



Appeal Decision

Site visit made on 5 December 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 January 2024

Appeal Ref: APP/L5810/W/22/3304843

106 Sheen Road, Richmond Upon Thames TW9 1UR

- 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 Jivraj, GAL Properties Limited against the decision of London Borough of Richmond Upon Thames Council.
 - The application Ref 22/0581/FUL, dated 16 February 2022, was refused by notice dated 27 May 2022.
 - The development proposed is extension to existing Class E unit to create additional storage & a one-bedroom flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my visit, I observed that a single storey extension has been erected to the rear of the appeal property. However, as I do not have the full details for this extension, I have determined the appeal on the basis of the submitted existing and proposed drawings.
3. Since the Council determined the planning application, an updated version of the National Planning Policy Framework (2023) ('the Framework') has been issued. However, the changes this brings do not alter my findings in respect of this appeal.

Main Issues

4. The main issues are:
 - Whether the proposal would preserve or enhance the character and appearance of the Sheen Road Conservation Area ('CA');
 - The effect of the proposal on the living conditions of neighbours;
 - Whether the proposal makes adequate provision for affordable housing;
 - Whether the proposal makes acceptable provision for cycle storage and refuse and recycling facilities;
 - Whether the proposal would exacerbate demand for on-street parking;
 - Whether the proposal would be designed to achieve the required reductions in carbon emissions; and,
 - Whether the proposal makes adequate provision against flood risk.
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Character and appearance

5. The appeal site is located along Sheen Road, which forms part of the Sheen Road CA. Sheen Road is the historic route from Richmond to London and includes part of the linear development which links Richmond and East Sheen. This is a mixed area with small shops and businesses interspersed with residential use. This area retains high quality buildings including a large amount from the 18th and early to mid-19th century and the later residential terraces and semi-detached houses running up to the railway line to the north. Therefore, the significance of the Sheen Road CA is largely derived from its historic and architectural interest.
6. The appeal relates to an end terrace property within a row of three-storey mid-19th century properties. This terrace is generally occupied on the ground floor by commercial uses with dwellings on the upper floors. The ground floor of the appeal property is occupied as a restaurant and incorporates an attractive traditional shop front. The upper floors of this main façade are in red brick and incorporate architectural detailing. Together, the forms and architectural detailing of the appeal property and the wider terrace this is a part of, contribute to an attractive street scape.
7. Along the rear, the appeal property and other similar nearby properties feature three-storey outriggers with single-storey rear extensions located within the yard areas. Although the rear elevations have undergone some alterations and are architecturally less detailed than the front elevations of the terrace, the rear elevations because of their general forms and arrangement incorporate a degree of consistency and rhythm. Also, because the yard areas are largely occupied by single storey additions, these areas provide some visual relief in the context of the wider built forms of the terrace.
8. Consequently, because of their similar architectural forms and detailing, the appeal property and wider terrace have a cohesive and attractive appearance and make a positive contribution to the character and appearance, and significance of the Sheen Road CA.
9. Also, because the appeal property occupies a corner plot on the junction of Sheen Road and Sheen Park, this is visually prominent and therefore sensitive to change.
10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a requirement that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 201 of the Framework also requires me to assess the particular significance of any heritage asset that may be affected by a proposal.
11. The proposal is for a part single and part two-storey extension. At ground floor this would form an extension to the restaurant with a two storey flat to the rear of this. The extension would be built-up close to the boundaries of the site and therefore would have an erosive effect on the yard area and the visual relief this provides. As such, the extent of the extension would not reflect the established character associated with the rear yard areas of the terrace.
12. Most notably, the proposed extension because of its uncharacteristic and irregular roof form, fenestration and use of atypical timber cladding, would not

harmonise with the design and form of the host property or be innovative enough to represent a high-quality extension to the appeal property. Furthermore, the rear elevation of the proposed extension would feature an expansive brick wall with limited articulation.

13. Therefore, because of its scale and design, the proposed extension would be visually inharmonious relative to the appeal property and area. This incongruity would be exacerbated by its prominent siting along Sheen Park.
14. As such, the proposal would harm the character and appearance of the host building and the significance of the Sheen Road CA.
15. The harm the proposal would cause to the significance of the Sheen Road CA would be less than substantial. Paragraph 205 of the Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
16. In this case the proposal would support the expansion of an existing building and create a new dwelling. As such, there would be some economic and social benefits arising from the proposal. Even so, there is nothing to suggest that the restaurant could not be extended in a manner that would not harm the conservation area. Also, the benefits arising from a single dwelling would be modest. Overall, I attach limited weight to the benefits associated with the proposal. Therefore, in my view, the proposed limited benefits are not forceful enough to outweigh the less than substantial harm that I have identified.
17. The proposal is therefore contrary to policies LP1 and LP3 of the Richmond Local Plan (2018) ('LP'). Together, these policies require all development to be of high architectural and urban design quality, and that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets. Consequently, I also find conflict with similar aims of the Framework for securing high quality design and safeguarding heritage assets.
18. The Council's decision also refers to Policy LP4 of the LP. This Policy specifically relates to non-designated heritage assets and therefore is not relevant to this appeal.

Living conditions

19. The nearest property to the rear of the appeal site is Walton Court and the proposed extension would bring built development at the appeal site closer to this property. Despite this, the access road to the rear of the appeal site provides an acceptable degree of separation between the proposed extension and Walton Court. Also, the main sections of the windows along the principal elevation of Walton Court face Sheen Park.
20. As such, and notwithstanding its scale and design, because of its siting relative to Walton Court, the proposed extension would not be unduly dominant, so as to unacceptably harm the outlook from residential accommodation at this property.
21. As such, I find no conflict with Policy LP8 of the LP which amongst other things says that all development will be required to protect the amenity and living

conditions for occupants of new, existing, adjoining and neighbouring properties.

Affordable Housing

22. LP Policy LP 36 expects that a contribution towards affordable housing will be delivered on all housing sites. On sites below the threshold of 'capable of ten or more units gross,' a financial contribution to the Affordable Housing Fund is sought, in line with the sliding scales set out within this Policy.
23. Furthermore, Policy LP 36 of the LP is clear that this is a requirement for all residential developments and is based on the final number of unit(s) proposed, a single unit in this case. The Affordable Housing Fund is secured by way of legal agreement.
24. The above Policy does provide some flexibility where for viability reasons, the Affordable Housing Fund cannot be met. This requires the developer to provide a development appraisal to demonstrate that schemes are maximising affordable housing. The developer is also required to underwrite the costs of a Council commissioned economic viability assessment.
25. In the absence of an Affordable Housing Fund contribution and any substantive development appraisal to support the lack of this, the proposal fails to make appropriate provision for affordable housing and conflicts with LP Policy LP 36.

Cycle storage and refuse and recycling facilities

26. The proposal would result in three flats at the appeal property (one new and two existing) and as already stated an extension to the existing commercial unit. A cycle storage facility has been shown on the submitted plans. This shows provision for two cycles. Nevertheless, based on the submissions from the main parties it is unclear whether this is sufficient to meet the needs of the development.
27. A bin and recycle store is shown on the proposed ground floor plan. This is adjacent to the highway and next to the existing entrance to the two flats. On the information before me, I cannot be certain that this would be large enough to accommodate the waste storage and recycling associated with the appeal property, including the extant commercial use. Furthermore, there is limited information on the appearance of this area and how this would function in relation to access to gas/electricity meters on the side of the building. As a consequence of this arrangement, there is also the potential for refuse and recycling storage to be located on the pavement, to the detriment of pedestrian safety.
28. Therefore, the proposal does not make acceptable provision for cycle stores and refuse and recycling. As such, the proposal fails to accord with Policy LP 45 of the LP which refers to servicing and provision for cycle parking, where applicable. I also find conflict with Policy T5 of the London Plan, which amongst other things seeks to secure the provision of appropriate levels of cycle parking.

Whether the proposal would exacerbate demand for on street parking

29. The appeal site is in an area with a Public Transport Accessibility Level (PTAL) score of 4, making it suitable to be considered for car-free development and is also situated within Controlled Parking Zone ('CPZ').
30. Accordingly, the Council's Transport Officer requested that the appellant is made to enter into a legal agreement whereby the occupants of the new dwelling are precluded from obtaining parking permits within the CPZ. This would be to mitigate the risk of unsafe on-street overspill parking preventing safe use of the road network by other road users.
31. In the absence of a completed agreement precluding future occupants of the dwelling from obtaining residents parking permits within the CPZ, the scheme would cause undue parking stress on surrounding roads to the detriment of free flow of traffic in the locality. This would be contrary to Policy LP45 of the LP, which seeks to minimise the impact of car-based travel including on the operation of the road network and local environment and Policy T6 of the London Plan, which along with other things says that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport.

Reducing carbon emissions

32. No energy report was submitted to show that the scheme achieves a 35 per cent carbon emissions reduction target beyond Part L 2013 of the Building Regulations. Furthermore, it has not been shown that this would not be feasible in respect of the submitted scheme.
33. Therefore, the proposal fails to demonstrate compliance with Policy LP22 of the LP which identifies the requirement for a 35 per cent carbon emissions reduction target beyond Part L 2013 of the Building Regulations.

Flood risk

34. According to the Council's Strategic Flood Risk Assessment, the site is an area susceptible to groundwater flooding (75% or more risk). The application involves a new dwelling and although the site is previously developed, ground water flood risk rates could change. As such, the development needs to be assessed for groundwater flooding risk. The submissions include insufficient information in relation to flood risk commensurate with the scale, nature and location of the scheme to show that groundwater flooding would not increase as a consequence of the proposal.
35. Consequently, the proposal fails to accord with LP Policy LP 21 and Policy SI 13 of the London Plan. Together, these policies require that all developments should avoid, or minimise, contributing to all sources of flooding and without increasing flood risk elsewhere.

Other Matters

36. The appellant's representative actively engaged with the Council following the submission of the planning application. Therefore, some of the above main issues may have been resolved at the planning application stage through amendments to the submitted scheme had there been positive engagement from the Council. This, however, is a matter for the main parties.

37. However, I have determined the appeal on the basis of the original submitted scheme, which I have found to be unacceptable in respect of most of the main issues. Whilst planning conditions could be used to address some of these, I am not persuaded that they could resolve my findings in respect of all of these, in particular the first main issue.

Conclusion

38. I have found that the proposal would not harm the living conditions of neighbours. On the other hand, the proposal would fail to preserve or enhance the character and appearance of the Sheen Road CA; fails to make acceptable provision for affordable housing, cycle storage and refuse and recycling facilities and flood risk. Furthermore, the proposal is likely to exacerbate demand for on street parking and fails to achieve the required reductions in carbon emissions. For these reasons and conflict with the development plan, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR