

Appeal Decision

Site visit made on 26 October 2024

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2024

Appeal Ref: APP/L5810/D/24/3350355
48 Berwyn Road, Richmond, TW10 5BS

- 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 BHPD Limited against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Reference is 24/0851/HOT.
 - The development proposed is a part single/part two storey rear extension and replacement front boundary wall and entrance gates.
-

Decision

1. The appeal is allowed and planning permission is granted for a part single/part two storey rear extension and replacement front boundary wall and entrance gates at 48 Berwyn Road, Richmond, TW10 5BS in accordance with the terms of the application, Ref 24/0851/HOT, subject to the conditions on the attached schedule.

Application for costs

2. An application for costs was made by BHPD Limited against the Council of the London Borough of Richmond Upon Thames. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

Reasons

Character and appearance

4. The appeal property is an attractive two storey detached hipped roof dwelling in a road of homes of a broadly similar design idiom. The locality is of established residential character and of pleasing good quality suburban appearance. The proposal is as described above.
 5. The site lies within Sheen Common Drive Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Local Plan (LP) Policy LP3, London Plan Policy HC1 and Local Plan Publication (Regulation 19) (R19) Policy 29 all reflect S72(1).
-

6. The Sheen Common Drive Conservation Area Statement (CAS) and the Sheen Common Drive Conservation Area Study provide more specific detailed context and analysis. The CAS explains that the locality is a good example of a planned housing estate from the 1920s. There is a unity of date, architectural style and materials and well-maintained landscaped verges. The CAS identifies the need to protect the balance of the landscape setting and prevent the loss of traditional architectural features and materials due to unsympathetic alterations.
7. The Council is concerned that given the size of the two-storey rear extension the scheme would represent unsympathetic overdevelopment harmful to the aesthetics of the host property and the character and appearance of the conservation area.
8. I would agree with the Council, for the reasons it gives in the Planning Report, that the single storey extension element and the front boundary works, would be suitable in character and appearance terms. The existing upper level to the rear of the property is not of original form and thus I also agree with the Council that redevelopment here would be acceptable in principle.
9. I recognise that the planned upper storey works would be sizeable but to my eye the mitigation of the ridge set-down, the inset from the existing main side walls (most significant on the south side), the utilisation of matching materials and the use of a hipped roof all help to make the case. The plot is one of the longest in the vicinity. The local rear building line is varied but this scheme would certainly not look out of place in that context. The works would at most be glimpsed from the street in passing. The principal front elevation would remain unaltered and the gap to the southern neighbouring dwelling unchanged. The original dwelling would remain legible and continue to sit comfortably in its context.
10. In summary, the property as it stands makes a positive contribution to the significance of the conservation area; I am satisfied that this contribution would continue upon implementation of the appeal scheme.
11. LP Policy LP1 and R19 Policy 28 are relevant. Amongst other matters these call for good quality design with buildings which relate to context, protect local character and appearance, and are compatible with surrounding development patterns and spacing. I conclude that the proposal would not conflict with these policies. The Supplementary Planning Document: 'House Extensions and External Alterations' also has design quality objectives and, recognising that it cannot be expected to cover every eventuality in detail, I also conclude that the scheme would accord with the *aims* of that document. The appeal scheme would also not run contrary to the aims of S72(1) of the Act and the policies and documents which I cite in paragraphs 5 and 6 above. There would be preservation of the character and the appearance of the Conservation Area.
12. I would add that I have carefully considered the planning history on this site including previous planning appeals that were dismissed, and which are helpfully listed in the Council's Planning Report. The scheme before me, because of its siting, sizing and form, is appreciably different to those previously rejected by my colleagues.

13. Finally, I confirm that policies in the National Planning Policy Framework have been considered in their own right and the adopted local policies which I cite also mirror relevant objectives within that document.

Conditions

14. Along with standard commencement the Council suggests conditions requiring the development to be in accordance with listed, approved, plans and relating to the matter of external finishes. I would agree with these for the avoidance of doubt and in the interests of visual amenity. For reasons of safety, I would also agree that a condition relating to fire safety is applied. To protect residential amenity, I would concur that specific control of roof use and window form would be appropriate. In the interests of visual amenity, I shall use the Council's suggested condition on tree protection.
15. Given the modest scale of the scheme and other applicable and more relevant legislation I see no need for the Council's suggested condition relating to specific fuels, engines or emissions for construction related vehicles and equipment.

Overall conclusion

16. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the host property or the locality. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR

SCHEDULE OF CONDITIONS (7)

1. The development to which this permission relates 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 and documents, where applicable: 240-3000, 240-3001, 240-3002, 240-3003, 240-3004, 240-3005, 240-3006, 240-3007, 240-3008, 240-3009, 240-3010 & 240-3011 received by the Council on 03 Apr 2024 and 240-3013 received by the Council on 03 May 2024.
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 form and/or approved drawings.
4. The roof of the building shall not be used for any purpose other than as a means of escape in emergency or for maintenance of the building.
5. The proposed upper floor flank facing windows of the building hereby approved shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.7 metres (5'7") above the relevant floor level.
6. (A) No equipment, machinery or materials are to be brought on the site for the purpose of the development until all trees to be retained shall be

protected by fences or other suitable means of enclosure to the recommended distances given in Table 1 of the current British Standard 5837: 2005 Trees in Relation to Construction - Recommendations, or to such distances and by such methods as may be agreed in writing by the Local Planning Authority prior to the commencement of the proposals and with regard to this proposal such protective fencing shall normally be at least 1.2m high comprising a vertical and horizontal framework of scaffolding, well braced to resist impact, supporting either cleft chestnut pale fencing (in accordance with BS 1772: part 4) or chain link fencing (in accordance with BS 1772: part 1) as shown in figure 4 of BS 5837:2005, within which no activities associated with building operations shall take place, such areas also being free of the storage of materials or temporary structures.

(B) No fire shall be lit within 10m from the outside of the crown spread of trees to be retained.

(C) the ground levels within the protected areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

(D) All means of protection shall be in situ for the duration of the development and distances of such protection should be passed by a person suitably experienced in arboriculture.

(E) No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures to be attached to or supported by a retained tree.

(F) No mixing of cement or use of other materials or substances to take place within a Root Protection Area ('RPA'), or close enough to a RPA that seepage or displacement of those materials or substances could enter a RPA

(G) No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the local planning authority.

7. The development must be carried out in accordance with the provisions of the 'Fire' section of the 'Design, Access and Planning Statement' received by the Council on 15 April 2024 unless otherwise approved in writing by the Local Planning Authority.