



## Appeal Decision

Site Visit made on 10 May 2021

**by Alexander O'Doherty LLB (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 June 2021**

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### **Appeal Ref: APP/L5810/W/20/3262894**

#### **5 Church Road, Teddington TW11 8PF**

- 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 S Reda against the decision of the Council of the London Borough of Richmond upon Thames.
  - The application Ref 20/2153/FUL, dated 30 July 2020, was refused by notice dated 22 October 2020.
  - The development proposed is described as, "The proposal for the works to take place include installing a movable awning/roof, in addition to glass walls that can be opened during warm/hot weather and closed to accommodate cold and wet weather. These works are to be installed at the front of the coffee shop".
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The description of development shown above is taken from the planning application form. It differs from that shown on the appeal form and decision notice. The latter identifies the proposed development as, 'Proposal is for Retrospective Planning Permission for a movable awning/roof at front of property'. Apart from the word 'retrospective', which is not an act of development, I have used this description in my consideration of the appeal since it best describes the proposed development in precise and concise terms. It does not fundamentally alter the development which is the subject of this appeal.
3. At the site visit, I observed that an awning was in place at the forecourt at the appeal site. Nevertheless, for the avoidance of doubt, this appeal decision only relates to the proposed development as shown on the submitted appeal plans.

### **Main Issue**

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area, including the Church Road Conservation Area.

### **Reasons**

5. The appeal site comprises a restaurant on the ground floor of a two-storey building. The restaurant is part of a short parade of commercial units and a relatively deep forecourt is located to its front. The frontage of the restaurant is elegant, and is in keeping with the rest of the parade. The site is within the Church Road Conservation Area (conservation area). The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s72(1) that with respect to any buildings or other land in a conservation area, special

- attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The significance of the conservation area as a designated heritage asset is derived in part from its many Victorian-era properties which exhibit fine architectural details and high quality brickwork.
6. The presence of an awning at the appeal site is not objectionable in principle. Indeed, I observed that some of the units nearby have awnings / canopies, but due to their design they are not prominent features in the street scene. Similarly, some units have enclosed outside seating areas but due to the low heights of the enclosing structures they are unobtrusive features in the street scene. They have maintained open views of both the units and the parade as a whole. Accordingly, a sense of spaciousness prevails along the parade.
  7. The Shopfronts Supplementary Planning Document (adopted 2010) (Shopfronts SPD) indicates that fixed post canopies are not considered appropriate, particularly when viewed as part of a street frontage. The proposal for a movable awning / roof would have solid fixed columns to its front, next to the footway, and therefore it would be in conflict with that guidance. It would also incorporate a large expanse of glazed panels to its sides. It would extend across the full length of the forecourt and its long roof would be structurally composed of fixed beams. As such, although the awning element could be retracted and the glass walls could be opened in fair weather conditions, the structure as a whole would enclose the forecourt and it would obscure much of the front of the restaurant. In this respect, the appearance of the restaurant would be harmed.
  8. Due to the numerous solid columns and beams involved, and its large scale, the proposal would present as a bulky feature in the street scene. As it would be located prominently on the parade, it would unduly reduce the sense of spaciousness in this location. Furthermore, although there is some diversity in the shopfronts, signage and forecourt treatments nearby, the proposal would be significantly at odds with the predominantly understated and open frontages in the vicinity. Thus, it would appear as an incongruous and visually insensitive feature in the street scene and it would undermine the presence of period architecture in the locality which contributes to the significance of the conservation area.
  9. Whilst the harm that would be caused to the significance of the conservation area would be less than substantial, this harm must be weighed against the public benefits of the proposal. The proposal would provide shelter and enclosure for customers seated outside the restaurant, thereby improving their experience and assisting in the viability of the restaurant, particularly during cold / wet weather. By facilitating outside dining, the proposal may assist the operations of the restaurant during the ongoing coronavirus (COVID-19) pandemic. The appellant has asserted that the proposal would bring a new look to the area, thereby encouraging more visitors, but considering my findings above, in my view this would be unlikely.
  10. Considerable importance is placed on conservation areas as they are a designated heritage asset, and in accordance with the Framework<sup>1</sup>, great weight should be given to their conservation. Collectively, the public benefits of the proposal are limited and I find that they do not, either individually or

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<sup>1</sup> National Planning Policy Framework 2019

cumulatively, amount to public benefits which outweigh the harm that would be caused to the significance of the conservation area.

11. The appellant has requested a temporary planning permission, referring to the potential need to provide customers with an outside dining and socialising area during the pandemic. However, there is no evidence before me to suggest that a less harmful scheme could not achieve the same aims, and considering the harm that the proposal would cause to the significance of the conservation area over the 2 years proposed, it would not be reasonable to grant a temporary permission.
12. I therefore find that the proposal would have an unacceptable and harmful effect on the character and appearance of the surrounding area, including the conservation area. It would conflict with Policies LP1 and LP3 of the London Borough of Richmond upon Thames Local Plan (adopted 2018) which collectively provide that (amongst other things) development should conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough. The proposal would also conflict with section 16 of the Framework, which seeks to conserve and enhance the historic environment, and with the advice given in the Shopfronts SPD, referred to above.

### **Other Matters**

13. The proposal would not harm the living conditions of neighbouring occupiers. However, this is a neutral matter, which does not weigh in favour of the proposal and it does not change my findings on the main issue.

### **Conclusion**

14. For the reasons given above I conclude that the appeal should be dismissed.

*Alexander O'Doherty*

INSPECTOR