



## Appeal Decision

Site visit made on 23 March 2021

**by Mr C J Tivey BSc (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 March 2021.

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### **Appeal Ref: APP/L5810/D/20/3265430**

### **39 Halford Road, Richmond TW10 6AW**

- 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 Mr Dom Risso-Gill against the decision of the London Borough of Richmond upon Thames Council.
  - The application Ref 20/2506/HOT, dated 8 September 2020, was refused by notice dated 12 November 2020.
  - The development proposed is for the installation of x2 air-conditioning units.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the installation of x2 air-conditioning units at 39 Halford Road, Richmond TW10 6AW in accordance with the terms of application Ref. 20/2506/HOT, dated 8 September 2020, subject to the conditions set out within the Schedule attached to this decision.

### **Main Issues**

2. The main issues are the effect of the appeal proposal upon the character and appearance of the host dwelling, a Building of Townscape Merit; and whether the proposal would preserve or enhance the character or appearance of the Richmond Hill Conservation Area.

### **Reasons**

3. The subject dwelling is of high architectural integrity and much like others within Halford Road and those surrounding it, has been well conserved. The proposed air conditioning units would be attached to the flank wall of its two storey rear outrigger at first floor level above a single storey light-well infill extension to its western side. Views of these would be limited to within the immediate rear garden scene which themselves would be largely restricted by the level of vegetation situated therein. There is also a significant degree of separation between dwellings on Halford Road and the Hermitage behind by virtue of a large area of private open space intervening which is associated with the 'Christian Fellowship in Richmond' at Halford House.
4. Whilst the air-conditioning units would by their very nature be utilitarian in appearance they would, nonetheless, be of a modest scale, as well as constituting a reversible feature that could easily be removed. Taking into account the absence of any public views and the very limited views within the

rear garden scene, I consider that no harm would be caused to the Building of Townscape Merit, a non-designated heritage asset. Furthermore, having regard to the above, I consider that the proposal would preserve the character and appearance of the Conservation Area as a whole.

5. I note reference to the Conservation Area Statement and Village Plan that highlights threats from development, including roof plant on prominent rooftops, however, the proposal before me would not fall within that category. I appreciate that it is important that new additions are built sympathetically, but the very fact that the units would be visible from certain locations does not automatically render them as harmful.
6. Consequently I consider that the proposal complies with Policies LP1, LP3 and LP4 of the London Borough of Richmond upon Thames Local Plan (2018) which together require all development to be of high architectural quality whilst at the very least seeking to conserve both designated and non-designated heritage assets.

### **Other Matters**

7. The Council's Environmental Health Officer and the occupants of 37 Halford Road next door raise concerns regarding noise emanating from the units. A Noise Impact Assessment was submitted to the Council which states that it would comply with the Council's Supplementary Planning Document on Development Control for Noise Generating and Noise Sensitive Development, subject to a vented acoustic enclosure being installed. The Council suggests that this can be secured by way of the imposition of a planning condition (see below) for which I have been given no substantive reason to disagree.

### **Conclusion and Conditions**

8. For the reasons set out above and having regard to all other matters raises, I conclude that the appeal should succeed.
9. Other than the standard time limit condition, it is appropriate that a condition be imposed that requires the development to be carried out in accordance with the approved plans. Due to the nature of the development, I consider that it is not necessary to require the Council's third suggested condition regarding materials to match the existing building. However, the Council's suggested mechanical services noise control condition is necessary, in the interests of protecting the living conditions of the occupants of neighbouring residential properties from noise and general disturbance.

*C J Tivey*

INSPECTOR

### **Schedule of Conditions**

1. The development to which this permission relates must be commenced not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans: 1:1250 Scale Site Location Plan, 253-EXT-01 and 253-PROP-02.
3. Before the first use of the air conditioning plant hereby permitted, a scheme shall be submitted to and approved in writing by the local planning authority which demonstrates that the following noise design requirements can be complied with and shall thereafter be retained as approved:

The cumulative measured or calculated rating level of noise emitted from the air conditioning plant shall be 5dB(A) below the existing background noise level at all times that the mechanical system operates. The measured or calculated noise levels shall be determined at the boundary of the nearest ground floor noise sensitive premises or 1 metre from the facade of the nearest first floor (or higher) noise sensitive premises, in accordance with the latest British Standard 4142;

The plant shall be isolated so as to ensure that vibration amplitudes which causes re-radiated noise not to exceed the limits detailed in table 4 in section 7.7.2 of BS8233:2014;

An acoustic test and report shall be undertaken within 2 weeks of mechanical services commissioning, in order to demonstrate that the above requirements have been achieved. The results of the test shall be submitted to and approved in writing by the LPA within 3 months of the date of this.