



Appeal Decision

Site visit made on 15 April 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29.05.2024

Appeal Ref: APP/L5810/D/23/3335121

20 Victoria Road, Teddington Richmond Upon Thames TW11 0BG

- 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 Jonathan Stackhouse, Prime Oak Ltd against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 23/1345/HOT dated 16 May 2023, was refused by notice dated 15 November 2023.
 - The development proposed is described as single Storey Oak Framed Kitchen/Breakfast Room Extension to Side.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the determination of the application the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2023) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on (i) the character and appearance of the host property and the Conservation Area; and (ii) trees.

Reasons

Character and Appearance

4. The site is within a residential area within the Park Road Teddington Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area.
5. Paragraph 205 of the Framework states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm.

6. The appeal site is a semi-detached two storey Victorian property. The front of the property has a paired entrance with the attached neighbouring property. The traditional features of the property along with materials play a role in defining the historic character of the area which is part of the Conservation Area's significance as a heritage asset. The appeal site is designated as a Building of Townscape Merit and contributes to the character and appearance of the Conservation Area.
7. Paragraph 209 of the Framework confirms that the effect of a development on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
8. The proposed extension would be positioned to the side of the property within the private garden area, screened to a degree from public vantage points by a high boundary treatment, detached garage and mature landscaping.
9. Notwithstanding this the proposed extension would project beyond the side of the existing property, and due to its height would be obvious from viewpoints within the streetscene. Whilst the rear of the property has a simpler form than the frontage the proposed development due to the scale would detract from the pleasant harmonious frontage which adds to the appearance of the area. The oak frame would not be a common feature within the immediate area.
10. The extension would be an unsympathetic addition to the existing property, providing an unbalanced form of development. The design would be out of keeping with the existing property and would be incongruous to the surrounding area.
11. I find that the proposed development would create less than significant harm to the Conservation Area and the non-designated heritage asset itself.
12. Paragraph 207 of the Framework states that where a development leads to less than substantial harm to the significance of a heritage asset this harm should be weighed against the public benefits of the proposal. I find that there are no public benefits which would outweigh the harm caused by the proposed development.
13. There is conflict with Policies LP1, LP3 and LP4 of the London Borough of Richmond Upon Thames Local Plan (2018) (the Local Plan) which seek to ensure developments are a high quality of design which preserve heritage assets and non-designated heritage assets.
14. There is conflict with the Framework which seeks to ensure developments are of good design appropriate and sympathetic to their surroundings and that the historic environment is protected.

Trees

15. Protected trees are present on the site. The Appellant supplied an arboricultural report, further information in terms of foundation design and photographic evidence of trial pits in the area where foundations would be created. The proposed development would encroach into a Root Protection Area (RPA) of a protected tree.

16. Due to the incursion into the RPA there is potential that the development could damage the tree. There is dispute between parties as to the presence of fibrous root materials within the trial pits. After reviewing the photographs provided by the Appellant, fibrous root material is visible, I cannot be certain that this material stems from the protected tree. Nevertheless, the Appellant has not demonstrated that the proposed development would not harm trees on the site.
17. There is conflict with Policies LP1 and LP16 of the Local Plan which seeks amongst other things to resist development which would result in the damage or loss of trees.

Conclusion

18. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR