



Appeal Decision

Site visit made on 12 November 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2024

Appeal Ref: APP/L5810/W/24/3341817
295 & 297 Petersham Road, Ham TW10 7DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Michael Lewis against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref is DC/IZM/23/1647/VRC.
 - The application sought planning permission for partial hip to gable extension and rear dormers on the detached cottages to include raising the ridge and eaves without complying with a condition attached to planning permission Ref 21/2635/HOT, dated 14 October 2022.
 - The condition in dispute is U0140542 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans and documents, where applicable: 1648.00.03.IMP.001; 1648.01.03.EXG.061; 1648.01.03.EXG.062; 1648.01.03.EXG.063 received 22.07.2021; 1648.01.03.Exg.022 Rev A - Existing First Floor Plan; 1648.01.03.Exg.023 Rev A - Existing First Floor Plan; 1648.03.03.PlN.022 Rev A - Proposed Ground Floor Plan; 1648.03.03.PlN.023 Rev A - Proposed First Floor Plan; 1648.03.03.PlN.024 Rev A - Proposed Second Floor Plan; 1648.03.03.PlN.060 Rev A - Proposed West Elevation; 1648.03.03.PlN.061 Rev A - Proposed East Elevation; 1648.03.03.PlN.062 Rev A - Proposed North Elevation; and 1648.03.03.PlN.063 Rev A - Proposed South Elevation.*
 - The reason given for the condition is: *To accord with the terms of the application, for the avoidance of doubt and in the interests of proper planning.*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission for the proposed extension included a condition that the development should be carried out in accordance with the approved plans. The appellant seeks to vary it by amending the approved plans by making alterations to the roof including raising the ridge and eaves and altering the fenestration on 295 Petersham Road. The Council refused the variation of the plans on the basis that it would harm the character and appearance of the original properties and the Ham Conservation Area (HCA).
3. Taking the above into account, the main issue is the effect that varying the condition would have on the character and appearance of the area, bearing in mind that it would be in the HCA.

Reasons

4. Notwithstanding that the decision notice for the original permission refers to detached cottages, the appeal site accommodates a two-storey semi-detached pair located on Petersham Road.
5. The site falls within the HCA. From my observations and the Character Appraisal and Management Plan (2007) the significance of the conservation area, insofar as relevant to this case, is primarily derived from the variation in the form, fenestration and use of materials of the modest terraces and cottages along Petersham Road, reflecting the slow development of this group over time. Despite the differences in appearance these buildings are unified by their modest scale. As part of the group of properties that form the approach to Ham Common the appeal properties contribute positively to the HCA.
6. The roof extension that is now proposed would raise the ridge and eaves height and would accommodate deeper and taller dormers at the rear. Given the varied collection of properties along Petersham Road and different ridge heights the proposal would add to this variety. Furthermore, when standing centrally in front of the appeal properties, the additional increase in height would not be readily discernible from the existing permission.
7. Nonetheless, and despite maintaining a symmetry across the semi-detached pairs, the increased depth of the dormers creates a taller outward face and would result in a bulky addition. The dormer windows would align with those at the first floor. However, they would be taller, contrary to the advice within the House Extensions and External Alterations Supplementary Planning Document (2015) that dormer windows should be smaller than that of windows of the floor below. The larger scale dormers would appear as an incongruous feature in views from the rear gardens of adjacent properties. The use of reclaimed Welsh slate would not mitigate the harm identified.
8. The proposed increase in height of the roof extension itself is relatively modest, and even taking account of the raise in eaves, the resultant enlarged roof profile would have a prominent built form, dominating the original properties. This would be readily apparent in views from the rear gardens of neighbouring properties and would also be seen in oblique views from the street on approach from either direction. Consequently, the proposal would have a greater presence than the existing permission, to the detriment of the modest scale of the properties in this gateway approach to Ham Common.
9. Overall, the proposal would contribute to a small, but nevertheless, detrimental effect on the character and appearance of the HCA, harming its significance. For the purposes of the National Planning Policy Framework (the Framework), the harm to the conservation area as a designated heritage asset would be less than substantial. In these circumstances, the Framework states that the harm should be weighed against the public benefits. I will return to this matter later.
10. For the reasons given, the variation of the condition would harm the character and appearance of the area, failing to preserve the HCA and harming its significance. It would be in conflict with Policies LP1 and LP3 of the Local Plan (2018) and Policies C2 and H2 of the Ham and Petersham Neighbourhood Plan 2018-2033 (2019). These policies, amongst other things, require development proposals to conserve the high-quality character and heritage of the borough,

including conservation areas, through an understanding of how it relates to its existing context.

11. It would also fail to meet the requirements of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and the provisions within the Framework which seek to conserve and enhance the historic environment.
12. On the decision notice the Council also refer to Policies 28 and 29 of the publication draft Richmond Local Plan (2023). This plan has not been subject to an examination process to determine its soundness, and I have no clear information in relation to any unresolved objections. As such these emerging policies attract limited weight and have not been determinative in this appeal.

Heritage Balance

13. Framework Paragraph 205 sets out that great weight should be given to the conservation of designated heritage assets. Harm to the significance of a designated heritage asset should also require a clear and convincing justification. Nevertheless, the Framework also requires such harm to be weighed against any public benefits.
14. The proposal would result in improvements to the fenestration at No 295 by replacing the current UVPC windows with traditional timber windows to match No 297. This would enhance the significance of the HCA by reinstating unity in appearance between the semi-detached pairs. This heritage benefit is capable of being a public benefit, however, given the nature and scale of enhancement it attracts limited weight. For the same reason, any time-limited economic benefits from the construction stage attract limited weight.
15. A loft conversion is said to be the only viable option to extend the semi-detached pairs and the enlarged roof extension is required to deliver a reasonable habitable space within the loft conversion. While it is indicated that the existing permission would result in poor head-height and a bedroom lacking functionality there is no substantive evidence to show what floor to ceiling height would be achieved through the appeal proposal. Even if the required 2.5 meters could be achieved, this is a largely private benefit of the scheme and therefore carries limited weight in favour of the development.
16. In having special regard to the desirability of preserving or enhancing the character or appearance of the HCA, overall, even cumulatively, the sum of the public benefits of the proposal would not outweigh the harm to the significance of the designated heritage asset that I have identified, and the considerable importance and weight this carries.

Conclusion

17. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR