



Appeal Decision

Site visit made on 06 February 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2024

Appeal Ref: APP/L5810/W/23/3325755

71 Station Road, Hampton, Richmond upon Thames TW12 2BT

- 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 Mrs Susan Gough against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 23/0509/FUL, dated 23 February 2023, was refused by notice dated 05 May 2023.
 - The development proposed is removal of the shopfront and fenestration alongside the erection of replacement windows on the front elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were submitted with the appeal: drawings SR-R00-PR-102 Rev R00 (without wall), SR-R00-PR-103 Rev R00 (without wall). These drawings omit a front boundary wall which was shown on the plans considered by the Council. This represents a minor alteration to the original scheme upon which the Council have been given the opportunity to comment. On this basis, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration to these drawings in determining this appeal.
3. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach.
4. At my site visit I observed that the development had been partly implemented and the shop front replaced with sash windows. I have proceeded to determine the appeal on that basis.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the appeal property and the surrounding area including the Hampton Village Conservation Area.

Reasons

6. The appeal site is located in the Hampton Village Conservation Area (CA) which covers the old village of Hampton. The site is located on Station Road in a part of the CA which comprises a mixture of late 19th century residential and commercial properties. Buildings on Station Road are varied in their

appearance, and many retain original features including original shopfronts. The design and layout of buildings here make a positive contribution to the character and appearance of the CA which also appears to be a key part of its significance. The appeal site forms part of a small row of retail units constructed using stock brick. The site occupies a prominent corner plot with a distinctive splayed corner which mirrors that of No 73 Station Road.

7. The appeal proposal would result in the loss of the shop front and the bricking over of a door and first floor sign. At the time of my site visit the shopfront had been replaced with sash windows. The appeal submission includes photographs of the property before these alterations were made. On the basis of this information, it appears that the shopfront was a modern insertion and did not incorporate the original features found on traditional shopfronts in the surrounding area which are listed as components of a traditional shopfront in the Shopfront Supplementary Planning Document (2010).
8. Nonetheless, the shopfront was of a traditional form with an attractive splayed corner entrance, and, notwithstanding the stated lack of maintenance, these features contributed positively to the character and appearance of the building. Indeed, the building is recognised by the Council as a Building of Townscape Merit (BTM) for this reason and thus is considered to be a non-designated heritage asset (NDHA). Furthermore, the shopfront related well to other nearby retail units including its mirror property at No 73 and the parade of shops in which the building is located, and, given the group value of these buildings, made a positive contribution to the character and appearance of the area.
9. Based on my observations on site the windows which had been installed are of a style, proportion and alignment consistent with the host building's upper floor façade and appeared to be consistent with windows on residential properties in the area. Nonetheless, the residential appearance of the property does not reflect its former use and is at odds with the commercial character of the property and the parade of shops in which the site is located. Furthermore, the loss of features including the shopfront and splayed entrance door would compromise the cohesiveness and group value of these buildings, weakening their contribution to the character and appearance of the surrounding area.
10. In support of the proposal, it is stated that the shop has not been functional for over 5 years, and that the proposal would better relate to the use of the building. I accept that the building is in residential use and thus there is no longer a requirement for a shopfront. However, for the reasons set out above I have found that the proposal would fail to complement the character and detailing of the host building and the surrounding street scene.
11. In light of the above the proposal would result in harm to the significance of the appeal property as a BTM and would undermine the positive contribution that the building makes to the CA. Whilst this harm would be localised, nonetheless it would result in less than substantial harm to the significance of the CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of any buildings or other land in a Conservation Area.
12. The Framework indicates that when considering the impact of a proposed development on the significance of the designated heritage asset, great weight should be given to the asset's conservation. 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 securing the building's optimum viable use. The Framework also states that the effect of an application on the significance of a NDHA should be taken into account, and that a balanced judgement will be required having regard to the scale of any harm and the significance of the asset.

13. In this case it is suggested that the retention of the shopfront would result in deterioration of the building, which would be damaging to the character and appearance of the CA. However, a lack of maintenance is not a reasonable justification of any significant weight and does not justify the extent of alterations to the property. Additionally, there is no compelling evidence that the installation of curtains or blinds would have a harmful effect on the character and appearance of the CA.
14. It is stated that the proposal would enhance the living conditions of the occupier. Be that as it may, as the change of use of the building has already been granted under prior approval¹, there is no particular evidence that this use is dependent on the proposal. Thus, it does not appear to be the case that the proposal is necessary to secure the optimum viable use of the building.
15. Through improvements to privacy and security it is stated that the development would enhance the living conditions of the occupier of the building, a person who has protected characteristics due to their age. I have therefore had due regard to the public sector equality duty (PSED) set out under s149 of the Equality Act 2010. Nonetheless, as there is no particular evidence that the proposal is the only means of achieving these improvements, I give limited weight to these benefits.
16. There would be limited economic benefits during construction but there is little substantive evidence that either this, or the primarily private benefits of the proposal, would be sufficient to outweigh the less than substantial harm I have identified to the significance of the CA and the appeal property as a BTM.
17. The proposal would result in harm to the character and appearance of the appeal property and the surrounding area including the Hampton Village Conservation Area. Therefore, conflict arises with Local Plan (2018) Policies LP1, LP3 and LP4. Collectively these policies seek to ensure that heritage assets are preserved and enhanced, and proposals are well designed and contribute positively to the character and appearance of the surrounding area in which they lie. Conflict also arises with the historic environment protection policies in the Framework.

Conclusion

18. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

N Robinson

INSPECTOR

¹ Application reference 22/3255/GPD26