

DECISION NOTICES



IMRNEWFILE



Appeal Decision

Site visit made on 3 March 2003

By **Michael Evans BA MA MPhil DipTP MRTPI**

an Inspector appointed by the First Secretary of State

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Date

12 MAR 2003

Appeal Ref: APP/L5810/A/02/1102816

The Railway Inn, 127 Station Road, Hampton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by M Caller Esq against the decision of the Council of the London Borough of Richmond upon Thames.
- The application (Ref:02/1811/FUL), dated 1 June 2002, was refused by notice dated 16 September 2002.
- The development proposed is the change of use of the coachhouse and garages at the rear to provide ancillary accommodation to the hotel, including first floor and ground floor extensions.

Summary of Decision: The appeal is allowed and planning permission is granted subject to the conditions set out in the Formal Decision below.

Preliminary Matters

1. Interested parties have made comments about the existing patio not having planning permission and that 127 Station Road has never been a hotel. Comments have also been made about existing problems of noise and disturbance. These are all matters that need to be pursued with the Council.

Main Issue

2. I consider that the main issue in this appeal is the effect of the proposal on the living conditions of the occupiers of nearby dwellings, by reason of being overbearing and from overlooking.

Planning Policy

3. The statutory development plan for the purposes of s.54A of the 1990 Act, as amended, is the Unitary Development Plan (UDP) for the London Borough of Richmond upon Thames, adopted in October 1996. When considering proposals for development, policy ENV24 seeks to protect adjoining properties from unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance.
4. There is also an emerging UDP, the Richmond upon Thames Unitary Development Plan: First Review, November 2001. However, policy BLT16 does not differ materially from adopted UDP policy ENV24.

Reasons

5. There is an existing pitched roof building, the subject of this appeal, which is located to the rear of a 2 storey building that faces onto Station Road. The building to the rear is currently

- used as garages and as a store and is single storey. The building is close to the rear boundary of the gardens of dwellings in Oldfield Road.
6. I saw on my site visit that the dwellings have relatively lengthy rear gardens. By creating a mansard style roof, the bulk of the building would be increased. The greater bulk would bring the roof closer to existing dwellings than at present. However, the main rear wall of the building would be no closer. The Council states that there would be an increase in the height of the roof of about 0.5 metres. The proposed rooflights would have a limited height and width and would not, in my view, significantly affect the bulk of the roof.
 7. I consider the overall increase in height and bulk to be relatively modest. Although the view from the adjacent dwellings would be of a brick wall, I do not consider that it would result in an unacceptably oppressive sense of enclosure to occupiers of the adjacent dwellings. This is because of the extent of the increase in bulk and the distance from the main rear walls of dwellings in Oldfield Road.
 8. There would be a staircase, located at the western end of the building reached via the existing raised patio. This would allow access to 4 first floor rooms. I saw on my site visit that there is an existing fence that limits any overlooking of the rear gardens from the existing patio. The patio is at a higher level than the adjacent gardens and the staircase would be at an even higher level, though, and would allow some overlooking. However, I do not consider that people are likely to linger on the staircase for long and the staircase would be set back from the boundary.
 9. The installation of further fencing, which could be secured by a condition, would further limit any potential overlooking. There is also a semi mature tree on the boundary, which provides some screening, although I accept that this would be more limited in winter when the tree has lost its leaves. The proposed windows all face towards the existing public house and I am satisfied that there would be no unacceptable overlooking of any other dwellings because of the distance and orientation of the scheme.
 10. For the above reasons I conclude that the proposal would not harm the living conditions of the occupiers of nearby dwellings, by reason of being overbearing or as a result of overlooking. The proposal does not conflict with UDP policy ENV24 or emerging UDP policy BLT16.

Other Considerations

11. Planning permission would be needed to alter the use of any of the proposed accommodation to use as a dwelling, so that the Council would be able to control any such change of use. If occupiers of the proposed accommodation created undue noise problems this would be a matter that would need to be pursued with the Council under Environmental Health legislation. Provided the accommodation is occupied in a reasonable manner I do not consider, given the distance and relationship to nearby dwellings, that undue disturbance would be likely. The modest increase in height and bulk would not lead to any significant loss of daylight or sunlight to adjacent dwellings.
12. Government policy in Planning Policy Guidance Note 13: *Transport* seeks to promote maximum levels of parking provision in order to encourage the use of alternative modes of transport to the private car. On my site visit I noted the proximity of the site to Hampton Railway Station. I also saw that there were hardstanding areas on the appeal site which

could be used for parking. Because of these reasons I do not accept that the proposal would have inadequate parking provision or lead to significant on street parking in Oldfield Road.

13. In my view, the proposed staircase would be too far from the rear gardens of dwellings in Oldfield Road to readily facilitate access. The main parties confirmed at my site visit that the proposal is not located in a Conservation Area. I note concerns over the use of the nearby alleyway. However, neither this nor the devaluation of properties, or any other matter, is sufficient to outweigh my conclusion on the main issue.

Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

15. The Council have suggested a list of conditions which I have had regard to. I agree that materials should be controlled to protect the appearance of the locality. However, rather than details of materials I consider a sample should be approved by the Council. I also agree that no windows should be inserted in the rear wall of the building as that would be likely to result in unacceptable overlooking of the adjacent dwellings. A condition is also needed to require additional fencing to prevent unacceptable overlooking from the proposed staircase. Because of the residential use of the building I also consider noise insulation desirable to protect the occupiers of nearby dwellings from noise and disturbance.

Formal Decision

16. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the change of use of the coachhouse and garages at the rear to provide ancillary accommodation to the hotel, including first floor and ground floor extensions at The Railway Inn, 127 Station Road, Hampton in accordance with the terms of the application (Ref:02/1811/FUL), dated 1 June 2002, and the plans submitted therewith, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- ✓ 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No windows shall be constructed in the rear elevation of the building hereby permitted, adjacent to dwellings in Oldfield Road.
- 4) Prior to occupation of the proposed accommodation additional fencing shall be erected along the boundary with existing dwellings in accordance with details to be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Prior to occupation of the proposed accommodation noise insulation measures shall be implemented in accordance with details to be submitted to and approved

in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Information

17. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.
18. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
19. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
20. Attention is drawn to the requirements of section 76 of the Town & Country Planning Act 1990 concerning provisions for the benefit of the disabled.

M. E. Mann

INSPECTOR



LONDON BOROUGH OF
RICHMOND UPON THAMES

TOWN AND COUNTRY PLANNING ACT 1990 : DECISION NOTICE

Reference No. 02/1811/DD01

Date: 28 April, 2003

MR A CALLER
THE RAILWAY HOTEL
127 STATION ROAD
HAMPTON TW12

WHEREAS in pursuance of Condition No. AS BELOW of notice of planning permission dated 12th March, 2003 for the development of land situated at:

RAILWAY INN, 127 STATION ROAD, HAMPTON, MIDDLESEX
for

DETAILS PURSUANT TO CONDITION 2 (MATERIALS) OF APPEAL DECISION

NOW THEREFORE WE THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON THAMES acting by the Council of the said Borough, the Local Planning Authority HEREBY GIVE YOU NOTICE that the following details are hereby APPROVED:

The conditions and/or informative(s) applicable to this application are as follows:

CONDITIONS:

None

INFORMATIVES:

IL14U DD INFORMATIVE

IC04U CONDITIONS YET TO BE COMPLIED WITH

The full text of the condition(s) and/or informative(s) is shown on the attached sheet(s).

Environmental Protection and Customer Services
Civic Centre, 44 York Street
Twickenham, TW1 3BZ
Tel: 020 8891 7300

DDRG

Signature

ON BEHALF OF THE COUNCIL
(SEE ATTACHED NOTES)

MR A CALLER
THE RAILWAY HOTEL
127 STATION ROAD
HAMPTON TW12

Reference No. 02/1811/DD01

CONDITIONS:

INFORMATIVES:

IL14U DD INFORMATIVE

The applicant is informed that for the avoidance of doubt the details approved by this notice are as follows:-

Samples of brick and slate received on 27th March 2003.

IC04U CONDITIONS YET TO BE COMPLIED WITH

The applicant/agent is advised that Conditions 4 (fencing) and 5 (noise insulation) of appeal decision 02/1811/FUL still need to be discharged.

DRAFT REPORT/DELEGATED DECISION SHEET

1/3

Ref: 02/1811/DD01

CONSULTATIONS FROM OTHER AUTHORITIES

Contact: Mr S Graham-Smi

Extn.: 4575

Ward:

App Rec'd: 27/03/2003

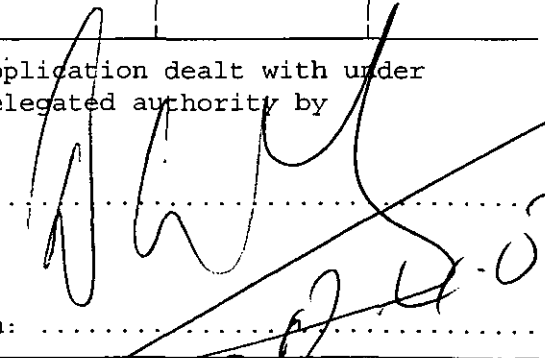
APPLICANT: MR A CALLER
THE RAILWAY HOTEL
127 STATION ROAD
HAMPTON TW12

AGENT:

Site: RAILWAY INN, 127 STATION ROAD, HAMPTON, MIDDLESEX

Proposal: DETAILS PURSUANT TO CONDITION FOR MATERIALS OF APPEAL DECISION

12/3/03.

Council Application		Committee		
RECOMMENDATION:	COURT ACTION DISCONTINUANCE	<u>CONSENT</u>	REFUSE	OTHER
Prepared by	SES	Submitted for decision by		
Date:	24/4/03	PLANNING AND TRNSPT COMMITTEE	PLANNING SUB-CTTEE	DELEGATED POWERS
TEAM LEADER	Agreed	Date:	Date:	Date:
PPO	Agreed	Application dealt with under delegated authority by		
Date:				

CONTINUED ...

THE FOLLOWING PROPERTIES WERE CONSULTED ON :

STANDARD CONSULTATIONS, WHERE APPLICABLE CAN BE SEEN AT THE END OF THIS REPO

DEVELOPMENT PLAN POLICIES

UDP _____
_____ Spec i

Conservation Area Description:
Conservation Area Number:
Listed Building Grade:
Conflict with Development Plan: _____
Building of Townscape merit: _____ Tick
Tree Preservation Order No.: _____
Advertised: []
Site Notice: []
CAAC: []
Metropolitan Open Land: _____
Area of Mixed Use: _____
Key Shopping Frontage: _____ Tick
Secondary Shopping Frontage: _____ &
Archaeological Priority Zone: _____ Speci
Area Poorly Provided With Public Open Space: _____ Other
Area Which Would Benefit From Tree Planting: _____

PRESENT USE (If vacant, previous use: if commercial give name)

_____ Proposed hotel

OFFICER'S REPORT (To include the following information)

Site and Proposal.	(v) Local Amenity groups
History	Amendments
Public & other representations	Reconsultation
(i) Stat./Official bodies	Professional comment
(ii) C.A.A.C	
(iii) Councillors	Background Papers
(iv) Adj. residents	

Recently approved new brick hotel annex to the rear of
Railway ~~Station~~ Hotel.

Proposed brick is a yellow stock and reasonably
compatible with its surroundings - the upper part of
the existing main building is similar.

Block site also submitted and acceptable in this
context (Not in a CA).

File missing.