



---

# Appeal Decision

Site visit made on 5 December 2023

**by G Roberts BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 December 2023**

---

**Appeal Ref: APP/L5810/D/23/3324096**

**29 Ham Farm Road, Ham, Richmond, TW10 5NA**

- 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 Jessica Inwood against the decision of the London Borough of Richmond Upon Thames.
  - The application Ref. 22/3784/HOT, dated 21 December 2022, was refused by notice dated 23 March 2023.
  - The development proposed is new boundary wall with railings.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have adopted the description of development as it appears on the Application Form and referred to the Appellant as Mr D Goodings, in line with the Agents email to the Planning Inspectorate.
3. The reason for refusal refers to the National Planning Policy Framework 2021 (Framework) but since then the Framework has been revised, in September 2023. However, the relevant design and heritage policies of the Framework, referred to by the Council, remain unchanged in the September 2023 version.

## Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the designated conservation area.

## Reasons

5. The appeal site lies within the Parkleys Estate no.67 Conservation Area (PECA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the Framework, as well as in policies LP1 and LP3 of the Richmond Local Plan (July 2018) (RLP) and policy C2 of the Ham & Petersham Neighbourhood Plan 2018 – 2033 (January 2019) (HPNP).
6. The designation document states that the PECA was an estate developed by Span Developments Ltd (Span) and is a highly influential 1950's planned development of flats and houses. This is expanded further in the Character Appraisal & Management Plan (March 2007) (Appraisal) that covers Parkleys and three other conservation areas. The Appraisal states that the pioneering

Span estate of Parkleys (flats) has a Grade II listing and that Ham Farm Road comprises a less dense character of substantial houses largely on the south side of the road. These houses were developed between 1955 – 56, with Span maintaining control over their design and layout, which led to consistency in the character of the area without undermining the individuality of each house.

7. Whilst the individual house designs vary, they all occupy generous plots with low front boundaries to the road. The well planted front gardens combine with the woodland setting of Ham Common, to the north, reinforcing the distinctive semi-rural character of the area and providing an important transition between the higher density estate and natural landscape of the Common. The Appraisal confirms that this semi-rural character is a key strength of this part of the PECA. Moreover, in relation to problems and pressure, the Appraisal states that the introduction of new unsympathetic boundary treatments has had a harmful impact on the character of the area. The removal of traditional open frontages, low walls, trees and landscaping, and the introduction of large areas of hardstanding, has resulted in the loss of existing harmony and continuity of boundary treatments to the streets.
8. All of the above qualities contribute to the special interest and contribution that Ham Farm Road, including the appeal site, make to the PECA, as a whole.
9. The appeal site is located on the southern side of Ham Farm Road and comprises a large detached two storey property within a spacious plot. Similar properties are located to its east and west, with the northern side of the road dominated by the woodland that forms part of Ham Common. At the time of my site visit, the frontage to the appeal site, as well as that of its neighbour to the east, was enclosed by temporary construction hoarding.
10. The appeal proposal involves the construction of a brick boundary wall with piers, railings and gates. The brick piers would be some 1.8 metres in height, marginally higher than the two gates, at either end of the site frontage, with railings in between the piers and on top of the new wall (of some 0.6 metres in height). Hedging appears to be shown to the rear of the new enclosure as well as three trees. I have assumed that the latter would be new, as, on my site visit, the trees originally on this frontage appear to have been removed.
11. Included with the application was a topographical survey which shows that the original boundary to the appeal site comprised two driveways, at either end, as proposed, with a central area of grass that included a number of mature trees and shrubs. Photographs included within the Appellant's Design & Access Statement reaffirm this, with the cover photo also showing low walls, mature trees and shrubs on the frontages to the appeal sites immediate neighbours, No's 27 and 31 Ham Farm Road.
12. Within the above context, the height, length and siting of the proposed boundary wall, railings and gates would, in my view, be excessive and visually intrusive. It would result in a hard edge to the frontage of the appeal site, in a very prominent location. Whilst I appreciate that the proposed railings would allow views through to new hedging behind, this would not mitigate for the significant harm that would result to the identified and distinctive semi-rural character of this part of Ham Farm Road and the RECA.
13. The siting and extent of the new boundary treatment, on the back edge of the highway verge, would leave no space for any planting to be provided in front of

the new wall and railings. Consequently, the effect would be a hard edge to the front boundary, replacing what the evidence before me indicates was apparently a boundary characterised by grass, mature trees and shrubs. As I observed on site, the introduction of new unsympathetic boundary treatments elsewhere along Ham Farm Road has already resulted in harm to the special interest and character of the RECA and the appeal site is located on part of the road where mature trees, shrubs and low walls remain a positive feature which should, in my view, be retained and enhanced, wherever possible.

14. Whilst the Appellant has drawn attention to examples of high fencing and boundary treatments on Ham Farm Road, as I have found above this part of the road, which includes the appeal site, is not solely characterised by such means of enclosure. Even so, no evidence of the planning background to these examples has been provided and I do not regard their existence as being an example of good planning, and neither do they contribute to the preservation or enhancement of the special interest of the PECA. I also note that the Council's Delegated Report states that these examples were either installed before or followed on from existing enclosures that were in place before the conservation area designation. Consequently, none of these examples affect my overall findings on this issue.
15. I accept that the proposal would provide a good level of security and privacy to the front garden. Even so, neither of these considerations nor any other personal circumstances would outweigh the significant harm that I have identified. As to the reference to a fallback position, whereby a reduction in the height of the proposal could be installed under permitted development, I accept that a fallback option can be a material consideration where there is a more than theoretical possibility of that development taking place. However, I am not convinced that this represents a legitimate option or appropriate comparison in that this fallback option would be significantly different in scale, height and visual impact to the proposal that is before me.
16. For the reasons set out above, I find that the appeal proposal would result in significant harm to the character and appearance of the area, and as such it would not preserve or enhance the RECA. In view of this finding and as is required, particularly by the Framework, considerable importance and weight must be attached to the harm to this designated heritage asset. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset, where the level of harm would be high. There are no public benefits, delivering economic or social or environmental objectives, that would mitigate for the significant harm that would result to the character and appearance of the RECA.
17. Accordingly, I find that the appeal proposal would be contrary to policies LP1 and LP3 of the RLP, policies C1 and C2 of the HPNP and paragraphs 189, 197, 199 - 200 and 202 of the Framework.

## **Conclusions**

18. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

*G Roberts*

INSPECTOR