
Appeal Decision

Site visit made on 17 June 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2024

Appeal Ref: APP/L5810/D/24/3342748

24 Kew Gardens Road, Kew, Richmond upon Thames TW9 3HD

- 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 Eric Minvielle against the decision of the Council of the London Borough of Richmond upon Thames.
 - The application reference is 24/0315/HOT.
 - The development proposed is the erection of a link dormer on rear elevation.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a link dormer on rear elevation at 24 Kew Gardens Road, Kew, Richmond upon Thames TW9 3HD in accordance with the terms of the application Ref 24/0315/HOT subject to the conditions set out in the schedule to this decision.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building and the local area.

Reasons

3. The appeal property is a detached Victorian villa within the Kew Gardens Conservation Area (CA), which is predominantly residential in character. The CA derives its significance as a designated heritage asset partly from the rich variety and architectural quality of the buildings and the attractive leafy streets within it. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
4. The appeal dwelling is identified as a Building of Townscape Merit (BoTM). This designation signifies that No 24 has visual, architectural or historic merit even though it is not statutorily listed. To my mind, No 24 typifies the traditional style, elaborate detailing and generous proportions of properties within this part of the CA. Although these features are not rare within the CA, they do add to the welcome sense of unity and cohesion in the built form along this part of Kew Gardens Road. In doing so, the appeal dwelling makes a positive and significant contribution to the character and appearance of the CA.
5. The proposal is to introduce an extension on the main rear roof slope to link the small dormer on one side with the cross wing on the other. The new addition would add scale and bulk to the upper host building and alter its original roof form. Nevertheless, the proposal would be modest in size and a proportionate addition to the much larger rear roofscape.

6. By nestling comfortably into the gap between the roof of the existing dormer and that of the cross wing, with a neat junction and notable setbacks on each side, the proposal would allow the original roof form to remain clearly legible. The new link dormer window would also line up with, and be smaller than, the windows below and so complement the general pattern of fenestration in the rear elevation. Taken together with the use of matching external materials, as proposed, the appeal scheme would be a sympathetic addition. It would not appear overly large, bulky or incongruous, nor dominate the roof. As such, the proposal would comply with the advice within the Council's Supplementary Planning Document, *House Extensions and External Alterations* (SPD).
7. Given its position at the back of the appeal property and the screening provided by existing trees, the appeal scheme would not be readily evident from beyond the back garden of No 24. Consequently, there would be no effect on the qualities and character of the local street scene. For the same reason, any resultant differences between the front and rear roofscapes of the appeal dwelling would not be apparent from public vantage points.
8. From the long back garden of No 24, and possibly the outdoor space of the properties on either side of the site, the new addition would be glimpsed albeit from some distance and through the dense foliage of a large tree in the foreground. In that limited context, the proposal would not draw the eye as a prominent, visually intrusive or a discordant feature. For all these reasons, the significance of No 24 as a BTM and its positive contribution to the CA would be retained. The character and appearance of the CA would also be preserved.
9. On the main issue, I therefore conclude that the proposed development would not cause significant harm to the character and appearance of the host building or the local area. Accordingly, there is no conflict with Policies LP1, LP3 or LP4 of the London Borough of Richmond upon Thames Local Plan, Policies D4 and HC1 of The London Plan, Policies 28, 29 and 30 of the Publication Richmond Local Plan or the SPD. These policies and guidance require development to achieve a high design quality, while ensuring compatibility with local character and conserving if not enhancing the historic environment of the Borough.
10. The proposal is also consistent with the policies of the National Planning Policy Framework. These policies aim to ensure that developments, amongst other things, are sympathetic to local character, add to the overall quality of the local area, and safeguard heritage assets.

Conditions

11. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building or as stipulated on the plans.
12. A condition is imposed to ensure that all vehicles and construction plant utilise ultra-low sulphur diesel to protect the living conditions of the occupiers of nearby residential properties. To meet appropriate fire safety measures, a condition is necessary to require that the development is carried out in accordance with the submitted Fire Safety Document.

Conclusion

13. Overall, there are no material considerations that indicate the proposal should be determined other than in accordance with the development plan, when read as a whole. For the reasons set out above, I therefore conclude that the appeal should be allowed subject to conditions.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs FLU..01, FLU..02, FLU..03, FLU..04, FLU..05, FLU.8.06, FLU.8.07, FLU.8.08, FLU.8.09, FLU.8.10 and the Location Plan, which shows the site edged red.
- 3) No new external finishes (including fenestration), including works of making good, shall be carried out other than in materials to match the existing, except where indicated otherwise on the submitted application forms and/or approved drawings.
- 4) During onsite construction of the development hereby permitted, all non-road transportable industrial equipment or vehicles which are fitted with an internal diesel-powered compression ignition engine between 37 and 560KW and not intended for transporting goods or passengers on roads are required to meet Stage IIIB of EU Directive 97/68/E and be NRMM registered. Such vehicles must be run on ultra-low sulphur diesel (also known as ULSD 'cleaner diesel' or 'green diesel').

"Ultra low sulphur diesel" means fuel meeting the specification within BS EN 590. Where these standards are succeeded, they should be applied when reasonable. Exemptions to these standards may be granted for specialist equipment or for equipment with alternative emission reduction equipment or run on alternative fuels. Such exemptions shall be applied for in writing to the local planning authority in advance of the use of such vehicles, detailing the reasons for the exemption being sought and clearly identifying the subject vehicles. Exemptions that are granted will be in writing and such vehicles must not be used until written exemption has been issued by the local planning authority.

No vehicles or plant to which the above emission standards apply shall be on site, at any time, whether in use or not, unless it complies with the above standards, without the prior written consent of the local planning authority.
- 5) The development hereby permitted shall be carried out in accordance with the Fire Strategy Report received by the Council on 8 February 2024 unless otherwise approved in writing by the local planning authority.