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## 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: 18 December 2024**

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**Appeal Ref: APP/L5810/W/24/3341647**

**23A Hampton Road, Teddington, Richmond upon Thames TW11 0JN**

- 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 Mr and Mrs Simon Kinsman against the decision of the Council of the London Borough of Richmond Upon Thames.
  - The application Ref is 23/2663/FUL.
  - The development proposed is demolition of existing bungalow and the erection of a three-storey replacement dwelling with basement level.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing bungalow and the erection of a three-storey replacement dwelling with basement level at 23A Hampton Road, Teddington, Richmond upon Thames TW11 0JN in accordance with the terms of the application, Ref 23/2663/FUL, subject to the conditions in the attached schedule.

### Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have considered the changes and as they are not material to the proposal, further comments were not sought from the parties. I have, however, determined the appeal having regard to the revised Framework.

### Main Issues

3. The main issues are the effect of the proposal on the:
  - character and appearance of the area, bearing in mind there is a nearby Building of Townscape Merit (BTM); and
  - living conditions of the occupiers of 23 Hampton Road, with regard to outlook and the occupiers of 2A Coleshill Road, with regard to privacy.

### Reasons

#### *Character and appearance*

4. The appeal site accommodates a detached bungalow located on Hampton Road within a predominantly residential area. No 23 is adjacent to the site and is a two storey with accommodation in the roof property that has been converted into flats. On the other side is a single storey dwelling set behind a boundary wall. To the rear is a modern timber clad two-storey dwelling and on the opposite side of the road are villa style dwellings and more modern flatted

development. The mix of property types of differing design and appearance creates a sense of place and contributes positively to the character and appearance of the area.

5. No 23 is designated as a BTM, that is a non-designated heritage asset (NDHA)<sup>1</sup>. The building's significance is mainly derived from its age and architectural detailing, including red brick and slate roof. Given its status as a NDHA, in determining the appeal I have undertaken a balanced judgement having regard to the scale of any harm or loss and the significance of No 23 in accordance with the Framework Paragraph 209.
6. The proposal would introduce a three-storey over basement detached dwelling. While taller than the existing bungalow, the proposal would step down in height from No 23, providing a visual transition between No 23 and the adjacent single storey dwelling and conveying a sensitive consideration of its surroundings. Even though other properties in the surrounding area are generally two storeys with accommodation in the roof, and despite the vertical emphasis of the proposed central column of windows, because of the tall gable feature at No 23 the street scene can readily accommodate a building of the proposed height.
7. Taking account of the prevailing varied character and appearance of the area, no harm arises from the increase in ridge height from the existing bungalow. In any event, I did not observe the appeal site to form a legible group with No 23 or the single storey dwelling nor did I observe consistent features between these three properties. Furthermore, a set back from the road and the adjacent boundary wall would remain and so the impression of the plot as a later subservient infill development would largely be retained.
8. The proposed scale and form would contrast with the surrounding buildings, nevertheless, the proposal is honest about its relationship with the street scene and being a modern addition, and I take no issue with the overtly contemporary architectural style. The proposed material palette matches the tonality of the existing materials in the locality which would ensure a visual connection with the street scene. Furthermore, a complimentary architectural narrative would be achieved with adjacent development through the modern design features, including the glazed central column which mimics the bay at No 23 and the ground floor brick detailing which ties in with the boundary wall at the adjacent single storey dwelling.
9. In my view, the proposal is a well-considered design response to the site and would not appear visually intrusive within its context. It would meet the overarching aims and objectives of the Hampton Wick and Teddington Village Planning Guidance (2017), Design Quality Supplementary Planning Document (SPD) (2006) and Small and Medium Housing Sites SPD (2006) which seek to promote high standards of design.
10. The subservient height and gap between No 23 and the proposed property at first and second floor level would ensure that the proposal does not compete with the BTM. Nor would it dominate the former gatehouse given the generous separation distance and the existing boundary wall. Even though the proposal would be different in appearance and intentionally contemporary in design, it

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<sup>1</sup> National Planning Policy Framework, Paragraph 209; and National Planning Practice Guidance, Paragraph: 039 Reference ID: 18a-039-20190723.

would not be incongruous, adding instead to the overall variety in the street scene and contributing positively to the character and appearance of the area. No 23 would remain as a significant presence in its prominent corner plot location and its historic and architectural identity would not be diminished. It therefore follows that the proposal would not harm and would therefore preserve the architectural detailing and significance of No 23 as a NDHA.

11. Overall, the proposal would relate positively to the character and appearance of the area, bearing in mind there is a nearby BTM and would be in accordance with Policies LP1, LP4 and LP39 of the Local Plan (2018) (LP). These policies, amongst other things, require development proposals to conserve the high-quality character and heritage of the borough through an understanding of how it relates to its existing context, including reflecting materials and detailing of existing dwellings.

#### *Living conditions*

12. The proposal's height and massing would result in a noticeable difference in built form in views from the rear garden of No 23. The Residential Development Standards SPD (2010) provides generalised advice on the effect of new dwellings on living conditions and states that an unacceptable sense of enclosure when seen from neighbouring gardens will not be permitted. Despite the visual change, the proposal would not have an overbearing effect given that the main bulk of the increased height and massing would be set away from the shared boundary. An acceptable outlook for the occupiers of No 23 from the rear garden would be maintained and consequently the proposal would be in line with the guidance in the SPD.
13. The supporting text to Policy LP8 and the guidance within the Small and Medium Sites SPD sets out that a distance of 20 metres (m) is generally accepted as the distance that will not result in unreasonable overlooking, but that a lesser distance may be acceptable in some circumstances. While the proposal would introduce views into the rear facing windows and garden of 2a Coleshill Road, the windows nearest this property would be covered with perforated brickwork that would filter any views. Even if the proposed central windows are less than 20m away and the existing trees couldn't be relied upon to provide screening, given the orientation of the windows relative to No 2A, there would not be any direct views. Oblique views would be unlikely to be so significant as to result in a loss of privacy that would affect the quality of life of the occupiers of this property.
14. Accordingly, the proposal would not have an unacceptable effect on the living conditions of the occupiers of No 23, with regard to outlook or the occupiers of No 2A with regard to privacy and would accord with Policy LP8 of the LP. This policy includes a requirement for development to protect the amenity and living conditions for occupants of neighbouring properties.

#### **Other Matters**

15. The appeal site is in proximity to the Grade II listed building known as Teddington Hall. Mindful of the statutory duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The special interest and significance of Teddington Hall is derived

primarily from its architectural interest, comprising symmetrical bay front in Tudor Gothic style and stucco dressings and quoins.

16. The Hall is set back from the road within gated grounds such that the asset's special interest is principally appreciated from its immediate landscaped setting. The appeal site is physically and largely visually separate from the asset and does not comprise its setting. Accordingly, the proposal would have no effect on its significance. I note the Council raised no concerns in this respect either.
17. There is no clear evidence that the height of the proposal would be detrimental to daylight levels generally within the street scene. While the Council suggest the proposal will affect daylight and sunlight levels in the rear garden of No 23 at certain times of the day it has not been clearly articulated whether harm would arise as a result. The viability assessment demonstrates that it is not viable for the scheme to support an affordable housing contribution and I have no clear reason to come to a different conclusion. Interested parties indicate that the site should deliver additional dwellings and not one large dwelling, however this is not what is proposed.
18. On the decision notice the Council also refers to Policies 15, 28, 30 and 46 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.

### **Conditions**

19. It is necessary to impose a condition identifying the approved plans for clarity. In the interest of the character and appearance of the area a materials condition is imposed. However I have omitted reference to hard surfacing as this is covered by the landscaping condition, which has been imposed for the same reason, and to enhance biodiversity.
20. While it may be that as a general rule of thumb ecology surveys older than two years may be unreliable this will vary considerably and depend on the specific ecological traits and the habitats and species concerned as well as any dynamic physical processes. There is no clear evidence that the submitted ecology appraisal report is unreliable and given that the proposal has been found to have a low potential to impact protected species and other fauna a condition to undertake new surveys has not been imposed. Nevertheless, in the interest of protecting and enhancing biodiversity a condition is imposed to secure the provision of a biodiversity enhancement and mitigation plan in accordance with the ecological appraisal report. As this includes reference to lighting, a separate condition on this matter is not necessary.
21. In the interest of protecting living conditions of neighbouring occupiers, highway safety and preventing flood risk and securing appropriate drainage, conditions are imposed to ensure the scheme is carried out in accordance with the construction management plan, subterranean construction method statement, flood risk assessment and the sustainable drainage assessment. Also, in the interest of preventing flood risk a condition to secure infiltration testing is imposed which is necessary before the commencement of development to ensure that soakage is viable. To protect living conditions of

the future occupiers a condition is imposed so that the development is carried out in accordance with the fire safety strategy.

22. Conditions are imposed to secure cycle parking provision and refuse storage in the interest of promoting non car travel and protecting living conditions respectively. In the interest of delivering sustainable development a condition is imposed relating to the energy statement. This will ensure that water consumption and carbon emissions are reduced, and so separate conditions are not necessary. A condition is also imposed to ensure that future occupiers do not obtain a parking permit in the interest of highway safety. To ensure inclusive access a condition is imposed to secure the construction of an accessible dwelling.
23. I have not found the scheme to be harmful to the neighbouring occupiers living conditions and therefore a condition relating to obscure glazing has not been imposed. In addition, given the conclusions of the arboricultural report there is no evidence to suggest that a method statement is required. Furthermore, the tree constraints plan is listed in the plans condition to ensure that trees are protected during construction.
24. The Framework states that planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. Furthermore, the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) includes limitations on the extent of extensions or outbuildings. That being the case, there is no clear justification for restricting the exercise of permitted development rights by future occupiers, should they choose to do so.

### **Conclusion**

25. For the reasons given above, the proposal accords with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal should be allowed.

*F Harrison*

INSPECTOR

## Conditions

- 1) The development hereby permitted shall begin not 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: Location Plan TP(00)01; Existing and Proposed Block Plan TP(00)02; Existing Site Plan (topographic + trees) TP(00)03; Proposed Site Plan TP(00)04; Proposed Basement Plan TP(10)20; Proposed Ground Floor Plan TP(10)21; Proposed First Floor Plan TP(10)22; Proposed Second Floor Plan TP(10)23; Proposed Roof Plan TP(10)24; Proposed Front Elevation (north) TP(11)21; Proposed Side Elevation (east) TP(11)22; Proposed Rear Elevation (south) TP(11)23; Proposed Side Elevation (west) TP(11)24; Proposed Street Elevation TP(11)25; Proposed Section 01 TP(12)21 and Tree Protection Plan (AIA) D3023.V1.0-A3-TPP(AIA).

### *Pre-commencement*

- 3) No development shall take place until infiltration testing has been undertaken and confirmation provided in writing to the local planning authority that soakage is viable. At least two data recordings onsite or from nearby to the site should take place within a 12-month period to demonstrate any potential seasonal variations.

### *After commencement*

- 4) The development hereby permitted shall be carried out in accordance with the Construction Management Plan 23AHR01 (REV 00) and Appendices, dated 28 July 2023.
- 5) The development hereby permitted shall be carried out in accordance with the Energy and Sustainability Statement, dated 21 September 2023, by MES Building Solutions and retained as such thereafter.
- 6) The development hereby permitted shall be constructed in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition, and retained as such thereafter.
- 7) The development hereby permitted shall be carried out in accordance with the provisions of the Planning Fire Safety Strategy, dated 8 August 2023, by Pentrevion Fire and shall be retained as such thereafter.
- 8) The development hereby permitted shall be carried out in accordance with the Subterranean Construction Method Statement dated 28 September 2023, by Croft Structural+Civil, Flood Risk Assessment, dated 2023-08-04, by Geo Smart Information and the Sustainable Drainage Assessment, dated 2023-08-22, by Geo Smart Information, and retained as such thereafter.
- 9) No development above ground level shall take place until a Biodiversity Enhancement and Mitigation Plan has been submitted to and agreed in writing by the local planning authority, which shall be in accordance with the mitigation and enhancements identified in the Ecological Appraisal Report, dated August 2023, by Wychwood Environmental Ltd. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

- 10) No development above ground level shall take place until full details/samples of all external facing materials to be used in the construction of the development have been submitted to and agreed in writing by the local planning authority. The development shall be constructed in accordance with the approved details/samples and retained as such thereafter.
- 11) No development above ground level shall take place until arrangements have been made, which shall first have been submitted to and agreed in writing by the local planning authority, to ensure that:
- i) no occupiers of the approved development shall apply for, obtain or hold an on-street parking permit to park a vehicle on the public highway within the administrative district of the local planning authority (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation); and
  - ii) any occupiers of the approved development shall surrender any such permit wrongly issued or held.

Such scheme or agreement shall be implemented prior to the occupation of the development hereby permitted and shall be retained and operated for so long as the use hereby permitted continues.

*Prior to occupation*

- 12) Hard and soft landscaping details shall be submitted to and approved in writing by the local planning authority. Details shall include:
- hard surfacing materials;
  - finished levels or contours; and
  - planting plans, including quantity, density, size and species, which shall include native species.

The hard landscaping works shall be carried out prior to the occupation of the development hereby permitted and thereafter maintained as such. The soft landscaping works shall be carried out in the first planting and seeding seasons following the occupation of the development and thereafter maintained as such. Any plants, shrubs or trees which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 13) Prior to the occupation of the development hereby permitted, the timber garden shed shown on approved plan Proposed Ground Floor Plan TP(10)21 shall be installed, made available for the provision of four secure cycle parking spaces and retained as such thereafter.
- 14) Prior to the occupation of the development hereby permitted, the bin store shown on approved plan Proposed Ground Floor Plan TP(10)21 shall be installed, made available for use and retained as such thereafter.