



Appeal Decision

Site visit made on 12 November 2024

by A Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2024

Appeal Ref: APP/L5810/W/24/3348794

Grand Prix House, 102-104 Sheen Road, Richmond Upon Thames TW9 1UF

- 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 Lira Cabatbat against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref is 23/2182/FUL.
 - The development proposed is described as 'erection of a new two-storey single family dwelling, including basement and attic accommodation, private amenity space, parking and dedicated bin and bike storage'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the decision notice, the Council has referred to policies in its adopted development plan, the London Borough of Richmond Upon Thames Local Plan, July 2018 (RLP) as well as policies in its emerging draft Richmond Local Plan, June 2023 which has reached its Regulation 19 stage (emerging LP) and has been submitted for examination. However, it is not clear to me from the information provided whether there are any unresolved objections to policies in the emerging Local Plan that may be relevant to this appeal. This therefore limits the weight that I can afford to such policies in accordance with Paragraph 48 of the National Planning Policy Framework (Framework).
3. The site is located in the Sheen Road Conservation Area (CA). I have therefore had regard to the duty in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing its character or appearance.
4. Within the CA, Grand Prix House, along with several other properties, have been identified by the Council as Buildings of Townscape Merit (BTM). Such buildings are defined as heritage assets in the terms of the Framework¹, albeit non-designated, and as set out in Policy LP4 of the RLP.

Main Issues

5. The main issues are whether the proposed development would:
 - Preserve or enhance the character or appearance of the CA, including the effect of the proposal on the significance of non-designated heritage assets;

¹ Glossary - The National Planning Policy Framework

- Provide acceptable living conditions for future occupiers, with particular regard to internal ceiling height; and,
- Secure appropriate provision for affordable housing.

Reasons

Character and Appearance

6. The extent of the CA is relatively compact, and its predominant origins lie in the substantial development of streets and large villas on the slopes of Richmond Hill that took place in the mid-19th to early-20th centuries following the arrival of the railway at Richmond. Sheen Road was the historic route between Richmond and central London and many buildings along it pre-date the streets either side. The CA is mixed in character with mostly residential development leading off from the more commercial Sheen Road.
7. Not all properties on each street include the same detailing, and there are some more recent residential properties along some streets in the CA. Nevertheless, the architectural quality and historic layout of the area help portray the evolution of building activity in this part of Richmond and provide a recognisable consistency of the Georgian, Victorian and Edwardian building periods which contribute to the aesthetic value of the area's character and appearance.
8. As such the significance of the CA is derived from its high proportion of period architecture and its historic street pattern, underpinned by the underlying topography. Along Sheen Park, in the vicinity of the appeal site, there is also significance to be derived from the scale and detailing of the buildings which, notwithstanding the age and typology of 3 to 7 Sheen Park, has retained a degree of consistency.
9. The Council's St Matthias and Sheen Road Study² identifies listed buildings and BTM in the CA. It indicates that 96 to 104 (even) Sheen Road (including Grand Prix House) and 2 Sheen Park (No 2) are BTM. The Council's SPD³ explains that BTM are buildings that may not possess sufficient interest to warrant statutory listing, but 'are of significance to the history and character of the environment' to be considered as non-designated heritage assets. Policy LP 4 of the RLP states that the Council will seek to preserve, and where possible enhance the significance, character and setting of BTM.
10. Grand Prix House is a large Victorian building that forms an imposing and prominent feature at the corner of Sheen Road and Sheen Park. Although extended to the rear, the building retains decorative banding and other original features. The semi-detached property at No 2 includes a decorative gabled wall dormer and architectural detailing on the front and side elevations. The ornate detailing, age and composition of these buildings contribute to their significance as BTM and to the significance of the CA.
11. The appeal site is a rectangular parcel of land at the rear of Grand Prix House which was previously used as a car park for occupants of Grand Prix House. Two containers are currently stored on the land, which is bound by solid hoarding. Sheen Park slopes away from Sheen Road and the appeal site

² St Matthias and Sheen Road Study - Conservation Areas nos 30 and 31', January 1994

³ Buildings of Townscape Merit Supplementary Planning Document, May 2015

occupies a transitional position between the large-scale Grand Prix House which sits at a higher land level facing the busy Sheen Road, to the more domestically scaled residential buildings along Sheen Park. At the rear of the site is a communal garden used by occupants of 96 to 100 Sheen Road.

12. The gap created by these gardens and the appeal site to No 2 retain a degree of physical open space above fence height which allows for views to be obtained from Alton Road and Sheen Park towards the rear elevations of buildings on Sheen Road. It provides a clear separation between these buildings and those on residential side streets, as well as an appreciation of different building periods in the development of the CA.
13. However, the large four-storey extension at the rear of Grand Prix House has diminished the overall aesthetic value of this group of buildings as well as the importance of the space immediately at the rear. There is a clear visual separation between the rear elevation of properties on Sheen Road and Walton Court, opposite the appeal site, from which the appreciation of the uniform historic form of this terrace can be appreciated. Nevertheless, for the most-part, within the central commercial area of the CA, gaps between the buildings on Sheen Road and properties to the rear, which front side streets, vary in width. Indeed, I saw very few gaps at the corners of Sheen Road with Church Road, Dunstable Road and the west side of Alton Road.
14. Due to the topography of the area and because of their differing scale, form and orientation to the street, there is a clear distinction between the appearance of buildings and their use along Sheen Road compared with that on side streets, including Sheen Park, irrespective of the space that exists to the rear of properties along Sheen Road. For these reasons, the gap between 96 to 104 Sheen Road with No 2 makes only a very limited positive contribution to the significance and character of the CA.
15. The proposed dwelling would fill part of the gap at the rear of Grand Prix House and obscure much of the architectural detail on the gable elevation of No 2. The Council has not raised concerns in relation to the principle of residential development within this gap. Rather, it considers the width and height of the proposed dwelling to be inappropriate insofar as it would fill much of the space. Given the projection of the existing rear extension at Grand Prix House, I agree that the proposed dwelling would fill a large part of the existing space between Grand Prix House and No 2. Nonetheless, as I have found this space makes only a limited positive contribution to the CA's character and appearance, any harm caused through infilling would also be limited.
16. I recognise that the design of the proposed dwelling has been carefully conceived in order to reflect previous comments made by the Council in relation to height. An innovative design solution to the development of the site has been sought through the use of a sloping roof in order to create a greater separation of the dwelling at first and second floor from Grand Prix House and to minimise any impacts on the adjacent properties. However, in so doing, the overall design appears contrived and starkly at odds with the form, scale and appearance of adjacent buildings. The hipped gable feature on the front elevation would not reflect the predominant roof form along Sheen Park. Furthermore, while the recessed two storey element of the proposal would lessen the overall perception of height, it would result in a narrow gable-ended

elevation facing Sheen Park that would be out of proportion to, and sharply contrast with, other properties in the immediate area.

17. The vertical alignment of windows, proposed materials and architectural detailing would take cues from the BTM along Sheen Park. The building to plot ratio would also not be out of context in this urban location. Nevertheless, the discordant form of the proposed dwelling would introduce an awkwardly designed building that would fail to promote or reinforce the distinctive characteristics of the area. The development would be unrelated to the scale and grain of the underlying development pattern. These shortcomings would be exacerbated by the prominent location of the site close to the junction with Sheen Road and Sheen Park which would be visible from a number of public vantage points, including from Alton Road.
18. Even though the space at the rear of Grand Prix House makes only a very limited positive contribution to the overall character of the CA, when taken together with the discordant design of the dwelling, the proposal would adversely harm the character and appearance of the CA. The enhancement of the site frontage by the planting of vegetation and the removal of the current hoarding and storage containers, which visually detract from the character of the CA, would not negate the harm resulting from the design issues of the proposal.
19. As a result of its incongruous design, the proposal would detract from the architectural interest of No 2 and affect the ability to appreciate its significance in this regard. However, due to the existence of the four storey extension and the minor contribution the space at the rear of Grand Prix House makes to the character and appearance of the CA, and that the front and side elevations of this building would remain a dominant feature at the corner of Sheen Road and Sheen Park, the proposal would not be harmful to the significance of Grand Prix House.
20. Taking all the above into account, the proposed development would fail to preserve or enhance the character and appearance of the CA and would result in a diminution of the significance of No 2, a non-designated heritage asset.
21. In terms of paragraph 205 of the Framework, the harm to the significance of the CA would be less than substantial. This being the case, the Framework advises that such harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Similarly, paragraph 209 of the Framework requires a balanced judgement is taken when assessing schemes that directly affect non-designated heritage assets, having regard to the scale of any harm and the significance of the asset.
22. The proposal would deliver one new dwelling on a brownfield site in an accessible location which would make a small but important contribution towards the Council's supply of housing and the expectation in the London Plan⁴ to increase the number of small sites in areas with a high PTAL rating such as this. This supports the Government's objective of significantly boosting the supply of homes, as set out in the Framework. There would also be direct and indirect social, economic and environmental benefits associated with such

⁴ London Plan 2021, Policies H1 and H2

a proposal. These are benefits of the scheme that, due to the scale of the proposal, attract moderate weight.

23. I have noted the appellant's comments highlighting absence of identified harm in relation to transport and fire safety matters. Even if I were to agree that there would be no unacceptable effects in relation to these issues, this is a neutral factor and not a public benefit of the proposal.
24. I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA and the harm that I have found would arise to the designated area is a matter which carries great weight. Against this, either taken individually or cumulatively, the public benefits are of moderate weight. Overall, and taking a balanced view with regard to harm to the significance of the relevant non-designated heritage assets, the benefits would not outweigh the harm to the CA or the non-designated heritage asset that would arise.
25. The proposal would therefore be in conflict with section 72 of the Act as well as Policy HC1 of the London Plan and Policies LP 3 and LP 4 of the RLP which, taken together, are concerned with the safeguarding of historic assets. There would also be conflict with Policies LP 1 and RP 39 of the RLP which, amongst other things, require development to be of high architectural and urban design quality and for infill development to reflect the character of the surrounding area.
26. In addition, the proposal would not accord with either the aims of the Framework that seek to ensure that developments are of high quality that are sympathetic to the local character, or Section 16 which is concerned with the protection of designated heritage assets.

Living conditions

27. Criterion F of Policy D6 of the London Plan, 2021 (the London Plan) sets out a series of minimum internal space standards for new housing in London, one of which is that the minimum floor to ceiling height must be 2.5 metres for at least 75 per cent of the gross internal floor area of each dwelling. This is required so that new housing is of adequate quality in terms of daylight penetration, ventilation and cooling, and sense of space.
28. Policy LP 35 of the RLP expects development to comply with the Nationally Described Space Standards⁵ (NDSS). The explanatory text to Policy LP 35 provides clarification of the NDSS standard in relation to ceiling heights, which should be a minimum height of 2.3 metres for at least 75 per cent of the gross internal floor area. Whilst the minimum ceiling height specified in the NDSS is lesser than that of the London Plan and would be met in this case, these standards pre-date those in the London Plan.
29. The plans submitted with the appeal indicate that only the basement rooms, part of the second floor bedroom and the rear part of the first floor kitchen/dining/living area would have a floor to ceiling height which would meet the London Plan standard. While most of the remaining rooms would have a floor to ceiling height of 2.4 metres, this would be below the relevant ceiling height for 75 per cent of the gross internal floor area required by the London Plan. Therefore, the proposed dwelling would fail to provide the level

⁵ MHCLG Technical housing standards – nationally described space standard, March 2015

of space expected to achieve the quality of residential accommodation required by Policy D6 of the London Plan.

30. The appellant suggests that in order to overcome the shortfall in ceiling height the submitted cross section drawing could be disregarded and instead, a ceiling height compliant cross section drawing could be required by way of condition. However, I cannot be certain that any increase in floor to ceiling heights would not increase the proportions and design of the proposed development. As such it would not be reasonable or appropriate to condition this matter as it may deprive those who were entitled to be consulted on the changes.
31. The appellant also claims that the shortfall is so minimal that any perceived harm would be outweighed by the benefits of the scheme. However, the need for housing should not be used to justify providing accommodation which does not meet the required standards for housing quality.
32. I conclude that the proposed development would not provide acceptable living conditions for future occupants with regard to internal ceiling height. Accordingly, the appeal proposal would be contrary to Policy D6 of the London Plan which, amongst other things, seeks a high quality and standard of housing.

Affordable housing

33. On sites below a threshold of ten housing units, Policy LP 36 of the RLP requires that a financial contribution towards an affordable housing fund be made. The Council's Affordable Housing Supplementary Planning Document, March 2014 (AHSPD) sets out the methodology for calculating affordable housing contributions.
34. Paragraph 65 of the Framework states that the requirement for affordable housing in relation to residential development that does not comprise major development should not be sought. However, the supporting text of Policy LP 36 explains the need for affordable housing on smaller sites in Richmond upon Thames and the contribution they make to housing supply. Compelling evidence has been presented by the Council, including but not limited to, correspondence relating to the RLP, the Council's Homelessness Strategy 2021-2026 and the Annual Housing Monitoring Report 2019-2020 which justify a continued requirement for development of less than ten housing units to contribute to the provision of affordable housing.
35. While the Framework is a material consideration, applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. On the basis of the information provided in this case, I have attached significant weight to the adopted development plan policy.
36. In accordance with the AHSPD, the Council calculate that a sum of £54,887 is necessary. This has not been contested by the appellant and a draft section 106 agreement has been submitted with the appeal. However, it has not been fully executed and I must determine the appeal based on the evidence available to me now.
37. I have given consideration as to whether a suitably worded condition would be an appropriate mechanisms to secure the affordable housing contribution. But

in that regard, Planning Practice Guidance⁶ (PPG) is clear that positively worded conditions cannot be imposed which require a payment of money, and a condition requiring an appellant to enter into a planning obligation is unlikely to pass the test of enforceability. The PPG also advises that a negatively worded condition which requires an applicant to enter into a planning obligation before development can commence may only be appropriate where there is clear evidence that the delivery of the development would otherwise be at serious risk. No such evidence is before me. Therefore, the use of a planning condition to secure the contribution would not be appropriate in this instance.

38. Consequently, without a formal mechanism to secure the affordable housing contribution, and with no exceptional circumstances provided to condition the completion of the section 106 agreement, the proposal would fail to deliver adequate affordable housing. It would therefore conflict with Policy LP 36 of the RLP which expects a contribution towards affordable housing on all housing sites.

Other Matters

39. My attention has been drawn by the appellant to several other examples of seemingly similar development in the area. The full circumstances and backgrounds to these developments are not before me but I was able to view them at my site visit. While the Kings Road example indicates development in the area includes instances of the rear façade of a building facing the side elevation of a dwelling, the pair of semi-detached dwellings along Kings Road are not located at the junction of Kings Road and Sheen Road where the gaps towards the rear of properties could be and important feature of the area.
40. The dwellings at 35 and 39 Worple Way (No 39) are also not located at a road junction and the constructed dwellings reflect the scale and design of the terrace to which No 39 is attached. The Church Road example is located close to a road junction but there are non-residential uses to the rear of the site and the dwelling erected on St John's Road appears to reflect the scale and design of other properties in the street. This is similarly the case with the detached dwelling erected on the corner of Alton Road and Sheen Road, which is also not located adjacent to BTM. The two dwellings to the rear of 145 Sheen Road were considered as a single development proposal with the former public house a considerable time ago.
41. In any event, while these examples demonstrate that the partial infilling of gaps within the CA can be acceptable in some instances, it is clear that there are material differences in all these examples in relation to their design, location and context. Any direct comparison with other examples does not therefore indicate that the form of this proposal would sit comfortably within its setting. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
42. The appellant refers to why a single storey dwelling on the site, as suggested by the Council, would be inappropriate. However, that is not the scheme before me. I am required to assess the appeal based on the submitted plans and on its own merits, which I have concluded would cause harm for the reasons set out above.

⁶ Paragraphs: 005 Reference ID: 21a-005-20190723, and 010 Reference ID: 21a-010-20190723

43. I acknowledge that there was engagement with the Council at pre-application stage and while the application was under consideration, and as a result, various schemes have been put to the Council. However, the reasons for the eventual officer recommendation and decision for this application are clearly set out in the Officer Report and communications prior to that point do not have a bearing on my consideration of the main issues, as set out above.

Conclusion

44. For the above reasons, the proposed development would conflict with the Act, the development plan when read as a whole, and the Framework read as a whole. There are no material considerations that are of sufficient weight that would indicate a decision should be made other than in accordance with the development plan.
45. I therefore conclude that the appeal should be dismissed.

A Veervers

INSPECTOR