
Appeal Decisions

Site visit made on 15 July 2025

by Matthew Nunn BA BPI LLB LLM BCL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

Appeal A: APP/L5810/W/25/3359003

59 Petersham Road, Richmond, TW10 6UT

- 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 & Ms Earle and O'Donnell against the decision of the Council of the London Borough of Richmond.
 - The application Ref: 24/2403/HOT, dated 21 September 2024, was refused by notice dated 26 November 2024.
 - The development proposed is described as 'demolition of two storey rear extension with balcony platform and steps; demolition of existing front steps that lead from driveway to garden level; proposed part single and part two storey rear extension; proposed front lightwell (where existing steps from driveway to garden level are located) with windows at garden level, new helical steps from the driveway and associated alterations; internal reconfiguration / additions'.
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Appeal B: APP/L5810/Y/25/3359036

59 Petersham Road, Richmond, TW10 6UT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr & Ms Earle and O'Donnell against the decision of the Council of the London Borough of Richmond.
 - The application Ref: 24/2404/LBC, dated 21 September 2024, was refused by notice dated 26 November 2024.
 - The development proposed is described as 'demolition of two storey rear extension with balcony platform and steps; demolition of existing front steps that lead from the driveway to garden level; proposed part single and part two storey rear extension; proposed front lightwell (where the existing steps from driveway are located) with windows at garden level, new helical steps from the driveway and associated alterations; internal reconfiguration / additions'.
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Decisions

1. Appeal A is dismissed. Appeal B is dismissed.

Procedural Matters

2. An application for costs has been made by the Appellants against the Council. This is subject of a separate decision.
3. The Appellants have submitted additional plans that were not part of the originally submitted applications. These comprise a garden level plan, front

elevation and cross sections¹. The plans essentially clarify rather than alter what is proposed, and further explanation is given in the Appellants' Statement of Case². The Council has commented on the additional plans. I am satisfied that, having regard to relevant caselaw including *Holborn*³ and *Wheatcroft*⁴, no-one would be prejudiced by my consideration of these plans.

4. I have been advised that planning permission and listed building consent have now been granted for an alternative scheme at the site⁵. To be clear, I have assessed this appeal scheme on its own merits, and on the plans and documents submitted with the original applications.

Main Issues

5. The main issues are: (1) whether the proposals would preserve a Grade II listed building, 59 Petersham Road, and any special features of architectural or historic interest it possesses; and (2) whether the character or appearance of the Richmond Hill Conservation Area would be preserved or enhanced.

Reasons

6. The appeal property is a Grade II listed building fronting on to Petersham Road, with the rear of the property facing the River Thames. The fairly brief listing description is as follows: 'circa 1720; two storeys, basement and attic; three windows wide; stuccoed parapeted front (stucco a later addition); Roman Doric doorcase with triglyph frieze; slated roof with 2 pedimented dormers'.
7. The appeal property forms a row with other Grade II listed buildings, of varying designs, mainly comprising stock brick elevations, rather than stuccoed finishes. Because the property is built on a steep slope between the road and the riverside, it appears significantly taller from the rear, presenting as a four storeyed house with an attic, whereas from the front it appears as two storeys above lower levels, with a pair of dormer windows within the roof. In contrast to the rendered frontage, the rear elevation is finished in brick, with a metal and timber canopied balcony with railings at upper ground floor level. The rear garden of the property is accessed via steps from a door within a more recent small flat-roofed rendered rear addition.
8. The special interest and significance of the listed building derives primarily from being a high-quality example of an early Georgian town house. Its external appearance and architectural composition remain largely intact and unaltered. Significance is derived from the high survival of original fabric, both internally and externally, providing insight into the construction methods of the period, prior to their standardisation later in the century. As the Council notes, the survival of fabric also provides insight into the domestic aspirations of the occupiers of the period and how they lived. Internally, although some changes have occurred, many historic features exist including timber panelling and fireplaces, and the original layout appears legible across the floors.
9. The absence of alteration to the rear elevation, apart from a small addition, allows its historic appearance to be appreciated, and the hierarchy of floors to

¹ These include: proposed garden level (200 Rev 02); proposed elevations (250 Rev 02); proposed sections AA (260 Rev 2); proposed sections BB & CC (261 Rev 02); included at Appendix 10, Appellant's Statement of Case

² Paragraphs 3.24-3.35

³ *R(Holborn Studios) v London Borough of Hackney* [2017] EWHC 2823

⁴ *Bernhard Wheatcroft Ltd v SSE* [JPL 1982 P37]

⁵ PA25/0226 & PA25/0243, approved 6 June 2025

be discerned in the window arrangement with smaller, more modest windows to the lower status floors and larger windows to higher status floors. Significance is also derived from the prominent role of the building both from the street and also from the Thames towpath, as well as its group value with other Grade II listed properties in the immediate vicinity, and the contribution to the character and appearance of the Richmond Hill Conservation Area, within which the property is located.

10. Richmond Hill Conservation Area comprises a varied architectural landscape, including almshouses, shop units, hotels, grand terraces and substantial residences. The age and quality of the architecture greatly adds to the Conservation Area's significance. Along Petersham Road, fine groups of terraces and individual houses from the 18th and 19th centuries face the River Thames, with gap views to the river from the road. The significance of the Conservation Area derives from the architectural merit of the buildings, and the legibility of the buildings as cohesive groups, and the attractive riverside setting. The appeal building, underpinning and reflecting the area's distinctive townscape, makes a valuable contribution to the character and appearance of the Conservation Area as a whole.
11. This scheme follows on from a series of proposals that have been refused permission, including one dismissed at appeal earlier this year⁶. The dismissed scheme comprised a two storey rear extension, consisting of two glazed boxes, a larger one at garden level, and a smaller one at lower ground floor level, with the upper box sitting directly underneath the balcony. Concerns were raised by the Council in relation to its bulk, materials and its relationship with the balcony above. This current scheme is of a different design, is reduced in scale and bulk, and also includes works to the front lightwell. It has been amended to take account of previous concerns. It comprises various elements: a rear extension, an enlarged front lightwell and internal alterations. I deal with these in turn.

Rear extension

12. A part single / part two storey rear addition is proposed. At garden level, it would be full width, predominantly glazed but with a small area of vertical mirrored cladding. This would provide accommodation for a new kitchen. There would also be a much smaller two storey 'pod' element above, with mirrored vertical cladding panels surrounding a projecting glazed area, located in a similar position to the existing small flat roofed extension. The flat roofs are proposed to be partly glazed and partly green sedum. Part of the roof area of the single storey element would be used as a balcony and include metal railings. As part of the works, the existing two storey flat roofed extension with steps would be removed. The Council has no objection to its removal noting it is 'modern and of poor quality construction'.
13. The reduced bulk, particularly the 'pod' at lower ground floor level, represents an improvement over the earlier dismissed appeal scheme. Nonetheless, I agree with the Council that the mirrored cladding, especially on the pod, where it is shown to cover a reasonably significant area, would appear prominent and out of place in this sensitive location. I also share the Council's concerns that the railings would compete with the balcony directly above, disrupting the

⁶ APP/L5810/W/24/3352286 & APP/L5810/Y/24/3352292 dismissed 8 April 2025 (Council Refs: 24/1063/HOT & 24/1064/LBC)

hierarchy of the elevation. The railings would detract from the clean lines of the extension and add visual clutter.

14. The Appellants argue that the existing two storey addition, to be removed, already competes with the existing balcony. However, this existing addition is small, covering only a limited proportion of the rear elevation, and is offset from the existing balcony above. As such, it does not compete with the balcony, nor fundamentally impair the legibility of the rear elevation.
15. The Appellants seek to justify the balcony and railings on the basis of the presence of a large balcony at the Bingham hotel. The wide river frontage elevation of that building, comprising various bays, is of a completely different design and function to the appeal property. Moreover, the hotel comprises a balcony across one level. The appeal scheme, by contrast, would create a new balcony below the existing one which would be harmful for the reasons explained. I do not find the hotel building provides a precedent for the additional balcony and railings at the appeal property.
16. The Appellants state that much of the new rear extension would mostly be hidden from public view, especially at garden level, with only the pod element being visible. I accept that the garden level addition would be less prominent because of its lower level. That said, from my site visit, I saw the rear elevation of the property is clearly visible from public vantage points, not only from the adjacent Thames Path, a popular walking route, but from the footpath on the opposite side of the river, as well as the river itself.
17. The Council has raised concerns regarding how the extension would be connected to the listed building. The Structural Impact Assessment says the rear extension would be 'predominantly independent of the existing house' and includes 'a steel framed structure independent of the existing property'⁷. Additional cross sections have been provided showing structural beams⁸. Although these drawings appear to show a structure largely independent of the listed building, they lack detail. It seems to me that, if a scheme were to proceed, detailed cross sections and plans would be required showing the juncture of the extension and the existing house.
18. Overall, I find some harm would result to the listed building and conservation area in terms of the rear addition.

Front lightwell

19. This scheme proposes removing the existing masonry steps that run parallel to the front elevation, and installing a spiral staircase at one end, creating a new enlarged lightwell. An earlier lightwell scheme, comprising French windows to floor level, was refused planning permission and listed building consent⁹. This proposal has replaced the French windows with smaller timber windows aligning with those above to address previous concerns of the Council¹⁰.
20. The Council states that there is both a lack of, and conflicting information, on how the works would be undertaken, in terms of the removal of the steps and remediation works, as well as how the building would be protected during and

⁷ Structural Impact Assessment, Paragraph 6.6

⁸ Proposed Section AA (SC1.260 Rev.02) & Proposed Section BB and CC (SC1.261 Rev.02)

⁹ 24/1176/HOT & 24/1177/LBC

¹⁰ I understand an earlier scheme was granted for works to the front lightwell in 2004 but has long since lapsed

after construction, although this is disputed by the Appellant. It seems to me that matters such as the sequencing of works and how they would be undertaken so as to minimise effects on the historic fabric of the building would need to be clarified before any works commenced. This could be achieved by a condition requiring the submission of a method statement.

21. I understand the Council has now approved works relating to a front lightwell as part of a wider scheme¹¹ following the submission of a detailed method statement. As such, these works are no longer at issue with the Council. This notwithstanding, in terms of these current appeals, the removal of the existing stone staircase would still result in the loss of historic fabric. Consequently, there would be a degree of harm to the listed building.

Internal alterations

22. The originally submitted application plans at garden level indicate 'existing window opening retained'¹². From these plans, however, it is not clear if the window frames themselves are to be retained or removed with the potential loss of historic fabric. Plans subsequently submitted at appeal stage now indicate that these windows are to be retained and not removed. This addresses any concerns regarding their loss.
23. At lower ground floor level, the submitted plans indicate a new partition between what is currently the kitchen and snug to create a guest bedroom in place of the kitchen¹³. It is likely there was historically a partition between these two rooms, but, as the Council notes, the proposed new partition is not in the original location but offset. A new bar is indicated in the resulting alcove. This does not accurately reinstate the historic floor plan, and the bar may potentially compete visually with the primacy of the corner fireplace¹⁴. As such, these works would cause harm to the listed building.
24. At this level, it is also proposed to insert an ensuite shower room in the new guest bedroom (or former kitchen). It is unlikely this room was originally subdivided in this way and again this alteration would reduce the legibility of the historic floorplan, resulting in some limited harm to the listed building.
25. Overall, I find that the proposal would result in harm to the listed building and loss of significance. I further consider that the listed building and its intrinsic qualities contribute to the character and appearance of the Conservation Area. It follows, therefore, that the harm I have identified to the listed building means that the character and appearance of the Conservation Area would not be preserved.

Planning Balance

26. The National Planning Policy Framework ('the Framework') advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation¹⁵. The Framework further advises that significance can be harmed or lost through

¹¹ PA25/0226 & PA25/0243, approved 6 June 2025

¹² Proposed Garden Level Floor Plans

¹³ Shown on 'Proposed Lower Ground Level Plan 22.15.SEPT24.SC1.201 Rev 01, Sept 24

¹⁴ The unnumbered plan shown on page 22 of the Appellant's Statement of Case shows a different plan from that originally submitted, omitting the bar and indicating the partition in a different position. To be clear, I have considered the plans as originally submitted.

¹⁵ Paragraph 212 of the Framework

the alteration or destruction of those assets and that any such harm should have a clear and convincing justification¹⁶. In this case, I find the harm to be less than substantial, but nevertheless of considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use¹⁷.

27. In this case, the Appellants have not advanced any specific 'public benefits' in favour of the proposals. This is on the basis that this requirement of the Framework is not engaged because it is contended the proposal would not harm the significance of the building. I appreciate the scheme has been modified following a number of previous refusals of planning permission and listed building consent. I acknowledge the desire to provide additional modern living accommodation to suit the Appellants' personal requirements, but these works would primarily be for their private benefit. The building's current use as a single dwelling means that these works would not hold any benefits in securing the building's optimum viable use. In my view, harm would arise in respect of the rear extension and railings, the front lightwell, and internal alterations. Overall, I do not consider that the necessary public benefits exist that would outweigh the identified harm.
28. The Appellants have referred to various examples of extensions and alterations, including at The Bingham Hotel, 49 Petersham Road and 55 Petersham Road. I am not familiar with the full details, background or circumstances of those cases, and so am unable to make a direct comparison. However, none appear to replicate the exact design or locational circumstances of the scheme before me which I have assessed on its merits.
29. The Appellants are critical of the Council's handling of the applications, arguing that it did not engage properly, failing to request additional information if it was needed, and requiring other information that the Appellants considered was unnecessary in making a fair and reasonable assessment. The Appellants say the majority of the Council's concerns relate to a lack of information that could have been dealt with through conditions. The Council disputes these claims. Overall, I am not persuaded that even if additional information had been provided, this would necessarily have alleviated the Council's concerns about various aspects of the proposal, both internally and externally, nor that the imposition of conditions could have made the scheme acceptable.
30. The relevant legislation requires that, in exercising planning powers in relation to listed buildings, special regard shall be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses¹⁸. In exercising planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area¹⁹. Overall, I find that the scheme would fail to preserve the special architectural or historic interest of this Grade II listed building and would fail to preserve the character and appearance of the Conservation Area in accordance with the relevant legislation.

¹⁶ Paragraph 213 of the Framework

¹⁷ Paragraph 215 of the Framework

¹⁸ S16(2) and S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

¹⁹ S72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

31. The scheme would conflict with Policy LP1 (Local Character and Design Quality) of the Richmond Upon Thames Local Plan (2018) which seeks to maintain, and where possible, enhance the high quality character and heritage of the borough; and Policy LP3 (Designated Heritage Assets) which requires development to conserve and enhance the significance of the borough's designated heritage assets, including requiring the use of appropriate materials and techniques; and require the retention and preservation of the original structure, layout, architectural features, materials, as well as later features of interest, within listed buildings, and resist the removal or modification of features internally or externally of architectural importance or that contribute to the significance of the asset.
32. For the reasons above, I conclude that both appeals should be dismissed.

Matthew Nunn

INSPECTOR