



Appeal Decision

Site visit made on 24 September 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 9 October 2024

Appeal Ref: APP/L5810/D/24/3344407

62 High Street, Hampton TW12 2SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Amanda Free against the decision of the Council of the London Borough of Richmond upon Thames.
 - The application Ref is 24/0343/HOT.
 - The development proposed is proposed new balustrade to existing roof terrace to existing two storey single family dwelling house.
-

Decision

1. The appeal is allowed and planning permission is granted for proposed new balustrade to existing roof terrace to existing two storey single family dwelling house at 62 High Street, Hampton TW12 2SJ in accordance with the terms of the application Ref: 24/0343/HOT, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Except in respect of the balustrade, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) Prior to its erection on site, further details of the balustrade hereby permitted, including proposed profile, materials and finishes, shall be submitted to and approved in writing by the Local Planning Authority. The balustrade shall be undertaken in accordance with the approved details and thereafter retained and maintained.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 924.01; 924.02; 924.03 A; 924.04; 924.15; 924.16; 924.17; 924.FSS.
 - 5) The development hereby permitted shall be carried out in accordance with the Planning Fire Safety Strategy Statement, prepared by Graham Pratt dated 06/02/2024 together with Plan 924.FSS.

Preliminary Matters

2. There is an existing low level wooden balustrade surrounding a roof terrace at the appeal property. The Council has confirmed that it has concluded that the existing balustrade has been in existence for more than 4 years and is therefore immune from enforcement action.

3. The Council has referred both to policies in its adopted development plan, the Local Plan adopted in 2018 (adopted Local Plan) as well as policies in its draft replacement Local Plan which has reached its Regulation 19 stage (draft Richmond Local Plan) and has been submitted for independent examination. Most of these policies carry forward similar objectives to the existing policies. I have taken these policies into account, but it is not clear to me from the information provided as to which of these policies have unresolved objections to them. This therefore limits the weight that I can afford to them in accordance with Paragraph 48 of the National Planning Policy Framework (Framework).

Main Issues

4. The main issues in this appeal are:
- a) The effect of the proposal on the character and appearance of the existing property, a Building of Townscape Merit, as well as surrounding Buildings of Townscape Merit and the Hampton Village Conservation Area, and
 - b) The effect of the proposal on the living conditions of surrounding neighbours, with particular regard to overlooking and loss of privacy.

Reasons

Issue a) Character and Appearance

5. The appeal property is a corner residential dwelling, comprising two linked wings on either side of an open courtyard set behind a high wall, fronting the High Street. The two wings are different in their form and height as well as window styles and roof design, but the building presents a unified appearance through its painted brick finish. It is identified by the Council as a Building of Townscape Merit (BTM), a non-designated heritage asset. I have not been provided with any further details regarding its history, but it is an attractive building which contributes positively to the varied street scene.
6. The appeal property is also within a Conservation Area, Hampton Village, a designated heritage asset. The significance of the Conservation Area relates to the historical development of Hampton Village with the village core being centred along Church Street, High Street and Thames Street, and therefore including the appeal property. There is an attractive variety of properties reflecting the historical development of the local area, ranging from substantial properties in their own grounds to smaller terraces and groups of individual buildings, including the attractive grouping including the appeal building, which wraps around the High Street towards its northern end. Many of these are either listed or identified by the Council as BTMs.
7. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. I have also followed the approach in Section 16 of the Framework to determining proposals which affect both designated and non-designated heritage assets.
8. The existing balustrade is seen in street scene views, and the proposed balustrade would similarly be visible. The proposal would include for raising the parapet on the wing where the existing roof terrace exists and as proposed to be amended. This would be a relatively modest increase in the height of the

wing and would not result in a material increase in the scale and proportions of that wing or the overall building. Given that the two wings are not identical in terms of their existing heights and form, window design and roof form, I do not consider that the modest raising of the parapet on this one wing would be detrimental to the overall composition of the building comprising its two wings. The balustrade would be modest in height and would not harm the scale and massing of the existing building. Furthermore, the proposed materials for the balustrade would be appropriate for its intended use and purpose.

9. The wider street scene is varied in appearance and character. The modest change to the building to include the raised parapet and the new balustrade would not be seen as a dominant or overly obtrusive addition in the street scene in the context of both the immediate surrounding buildings, including the nearby BTMs as well as in the wider street scene and within the Conservation Area. The varied appearance in terms of building heights and building styles which contributes to the attractive pattern of development and character of the Conservation Area would be continued.
10. I am therefore satisfied that the proposal would not harm the character and appearance of the existing building, a BTM, the surrounding BTMs as well as the significance of the Hampton Conservation Area. The character and appearance of the Conservation Area would be preserved. There would be no conflict with Policies LP1, LP3 and LP4 of the adopted Local Plan, Policies 28, 29 and 30 of the Richmond draft Local Plan, Policy HC1(C), the Council's House Extensions and External Alterations SPD and the Framework and in particular Sections 12 and 16, all of which amongst other matters, seek a high quality of design which respects the local context and the significance of designated and non-designated heritage assets.

Issue b) Living Conditions

11. The submitted plans show that the existing boarded deck at roof level would be retained but would be extended closer to the boundary on the north west and north east elevations. The parapet would also be raised with the new balustrade directly behind.
12. The views out towards neighbouring properties are, as existing, heavily restricted because of the arrangement of neighbouring roofs, parapets and chimneys. There is no loss of privacy, as a result of overlooking, as existing. Given the form of the proposed extension to the roof terrace as well as the proposed replacement balustrade, I do not consider that this situation would materially change. I am therefore satisfied that the proposal would not materially harm the living conditions of the neighbours of surrounding properties along High Street and Church Street, with particular regard to overlooking and loss of privacy.
13. The principal views from the terrace are longer distance views in an arc from north east to north west. This includes views towards properties on the northern side of the High Street including the residential property at 2 Ormond Avenue. However, because of the intervening distance as well as the angle of view I am satisfied that there is no material overlooking or loss of privacy as existing. I have taken into account the proposed extension of the roof terrace but given the modest dimensions of the increase in size, I do not consider that the proposed enlargement of the terrace would materially affect the views out

of the terrace towards Ormond Avenue and the north western side of the High Street.

14. I am therefore satisfied that there would be no material harm to the living conditions of the surrounding neighbours, with particular regard to overlooking and loss of privacy from the proposed development. There would be no conflict with Policy LP8 of the Local Plan or Policy 46 of the draft Richmond Local Plan, as well as paragraph 135 f) of the Framework all of which seek a high quality of design which respects the amenities of existing and future occupants.

Other Considerations

15. The Appellant has set out that the existing balustrade is unsafe and in poor condition and requires to be replaced. However, this does not affect my decision which is based solely on the planning merits of the proposal before me.

Conditions

16. In terms of conditions, the submitted details of the balustrade are limited and further details require to be submitted and approved by the Council; otherwise, the materials should match the existing building; both these conditions are required to respect the character and appearance of the existing property and of the Conservation Area. The approved plans should be listed for the avoidance of doubt and in the interests of good planning and the development shall be carried out in accordance with the submitted Fire Strategy Statement to protect the amenities of the existing and future residents.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR