
Appeal Decision

Site visit made on 19 March 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Appeal Ref: APP/L5810/W/24/3356561

10 Orleans Road, Twickenham, Richmond Upon Thames TW1 3BL

- 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 Jacqui Norris against the decision of the London Borough of Richmond Upon Thames.
 - The application Ref is 24/0850/FUL.
 - The development proposed is change of use of the building from vacant commercial use to two dwellings plus external alterations.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by Jacqui Norris against the London Borough of Richmond Upon Thames. This application is the subject of a separate decision.

Preliminary Matter

3. Following determination of the application the appellant has produced a Daylight and Sunlight Report (DSR); Heritage Impact Assessment (HIA) and an updated Marketing Report (MR). I have paid regard to these documents in consideration of the appeal and I note that the Council have commented on their contents. Having regard to the Holborn Studios judgement¹ which follows on from Wheatcroft² I am satisfied that no interested parties have been prejudiced by my approach.

Main Issues

4. The main issues are:
 - The effect of the proposed development upon the provision of employment land;
 - Whether the proposal would preserve or enhance the character or appearance of the Twickenham Riverside Conservation Area (CA) and the setting of nearby historic buildings;
 - The effect of the proposed development upon the living conditions of the occupiers of 1 Chapel Road with regard to light and outlook; and

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

² Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

- Whether the proposal would make appropriate provision for affordable housing.

Reasons

Provision of employment land

5. The appeal site is formed of a one and a half storey building that was historically used by the Orleans Motor Car Company as a repair garage. More recently it has been used for light industrial and storage purposes. The appellant advises that the premises has been vacant for a few years and is no longer viable for employment use.
6. Policy LP42 of the London Borough of Richmond Upon Thames Local Plan (2018) (RLP) seeks to protect the existing stock of industrial premises on account of the very limited supply of floorspace in the Borough. Part A. of the policy permits the loss of industrial space only in certain circumstances where robust and compelling evidence demonstrates that there is no longer a demand for an industrial based use supported by evidence of full and proper marketing, for a minimum period of two continuous years, and following application of a sequential approach to redevelopment of the site for offices and alternative employment uses; mixed use and community use.
7. The appellant has submitted an updated MR prepared by a local commercial property consultancy. The report indicates that the property was marketed for both short and long term flexible rent and freehold sale. The marketing of the property involved mailing particulars to property agents; advertising the property on a number of online databases and websites; promotion on social media and placement of a marketing board on the property.
8. The report includes a schedule of enquiries received between December 2020 and May 2024. The consultancy concludes that due to the age of the property; lack of light and internal flexibility; its peripheral location away from public transport links and absence of parking and staff amenities means no significant interest was received. Subsequently the property remains unoccupied, despite incentives being offered in the form of fit out assistance, rent free periods and furniture.
9. The appellant indicates that the property is priced competitively for both rent and sale and has provided marketing information for comparable commercial units available in the local area. The Council have confirmed that the rent sought is within acceptable levels as per their Whole Plan Viability Assessment. I have no reason to conclude otherwise, and, on this basis, I am also satisfied that the freehold price sought is reasonable.
10. The appellant has also undertaken a sequential assessment demonstrating that the property is not suitable for office, social, community or mixed use. Drawing these matters together the appellant has offered the property at a competitive price and on flexible terms. An appropriate marketing exercise across a number of platforms and over an extended period has been undertaken without success. Consequently, I am satisfied that the appellant's evidence is sufficiently robust and compelling to demonstrate that the appeal property is no longer suitable for employment use.
11. As such, the proposal would accord with RLP Policies LP40 and LP42 and Policies E2, E4 and E7 of the London Plan (2021) (LP) which, amongst other things, require

compelling evidence to demonstrate that there is no demand or reasonable prospect of the site being used for business and employment purposes.

Character and appearance including effects upon heritage assets

12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) outlines a duty to have special regard to the desirability of preserving listed buildings or their setting, or any features of architectural or historic interest which they possess. Section 72(1) of the Act outlines a further duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
13. The CA has a varied character including built form extending along the River Thames; grand houses including Orleans House and Marble Hill set in expansive and natural grounds and narrow lanes leading towards the river.
14. Orleans Road is a narrow street flanked on both sides by built form largely set back of pavement that historically provided the mews and service areas for the handsome terrace houses on Montpelier Row. Although such relationships have now been severed the historical significance of the CA is in part derived from the connection between these buildings and grander houses in the area.
15. Properties, along Orleans Road, are of a human scale, but buildings vary considerably in terms of materiality, proportions, design and roof forms. The tight urban grain and the juxtaposition and contrast between buildings is a noticeable feature of the road reflecting the evolution of the area.
16. The Council have identified a number of buildings of historic significance nearby the site. 14-15 Montpelier Row is a Grade II* listed building dating back to the early eighteenth century. It is three storeys in height constructed from brown brick with architectural detailing on two frontages as it turns the corner into Chapel Road. At the end of its garden, on the corner of Orleans Road and Chapel Road, is a listed curtilage building, known as 8D Orleans Road, formed of a two-storey garden studio constructed in the 1920s. The significance of the property is largely derived from its architectural interest as a fine residence alongside other dwellings in Montpelier Row.
17. The Old Chapel and 12-24 Orleans Road are identified as Buildings of Townscape Merit (BTM). The Old Chapel is located opposite the appeal building constructed in the mid nineteenth century in a neo-gothic style with arched Romanesque windows and stone dressing. Due to its architectural detailing, it is one of the more ornate buildings along the road and draws the eye. 12-24 Orleans Road is formed of a run of seven two-storey terraced dwellings immediately to the south of the appeal building. Their uniform appearance and considerable setback from the road, almost hidden behind verdant front gardens, is at variance to much of Orleans Road resulting in a rural pocket of development. The significance of these buildings is in part derived from their architectural interest.
18. The appeal building is one and a half storey in height constructed from mixed brickwork with a pantile roof. It has a utilitarian yet pleasing appearance with decorative brick banding under the eaves and above the window heads and door. The robust timber window frames, stone sills and deep window reveals positively contribute to the building's appearance.

19. I acknowledge that the proposed development seeks to maintain the rhythm of the building's façade and retain decorative features, however, the lowering of the window sills and the loss of the deep reveals undermines the architectural appearance of the property. The position of the dormer windows in the roof space immediately above the windows, without any relief between the two, results in overly prominent vertical features that would unduly dominate the building undermining its utilitarian appearance.
20. The use of traditional and muted materials would mitigate the prominence of the proposed dormer windows, to a degree, in longer range views along the road. That said, within close quarters the vertical glazing elements would be very stark and unduly dominant.
21. I find that the proposed development would detract from the character and appearance of the host property undermining the positive contribution that it makes to the CA. Albeit localised, the impact on the CA would be harmful, neither preserving nor enhancing its character or appearance harming its significance as a designated heritage asset.
22. The extent of the setting of a heritage asset is not fixed and may change and be experienced differently as the asset and its surroundings evolve. The listed building's relationship with the appeal property has been altered through development within its plot. Despite its position on the corner of Orleans Road and Chapel Road No.8D turns its back on the road being orientated towards No.14-15 Montpellier Row as the principal building. Its setting is influenced by No.14-15 and the garden land around it. In my judgement the appeal building has a limited relationship with the listed building spatially, functionally and visually. For these reasons and having regard to the appellant's HIA the proposed development would have a neutral effect on 14-15 Montpellier Row and its curtilage building No.8D.
23. I acknowledge that the proposed development would be seen in the context of both The Old Chapel and 12-24 Orleans Road. However, given the area's tight urban grain, the varied appearance of buildings and the juxtaposition between the existing built form I am not persuaded that the proposals would result in harm to the setting of the identified BTMs and their historical and architectural significance.
24. Drawing these matters together the proposed development would have a neutral impact upon the significance and setting of nearby statutory listed buildings and BTMs. That said, the proposal would fail to preserve the significance of the CA. As such, I give this harm considerable importance and weight in the planning balance.
25. The National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification
26. In this particular instance I find the harm to be less than substantial but nevertheless of considerable importance and weight. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal.

27. The proposed development would deliver a number of public benefits in so far as it would contribute to the area's housing supply by providing two dwellings. It would re-use an existing building in an accessible location. It would reduce CO2 emissions and would be energy efficient. Future occupiers would help to support local services and facilities. The scheme would also deliver economic benefits in terms of the construction of the development. However, these social and economic benefits are not substantial and do not outweigh the harm caused to the heritage asset to which I give considerable weight.
28. As such, the proposed development would be contrary to RLP Policies LP1 and LP3 and LP Policies HC1 and D3 which, amongst other things, require all developments to follow a design led approach; be of high architectural and urban design quality that enhances local context and that preserves and, where possible, enhances the character or the appearance of conservation areas.

Living conditions of existing occupiers

29. 1 Chapel Road's rear garden is flanked by the appeal property to the west and 12 Orleans Road to the south. Its kitchen is dual aspect served by a window next to the back wall of the appeal property and a predominantly glazed window and door facing towards a patio area.
30. The appellant advises that the replacement roof would result in an increased height of 0.43m. The submitted DSR undertaken in accordance with British Research Establishment (BRE) guidance indicates that the proposed development would fulfil the BRE guidance for vertical sky component, daylight distribution, annual and winter probable sunlight hours and amenity space. In the absence of any evidence to the contrary I am satisfied that the occupiers of No.1 would not experience an unacceptable loss of light resulting from the proposal.
31. Whilst the proposal would be taller and visible from the garden of No.1 it would not be overbearing nor have a significant enclosing effect on outlook given the marginal increase in the height and as the roof would slope away. Assessing the scheme against the existing and proposed site circumstances I am satisfied that the change would not unacceptably harm the living conditions of the occupiers of No.1.
32. I conclude that the proposed development would not demonstrably harm the living conditions of No.1 in respect of light or outlook. It would accord with RLP Policy LP8 which, amongst other things, requires developments to protect the amenity and living conditions of occupants of adjoining and neighbouring properties in respect of daylight, sunlight and visual intrusion.

Affordable housing

33. RLP Policy LP36 relates to affordable housing. Part B c. of the policy states that on sites below the threshold of 10 or more units a financial contribution towards the Affordable Housing Fund will be sort. As the proposed development is for two units and involves the replacement of employment floorspace an affordable housing contribution of 20% is required.
34. The policy in Part D goes on to advise that where a reduction to such a contribution on economic viability grounds is sought, developers should provide a development appraisal. The policy states that such assessments will be rigorously evaluated.

35. The appellant's Financial Viability Assessment (FVA) concludes that there is a deficit position and the proposal cannot support an affordable housing contribution. However, the Council did not seek to undertake an independent review of the FVA on account of the unacceptability of the proposal on other grounds.
36. Despite the submission of the FVA, in the absence of an independent assessment I am unable to come to a view as to whether the site is financially viable or not and in turn whether the development proposal is able to support a contribution towards affordable housing in the Borough.
37. On this basis, the proposed development would be contrary to RLP Policy LP36 and the Affordable Housing Supplementary Planning Document (2014) which, amongst other things, seek an appropriate and proportionate contribution towards affordable housing.

Conclusion

38. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR