



Appeal Decision

Site visit made on 5 February 2019

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2019

Appeal Ref: APP/L5810/W/18/3209216 55-57 High Street, Hampton Wick KT1 4DG

- 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 Mrs Barbara Dearden against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 18/0320/FUL, dated 30 January 2018, was refused by notice dated 13 June 2018.
 - The development proposed is demolition of 2 no dwellings, one with retail space on the ground floor and erection of 2no new family dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has advised that the Local Plan has been adopted since the application was determined, and that Local Plan policies supersede the Core Strategy and Development Management Plan policies cited on the decision notice. As such, I give full weight to Local Plan policies in my reasoning.
3. The National Planning Policy Framework (the Framework) has been amended since the appeal was lodged. Where relevant I have used the amended Framework in my reasoning.
4. It is noted that the original appellant has died since the application was submitted. As such, in the absence of evidence to the contrary I have presumed that the appellant named on the appeal form is the legal heir of the original appellant. This is the name I have used in the banner heading.

Main Issues

5. The main issues are:
 - Whether the development would preserve or enhance the character or appearance of the Hampton Wick Conservation area (HWCA);
 - The effect of the development on the living conditions of occupiers of 53 High Street (No 53) with particular regard to outlook and light;
 - The effect of the development on highway safety and parking stress;
 - Whether sufficient justification has been demonstrated for demolition: and,

- Whether the development would accord with local policies with regard to affordable housing.

Reasons

Character and appearance

6. The appeal site, 55 and 57 High Street (Nos 55 – 57) is a pair of mid-terrace buildings situated in what the HWCA appraisal describe as the historic village centre, with closely packed clusters of predominantly two storey 18th, 19th and 20th buildings. The appraisal goes on to state that building facades are of brick or render with mostly clay tile roofs, varied eaves line, parapets and roofscape and with a number of traditional shop fronts. The appeal site, comprising two storey narrow brick faced structures with traditional style ground floor shop fronts hard onto the footway, appears to be entirely in keeping with the key features of the HWCA. I conclude that the significance of the buildings is their conformity with local typology and their collective, albeit moderate, contribution to the overall experience of the historic village core.
7. Number 57 is listed in the Council's Buildings of Townscape Merit (BTM). The appellant argues that No 57 should not have been included. However, even if I accept that argument, it remains that both buildings are located within the HWCA. Paragraph 193 of the Framework states 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. Moreover, it remains that No 57 is included in the BTM listings and the appropriateness of that listing is a matter for the Council.
8. Although 59 High Street (No 59) is three-storey, it has a partly recessed and slightly lower side extension beside No 57. This presents as an appropriate transition between No 57 and No 59. The development would have a flat roof, and its front elevation would be significantly higher than, and forward of, No 53's ridgeline. It would also be higher than, and forward of, the parapet of No 59's side extension.
9. Moreover, the mass and bulk of the development's flank wall would disrupt the gradual stepping up of roofs from No 53 to No 59 by imposing a dominant and overbearing structure whose excessive depth and flat roof would obscure views of No 59's gable when viewed from the street and also overwhelm its more finely featured neighbours. I conclude that the proposals would be dominant and overbearing, and would appear disproportionately large and out of scale in this context.
10. Moreover, the ground floor windows are poorly proportioned and rather utilitarian compared to those on the upper floors. They also lack the ornamentation of the upper floor windows and have excessively wide central mullions which appear incongruous in this context.
11. I conclude that the development would fail to relate to or be reflective of its context. In this regard it would fail to preserve the character and appearance of the HWCA, and would be contrary to Policies LP1, LP3 and LP39 insofar as these are concerned with the protection of local character and design quality, as well as the protection of heritage assets and the historic environment. Policies LP34 and LP35 are cited in the decision notice but are concerned with

strategic housing allocation and standards, and consequently are less relevant in this regard than those policies I have referred to.

Living conditions, existing occupiers

12. The Council has identified that there are side windows on No 53's outrigger that serve a living room and kitchen at ground level, and a bathroom at first floor level. The current rear elevation of No 55 is more or less in line with that of No 53 behind the outrigger. However, the development would significantly extend No 55 across the full width of its rear elevation, and its three storey blank flank wall would be less than 1.5 metres from the site boundary. Given this limited lateral separation, I conclude that the development would be directly opposite windows on the side of No 53's outrigger and would create a significant and oppressive enclosing effect on outlook for occupiers of No 53.
13. The Council has also noted that the development would fail the tests set out in the BRE guidance with regard to daylight and sunlight. In the absence of evidence to the contrary, I conclude that light entry into No 53 would be restricted as a consequence of No 55's rear extension. As such, the development would be detrimental to the living conditions of occupiers of No 53 with regard to light and outlook. This would be contrary to Policy LP8 and the SPD¹ insofar as they are concerned with the amenity and living conditions of existing occupiers.

Parking

14. The proposed accommodation would be required to have four parking spaces according to Council recommendations. I appreciate that the current buildings have two parking permits between them, but this would leave a shortfall of two spaces. Policy LP45 states that it is expected that parking standards will be met unless it is demonstrated that a development would not have an adverse effect on the street scene or on-street parking. No such evidence has been submitted.
15. I appreciate that the appellant would not intend to apply for additional parking permits. However, this presumes that the appellant would have control over the actions of the occupiers for some considerable time. In any case, even if permits were not sought it remains that cars without permits could add to local parking stress. I also appreciate that the site is close to the train station and on a bus route. Nonetheless, in my experience this does not necessarily reduce the car ownership associated with dwellings of this size and although I give this limited weight, it reinforces my other conclusions.
16. As such, I conclude that the development would lead to an increase in parking stress and have an adverse impact on highway safety. This would be contrary to Policy LP45.

Demolition

17. The appellant argues that Nos 55 and 57 have small cramped spaces in poor order. Number 57 is notably narrower than No 55, at about 2.5 and 3 metres in width and is some 13 metres deep on the ground floor. There are no windows on the side walls, and I conclude that No 57 has very poor accommodation, with little or no outlook. However, the survey drawings

¹ Design Quality Small and Medium Housing Sites

- suggest that room sizes in No 55 are larger, and some are not dissimilar to what is proposed. Whilst I agree that No 57 currently provides poor accommodation, I am less persuaded that that is the case at No 55.
18. It is stated that there is structural movement at Nos 55 - 57 and that it would be uneconomic to renovate the existing structures. However, there is nothing before me to substantiate these arguments.
 19. Although not cited in the decision notice, Policy LP38 is referred to in the officer's report. This states that redevelopment of existing housing should only occur where it has been demonstrated that the existing housing is incapable of conversion or improvement to a satisfactory standard, improves long term sustainability and does not have an adverse effect on local character. It has not been demonstrated that Nos 55 and 57 are incapable of improvement. Moreover, as noted above, the development proposed would have an adverse effect on local character.
 20. I appreciate that the sustainability assessment outlines the likely emissions from the development. However, this does not necessarily support the argument that the current buildings could not be improved. As such, I conclude that sufficient justification for demolition has not been demonstrated and that the development would fail to comply with Policy LP38. It would also be contrary to Policy LP3 which sets out to resist demolition in conservation areas, unless it can be demonstrated that the harm to the conservation area would be outweighed by public benefits, and Policy LP4 which sets out a presumption against the demolition of BTMs.
 21. Policy LP34 is concerned with strategic housing allocation and as such appears to weigh neither for nor against the appeal as there is nothing before me to suggest that the development would represent a net loss of local housing units.

Affordable housing

22. Paragraph 63 of the Framework states that provision for affordable housing should not be sought for residential developments that are not major developments. In this regard there is a tension between the Framework and the recently adopted Local Plan, both of which date from July 2018.
23. However, the Framework sets out that local circumstances can be taken into account. The Council argues that there is a substantial need for affordable housing and that small sites make a significant contribution to local provision. This argument was accepted by the Inspector at the Local Plan Examination, and I see no reason to disagree with that Inspector in this regard.
24. The appellant has drawn my attention to an appeal where it was concluded that the development did not require an affordable housing contribution. However, that appeal predated the current Local Plan as well as the current edition of the Framework. Consequently, I give this argument limited weight.
25. In any case, although the design and access statement argues that the requirement for a contribution would not apply, the evidence includes a completed commuted sum form. I am satisfied that this would accord with the Council's requirements. However, as there is no completed planning obligation

before me, I conclude that the development would be contrary to Policy LP36 and the SPD² in this regard.

Other matters

26. The evidence before me contains a large amount of correspondence between the agent and the Council. However, whatever discussions were had during the application process, it remains that the Council refused permission. Irrespective of previous conversations and correspondence, my role is to determine the appeal according to the harm identified in the decision notice.
27. The proposed amenity space would be excess of minima set out in LP Policy LP35 and the Council no longer has a concern with regard to amenity space for future occupiers. On the basis of the evidence before me, I see no reason to disagree.
28. The decision notice refers to harm from overlooking for occupiers of No 53 but there is nothing before me to suggest that there would be harm in this regard and I have not considered it in my reasoning.
29. An interested party has raised a concern in relation to overshadowing, but as I have found harm in relation to the main issues it is not necessary for me to consider this further.

Conclusion

30. The Framework sets out that clear and convincing justification is required where development would cause harm to or loss of the significance of a designated heritage asset. Even where that harm is judged to be less than substantial, it should be weighed against the public benefits of the proposal. I appreciate that No 57 in particular, provides poor accommodation. However, even if the appeal was allowed, the overall benefit to the local housing market would be very limited and would not outweigh the harm to the significance of the HWCA, as well as other harm, identified above.
31. In the light of the above, I conclude that the development would be contrary to the relevant policies of the Local Plan and national legislation with regard to heritage assets. The appeal should therefore be dismissed.

Amanda Blicq

INSPECTOR

² Affordable Housing