
Appeal Decision

Site visit made on 13 October 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2025

Appeal Ref: APP/L5810/W/25/3361596

64 The Green, Twickenham, Richmond Upon Thames TW2 5AG

- 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 Elstree Land Limited against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref is 24/2280/FUL.
 - The development proposed is demolition of existing ancillary structures and erection of two new buildings to provide 2no. self-contained residential accommodation; change of use at ground floor from chiropractor (Use Class E) to residential dwelling (Use Class C3); two storey side extension to provide self-contained residential dwelling and other associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Richmond Local Plan (2018) referred to by the Council in its decision notice has been superseded by policies in the Richmond Local Plan (RLP) (2025) which has been adopted since the appeal was submitted. The appellant and the Council have both commented on the new policies. I must make my decision based on the development plan prevailing at the time of my determination.

Main Issues

3. The main issues are:
 - The effect upon the provision of town centre uses and employment land;
 - The effect of the proposed development upon the character and appearance of the host building, as a Building of Townscape Merit (BTM), and the area including the Twickenham Green Conservation Area (CA);
 - The effect of the proposed development upon the living conditions of existing occupiers with regard to outlook and privacy;
 - The impact upon trees;
 - The effect of the proposal upon the safe and efficient operation of the local highway network;
 - Whether affordable housing is required to make the proposal acceptable in planning terms; and
 - Land contamination

Reasons

Provision of town centre uses and employment land

4. The appeal site comprises a principal building fronting The Green and a series of structures that extend along May Road. The principal building, although now vacant, was last occupied at ground floor as a chiropractor falling within Use Class E. The series of structures include a workshop that was last used by a company that made and distributed equipment for theatre production and stage uses, falling within Use Class B8, although it appears that this use ceased in 2018. Prior to this the appellant's evidence suggests that the building was used in whole or in part in retail use including as a greengrocers.
5. The site is located within the Twickenham Green Neighbourhood centre and in order to maintain successful centres RLP Policies 17, 18 and 20 support uses that contribute to the vitality and viability of centres. The policies also seek to resist the loss of retail floorspace and essential shops and services, particularly ones that provide a direct service to visiting members of the public. With regard to employment land RLP Policy 24 sets out a presumption against the loss of industrial land on account of the very limited supply of floorspace across the borough.
6. The proposal is for residential development that would involve the loss of both a town centre use and employment land. Whilst RLP policies seek to retain such uses, any application involving their loss requires marketing evidence to justify that the site is no longer required for the existing uses.
7. The appellant's Marketing Report indicates that the property was marketed between May 2022 and July 2024. The property was marketed for flexible rent and leasehold and freehold sale as a whole or in part. Marketing of the property involved sending the particulars to their database, advertising it on a national website and a physical marketing board.
8. The report indicates that the click through rate on the national property website was just 2.3% which suggests that there was very limited interest in the property via this platform. It goes on to advise that despite initial expressions of interest no bid-compliant offers were received to purchase or let the property in whole or in part. The report also suggests that there is a high availability of commercial, business and service use accommodation on the market and in more convenient locations making the site less attractive. It states that interested parties prefer 'oven ready' premises and its condition has dissuaded parties from making an offer. Whilst it appears that there was some interest from developers to redevelop the site for residential purposes this has also faded away.
9. I acknowledge that the site has been marketed for the requisite period set out in the RLP. However, I share the Council's view that the Marketing Report is deficient in a number of respects. For me, there is no schedule of enquiries or details of the marketing outcomes or information on whether incentives were offered to parties to garner interest in the property. Nor is there any marketing information regarding comparable commercial and industrial units available in the area. Moreover, there is nothing before me to give certainty that the price sought was competitive for both the rent or sale market and that the bidding terms were not unduly restrictive.

10. Taking the above into account, I find that the marketing evidence is deficient, and it has not been adequately demonstrated that the site is unviable or that it is not suitable for alternative employment uses. Accordingly, the proposal conflicts with RLP Policies 17, 18, 20, 21 and 24 and London Plan Policy E2 (2021) (LP) which, amongst other things, seek to ensure the sufficient supply of business space for different types, uses and sizes including shopping, leisure and culture uses.
11. I note the Council have referred to Policy 19 in the fifth reason for refusal, however, I find that with specific regard to this main issue I give it negligible weight in coming to my decision.

Character and appearance including effect upon heritage assets

12. The site is located within the Twickenham Green CA which was one of the first areas to be developed away from the riverside. It includes a mix of modest cottages dating back to the early and mid-nineteenth century and larger red brick houses and parades of shops from the later nineteenth and early twentieth century.
13. The site sits along the northern side of The Green, a prominent and locally important open space and which gives the area a semi-rural village feel, and is characterised by buildings of varying scale, materiality, age and land use. May Road, in contrast to The Green, has a tight urban grain largely characterised by compact terraced dwellings and narrow roads which adds further diversity to the local townscape. The piecemeal manner in which the area has developed and this variance in the built form contribute to the historical and architectural significance of the CA.
14. The appeal property dates back to the mid-nineteenth century and was most likely constructed as a dwelling that was later converted into commercial use. A series of structures were likely added later in the nineteenth century as part of the greengrocer business, most likely used for storage or stock rooms. Whilst the building is vacant and in a somewhat neglected condition the architectural remnants of its commercial past, including the shopfront, cantilevered first floor element and garage doors, add further interest to the building as a BTM.
15. The appellant's Heritage Statement (HS) breaks the appeal site down into five individual components. The corner house has a white painted brick appearance and is two storey with a hipped roof with a shop front and windows facing Twickenham Green and which turns the corner into May Road. It likely had a L-shaped footprint, which has been infilled to the east. It is an example of the modest early nineteenth century development to the north of The Green and its historical significance, is in part derived, from being one of the earliest buildings along The Green.
16. Beyond the corner house is a mid-late nineteenth two storey extension that has been unsympathetically altered through the insertion of modern windows, sections of blockwork, pipework and utility meter boxes along the road elevation. That said, the first-floor link provides some architectural interest. To the rear is an early twentieth century catslide roof extension with later alterations.
17. At the end of this extension is a small mid to late nineteenth century extension that has a blank elevation to May Road. Based on the evidence before me it has been rebuilt and whilst its roof height and form contrasts with the elements either side it

is an unassuming structure with a poor quality mono pitch roofed extension to the rear.

18. The garage component, that neighbours 2 May Road, is a partially rebuilt mid-late nineteenth century structure. Whilst the openings and pantiles provide some interest it has not been constructed to a decent standard. The rear of it has been subsumed by the workshops added more recently and are of poor construction and appearance.
19. It is evident that the buildings to the rear of the corner house have been rebuilt or have been altered through poor quality modern interventions. That said, I concur with the Council's Urban Design and Conservation Officer that they represent surviving elements of earlier development around The Green and an example of the piecemeal manner in which the area has developed. On this basis and despite their neglected appearance I am of the view that the buildings on site collectively contribute to local townscape because of their ad hoc appearance and the juxtaposition between the different components. This results in visual interest positively contributing to the historical and architectural significance of the CA.
20. The proposed development would involve demolition of the mid to late nineteenth century extension, the extensions to the rear of the buildings and the garage. The appellant's Structural Engineers Report (SER) indicates that several elements of the buildings are in poor structural condition. However, the extent of the demolition would be considerable amounting to roughly half the buildings on site.
21. I acknowledge that the rear extensions somewhat undermine the appearance of the area. However, the loss of the elements extending along May Road and their replacement with two dwellings would not be acceptable, as proposed. The dwellings would neither reflect the character of the structures on site nor would they be truly architecturally different. The proportions of the dwellings and the size and position of the windows would bear no relationship with the alignment and size of the windows of the neighbouring terrace, nor would they be an appropriate contrast. This would lead to an uncomfortable juxtaposition between the proposed development and neighbouring properties resulting in visual confusion.
22. The proposal would not act as an appropriate transition between the corner house and the terrace on May Road and despite the lower height of the middle section the overall bulk and height of the dwellings compounded by the overly large rear projections would unacceptably overwhelm the corner house.
23. Turning now, to the side extension that would accommodate a further dwelling. On account of its overall width, depth and half hipped roof it would appear as an unduly bulky feature that would unacceptably erode the gap that currently exists between the corner house and 70A The Green and which positively contributes to the character of the area. For these same reasons it would also appear as an unduly prominent and unsympathetic addition, harming the appearance of the corner house. The setback from the road frontage would do little to disguise its prominence.
24. Drawing these matters together I find that the proposed development would detract from the character and appearance of the corner house and associated structures as a BTM 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.

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 public benefits in so far as it would contribute to the area's housing supply. 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 29 and 30, LP Policy HC1 and Supplementary Planning Documents 'Design Quality', 'Small and Medium Housing Sites' and 'Buildings of Townscape Merit' which, amongst other things, set out a presumption against substantial demolition of BTMs and in conservation areas, developments to be sympathetic to the assets' significance their surroundings and to conserve and where possible positively contribute to the borough's historic environment.
29. The Council have referred to the House Extensions and Alterations Supplementary Planning Document in the second reason for refusal, however, I find that with specific regard to this main issue I give it negligible weight in coming to my decision.

Living conditions of existing occupiers

30. To the west is No.70A - a two-storey semi-detached property, with an outrigger, that has been converted into flats. To the rear is a small courtyard and in the outrigger are habitable room windows facing the site.
31. The Small and Medium Housing Sites Supplementary Planning Document (SPD) advises that in order to respect the privacy of occupiers main facing habitable rooms should preferably be no less than 20 metres apart.
32. Plots 4 and 5: the two storey dwellings proposed, include rear projections with ground and first floor habitable room windows facing No.70A. The Council contend that the distance between No.70A and the proposed development would be around 10m and there is nothing before me to suggest that this figure is not accurate.
33. Whilst the proposed development would extend closer to the boundary and the facing elevation of No.70A I am satisfied that there would be a reasonable standoff between the two buildings to maintain a relatively open aspect. In this regard the proposal would not be visually intrusive and would not result in a sense of enclosure or diminish the outlook experienced to a degree that it would be overbearing.

34. Despite the above, the elevated position of the proposed windows combined with a separation of below 20m, as set out in the SPD, would result in direct overlooking from the proposed dwellings into No.70A and its courtyard resulting in an unacceptable loss of privacy for the occupiers of this property.
35. Accordingly, the proposed development would give rise to an unacceptable degree of actual overlooking so that it would undermine the living conditions of existing occupiers at No.70A. The proposed development, therefore, fails to accord with RLP Policy 46 and LP Policy D4 which, amongst other things, require development to protect the amenity and living conditions for occupants of neighbouring properties including in respect of overlooking.

The impact upon trees

36. Close to the boundary with the site is a Beech tree protected on account of being located within a CA. Due to its position, height and spread it is visible in private views of surrounding properties and fleeting public views from The Green. As such, in my view, it makes a moderate contribution to the visual amenity of the locality.
37. The existing workshop structures currently extend significantly under its canopy and into its Root Protection Area (RPA). The submitted SER suggests that due to this relationship the tree is affecting part of the foundations. The submitted plans show that these structures would be removed and turned over to a private amenity area comprising mainly soft landscaping.
38. Given the proximity of built form to the tree in question it is likely that its growth has been compromised to some degree and the removal of structures from underneath its canopy and its RPA would likely be beneficial. That said, in the absence of an Arboricultural Impact Assessment and tree protection information there is no certainty that the tree would not be unduly affected by the proposed development, particular during the construction phase. In my view such matters could not be adequately dealt through the imposition of conditions.
39. As such, I find that there would be a conflict with RLP Policy 42 and LP Policy G7 which, amongst other things, seek the appropriate retention of existing trees in development proposals.
40. The Council have referred to Policy 39 in the sixth reason for refusal, however, I find that with specific regard to this main issue I give it negligible weight in coming to my decision.

Safe and efficient operation of the local highway network

41. The LP sets out maximum car parking standards which have been adopted by the Council. In this regard they advise that a maximum of 5 spaces would be required for residents and visitors.
42. The site is located within the West Twickenham Controlled Parking Zone (CPZ) which restricts parking to designated bays during certain hours of the day to permit holders only or short term paid parking.
43. I have considered the appellant's Parking Stress Survey covering three nights, using the Council's methodology. It indicates an average occupancy rate of 77% over the survey days with high parking usage on May Road and Albion Road close to the site and which would be more likely to be frequented by residents. I

acknowledge that surveys cannot predict with absolute certainty the availability of parking spaces in the area. Nonetheless the survey indicates relatively high concentrations of parking overnight.

44. At the time of my visit on a weekday afternoon, I observed significant pressure for parking on May Road, Albion Road and The Green. Whilst I acknowledge that this is a snapshot in time, based on my observations and the evidence before me, it is evident that the availability of on street parking is at a premium in the area both during the day and at night.
45. The absence of on-site parking and the increased likelihood of vehicles seeking to park along the public highway, in an area where demand for on street parking is already high, would have the potential to adversely effect the safe and efficient operation of the highway network.
46. In this regard the appellant is willing to enter into a legal agreement to prevent future occupiers from obtaining parking permits. However, as the necessary planning obligation has not been provided there is no mechanism by which to secure this and it cannot be secured by condition.
47. As such, the proposed development would be contrary to RLP Policies 47 and 48, LP Policy T4 and the Transport Supplementary Planning Document which, amongst other things, seek to minimise the impact of car-based travel.

Affordable housing

48. RLP Policy 11 relates to affordable housing. Part B sets out an expectation for contributions towards affordable housing on all housing sites. On sites below the threshold 'capable of ten or more units gross' a financial contribution towards the Affordable Housing Fund will be sort. As the proposed development would, in part, involve redevelopment of an employment site an affordable housing contribution of 50% is required.
49. The Framework states that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas.
50. The proposal does not constitute a major development, nor is it located within a designated rural area. That said, the supporting text to RLP Policy 11 indicates that small sites make a significant contribution to housing supply in the borough and there is a demonstrated need for affordable housing over the plan period. When taking this into account alongside average house prices in the borough and associated affordability issues I see no compelling reason to depart from the requirement in the RLP notwithstanding the contents of the Framework.
51. Whilst the appellant contends that the affordable housing contribution could be dealt with separately through a s106 agreement the Procedural Guide: Planning appeals – England is clear that executed and certified planning obligations must be received at the time of making the appeal.
52. As the necessary planning obligation has not been provided there is no mechanism by which to secure the necessary contribution towards affordable housing and such contributions cannot be secured by condition. As such, the proposed development would be contrary to RLP Policies 10, 11 and 13 and the Affordable Housing Supplementary Planning Document which, amongst other things, seek an

appropriate and proportionate contribution towards affordable housing in the borough.

Land contamination

53. The Council's concerns centre around the previous use of the workshop areas of the site for industrial purposes and the absence of an assessment of potential contamination. I acknowledge that the buildings have been used for many purposes over the years and to my mind this is not surprising given the age and overall form of the buildings. However, given its urban location in proximity to established housing it is unlikely to have been used for heavy or dirty industrial processes.
54. The Framework advises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Despite the absence of an assessment there is nothing compelling within the Council's evidence to suggest that redevelopment of the site would pose an unacceptable risk to the wellbeing of existing and future occupiers.
55. In my judgement matters in respect of contamination could be adequately dealt with through the imposition of planning conditions. As such, I find that there would be no conflict with RLP Policy 53.

Conclusion

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

B Thandi

INSPECTOR