



Appeal Decisions

Site visit made on 28 February 2024

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2024

Appeal A Ref: APP/L5810/W/23/3324330

Swan Cottage, Ferry Road, Twickenham, Richmond upon Thames TW1 3DW

- 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 Ms Jones against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 23/0785/HOT, dated 25 March 2023, was refused by notice dated 17 May 2023.
 - The development proposed is replacement of the existing outbuilding with a new garden room connected to the existing cottage with a small glass link structure.
-

Appeal B Ref: APP/L5810/Y/23/3324328

Swan Cottage, Ferry Road, Twickenham, Richmond upon Thames TW1 3DW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Ms Jones against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 23/0786/LBC, dated 25 March 2023, was refused by notice dated 17 May 2023.
 - The works proposed are replacement of the existing outbuilding with a new garden room connected to the existing cottage with a small glass link structure.
-

Appeal A: Decision

1. The appeal is dismissed.

Appeal B: Decision

2. The appeal is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. Appeal A concerns the refusal of planning permission and Appeal B concerns the refusal of listed building consent, although in both cases, the appeal site and the proposals are the same. I have considered each proposal on its individual merits and with regard to the relevant legislation, policy and guidance. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. As the proposal is in a conservation area, and relates to a listed building, I have had regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. With reference to Regulations 5 and 5A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990, as amended (the Regulations), there is,

amongst other things, a requirement for the Council to advertise proposals in the local press. In this case the Council advertised the proposals as affecting a conservation area, but not as affecting a listed building.

6. Consequently, I requested the Council address the requirements of the Regulations in terms of publicity. The Council has confirmed that no representations were received following the advertisement of the proposal as affecting a listed building in a conservation area.
7. A new version of the National Planning Policy Framework (the Framework) was published in December 2023. I sought the views of the parties on the implications of this. I am satisfied the new version of the Framework is substantively the same as the previous version insofar as it relates to these appeals, albeit recognising that the numbering within the document has changed.

Main Issues

8. The main issues for Appeal A and Appeal B are whether the proposals would:
 - preserve a Grade II listed building; and,
 - preserve or enhance the character or appearance of the Twickenham Riverside Conservation Area.

Reasons

9. Swan Cottage is a Building of Townscape Merit (BTM) within the Twickenham Riverside Conservation Area (TRCA). It is a 2-storey plus attic brick building with a tiled roof. It is located behind a brick boundary wall, with timber gated access, on the eastern side of Ferry Road, a narrow street which, in this vicinity, is positioned roughly perpendicular to the river Thames to the south.
10. The appellant's evidence indicates that approval for works to extend Swan Cottage and install two dormer windows had previously been approved¹. This matter has not been disputed by the Council and I noted these works when I visited the site.
11. Within the appeal site, in addition to Swan Cottage, there is an existing single storey garage/outbuilding, with a spiral metal staircase to a flat roof, which is used as a terraced area as part of the garden. The outbuilding is positioned next to the northern and eastern boundary walls, creating a small courtyard area between it and the front of Swan Cottage itself.
12. Insofar as it relates to these appeals, the significance of Swan Cottage, a non-designated heritage asset, stems from its traditional design and materials and its visual relationship with nearby buildings and structures.
13. The rear of Swan Cottage abuts the rear of the White Swan Inn, a Grade II listed building² overlooking the river. The eastern boundary wall of Swan Cottage's garden separates it from the rear garden of Ferryside, a Grade II listed building³ that also faces the river next door to the White Swan Inn.

¹ LPA Ref. 10/2834/HOT

² List Entry Number: 1250319

³ List Entry Number: 1250317

14. I note the comments from the appellant regarding whether this part of the wall, which is said to have been partly rebuilt in the mid-2010s, is part of the listed building Ferryside⁴. When I visited the site, it was clear that some of the wall had been rebuilt, as the appellant claims. However, a substantial part of the wall beneath the repaired element appeared much older, with weathered bricks and mortar, different types of bricks and different bonding patterns. With reference to the survey and post-repair photographs at Figures 18 and 19 of the Heritage Statement, the weathered bricks are clearly visible in the lower part of the wall.
15. Section 1(5) of the Act defines what a listed building is and at sub-section (b) states that 'any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948, shall...be treated as part of the building.'
16. I am satisfied from the evidence that a brick wall marking the boundary between Swan Cottage's garden and the garden of Ferryside existed prior to 1 July 1948 and is within the curtilage of Ferryside. Notwithstanding the recent stabilisation works to the wall, and with reference to s1(5)(b) of the Act, the boundary wall remains part of the Grade II listed building, Ferryside.
17. There is no requirement for the wall to be mentioned in the statutory listing description and were the wall not to be listed, there would be no basis for submitting / determining a listed building consent application, such as the one that is hereby appealed.
18. The significance of both the White Swan Inn and Ferryside, insofar as they relate to these appeals, stems from their historical development close to the river, together with their design and materials and the relationships with other buildings, structures, streets and spaces in the vicinity.
19. The TRCA is a large and diverse conservation area that was originally focused on the medieval centre of Twickenham, by the Parish Church of St. Mary, but has been extended four times since its designation in 1969.
20. In my view, the significance of this designated heritage asset, insofar as it relates to these appeals, stems from its location and historical development by the river Thames, and from the historic buildings, streets and spaces to be found there.
21. The appeal proposal entails the removal of the existing outbuilding and its replacement with a slightly larger, single storey building, with a lead, mono-pitched roof containing two rooflights. The building would provide a workshop studio space for the appellant, together with a ground floor toilet. Planning permission and listed building consent have previously been granted for the demolition and construction of the new outbuilding⁵, as shown on the submitted drawings.
22. A previous proposal to provide an internal link between the outbuilding and Swan Cottage was refused by the Council in 2020⁶. The appeal proposal seeks to provide an alternative, glass-fronted link building by the Ferryside boundary wall, with a flat lead roof and a central entrance door. The scale, and largely

⁴ Paragraph 6.6 of the Design and Access Statement

⁵ LPA Ref. 21/0325/HOT and 21/0306/LBC

⁶ LPA Ref. 20/1930/HOT and 20/1914/LBC

glazed design of the proposal would be less visually prominent than the previously refused proposal for a link building, and would not generally be visible from Ferry Road, given the western boundary wall and gates.

23. The rebuilt upper part of the Ferryside wall would be visible above the link building, but the remainder of the wall would be hidden from view by a panel with 20mm depth reclaimed brick slips facing towards Ferry Road. The panel, the details of which are not shown on the submitted drawings, would be fixed to a freestanding insulated timber frame next to the wall, to create the appearance of the listed wall behind it. The appellant also proposes to install permeable herringbone-patterned brick paving to part of the garden area by the link and to continue this treatment within the link itself.
24. Obscuring the historic fabric of the boundary wall and fixing lead flashings to it would cause some harm to the significance of Ferryside; this would be towards the lower end of the spectrum of less than substantial harm.
25. Furthermore, given the harm I have identified to Ferryside, which makes a positive contribution to the character and appearance of the TRCA, there would be a consequent and also very low level of less than substantial harm to the significance of the conservation area too.
26. Any harm to a designated heritage asset should be afforded considerable weight. There would be some economic and social benefits from the construction of the proposal, but these would be very limited given the scope and likely duration of any works.
27. The provision of a ground floor toilet, and potentially future sleeping accommodation, would make the dwelling better for the current occupier, should their health deteriorate in the future. However, there is no substantive evidence the current arrangements are unsuitable for Swan Cottage to function as a dwellinghouse, or that the proposed toilet would be of a fully accessible design and layout, such as could be used by people with disabilities. In any event, this would be overwhelmingly a private benefit to the occupier.
28. I note the references to the design of the link building and compliance with Part L of the Building Regulations. However, few details regarding this matter have been provided and any benefits would seem to be largely related to the new elements, rather than the existing building. Enhanced energy efficiency as a result of the proposal could be a public benefit, but I am not satisfied this would be the case here, or if it were, that the proposal would be the only means of achieving it.
29. The approach to screening the Ferryside wall would make identifying and addressing maintenance issues, such as water ingress were the proposed flashings to fail, more difficult. At the present time, the wall is 'exposed' and so any repair and maintenance of the brickwork would be straightforward.
30. The Council's position on this matter is not consistent, given a similar approach to that previously approved for the outbuilding is proposed for the link building. Nevertheless, from the limited evidence I am not satisfied the proposed approach would not cause difficulties in maintaining the listed wall in the future.
31. I do not consider the design, scale, massing and materials of the proposed link building would be harmful to the significance of Swan Cottage as a non-

designated heritage asset. I also do not consider the inclusion of a door in the link building would be inappropriate, given the existing doorway to Swan Cottage would be enclosed by the proposal. However, these matters do not cause me to reach a different conclusion with regard to the overall harmful effects of the proposal, as set out above.

32. For these reasons, the proposal would fail to preserve a Grade II listed building and would adversely affect the character and appearance of the TRCA causing less than substantial harm. This harm would not be outweighed by the public benefits of the proposal. It would, insofar as relevant, conflict with Policies LP1 (local character and design quality) and LP3 (designated heritage assets) of the Richmond upon Thames Local Plan 2018 (RUTLP); and, with the National Planning Policy Framework December 2023, in this regard. I find no conflict with Policy LP4 (non-designated heritage assets) of the RUTLP.

Other Matters

33. There is no compelling evidence to support the appellant's assertion in their Heritage Statement that there is no historic association between Swan Cottage and Ferryside, as had previously been stated with the earlier refused applications. I also note the Council's position that this had no bearing on the previous decision.
34. Reference is also made to mid-late 18th century paintings of Twickenham Riverside, which are said to show different buildings to the current White Swan Inn and Swan Cottage next to Ferryside. However, this is far from conclusive evidence of what may have existed at some point in the 18th century, and in any event, it does not affect my assessment of what is present in the area at the current time.

Conclusion

35. For the reasons given above, I conclude that Appeal A and Appeal B are dismissed.

Andrew Parkin

INSPECTOR