducing car trips and utilising more sustainable modes of transport.

Sustainability objectives

21. RLP Policy LP22 requires developments to achieve the highest standards of sustainable design and construction to mitigate the effects of climate change. New non-residential buildings over 100m² will be required to meet Building Research Establishment Environmental Assessment Method (BREEAM) 'Excellent' standard and will require a completed sustainable construction checklist (SCC) to accompany the application. The Sustainable Construction Checklist Supplementary Planning Document (SPD) provides guidance on what is required in this regard.
22. The SCC covers relevant matters not assessed under BREEAM, and points may be gained for providing design features which contribute towards better sustainability practice. As a result, the SCC will also measure 'additional' sustainability impacts of the proposed development which are particularly relevant to the Borough, and which will not require repetition of information already provided as part of a BREEAM assessment.

23. The appellant as part of the appeal submitted an Energy Statement² highlighting carbon dioxide emissions can be reduced by 35% over the target emission rate (TER) based on Part L of the Building Regulations. However, as indicated in the SCC SPD, further information is required for the purposes of completing the SCC. I have been presented with no details in respect to a completed SCC, and in the absence of this detailed analysis, I am unable to reach a conclusion on whether the proposal would achieve the highest standards of sustainable design and construction to mitigate the effects of climate change. As such, I must adopt a precautionary approach.
24. Therefore, the proposal fails to comply with the requirements of sustainable construction outlined in Policy LP22 of the Local Plan and the SCC SPD, the provisions of which I have referred to above.

Conclusion

25. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR

² Energy Statement produced by Vision Energy dated 24/02/2023