



**Planning, Heritage and Design
and Access Statement**

**29 Princes Road, Richmond-
upon-Thames, TW10 6DQ**

Prepared For
Oliver Agha

10251-GM
July 2021



bell cornwell

CHARTERED TOWN PLANNERS

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CONTENTS

1	INTRODCUTION	1
2	SITE DESCRIPTION AND PLANNING HISTORY	2
	Planning History	2
	Discussion with the council	2
3	PLANNING POLICY	3
	London Plan	3
	London Borough of Richmond Local Plan	4
4	PLANNING ASSESSMENT	5
	Heritage	5
	Design	8
	Amenity	9
5	CONCLUSION	11
	APPENDIX	12



1 INTRODUCTION

- 1.1 This planning statement has been prepared to support a planning application submitted on behalf of our client Mr Oliver Agha for retrospective householder planning permission at 29 Princes Road, Richmond-upon-Thames TW10 6QD (The Site).
- 1.2 The proposals involve the retention of an awning which covers the rear garden.
- 1.3 This document should be read in conjunction with the supporting information which has been submitted with this application. This includes:
 - Planning application form
 - Drawings prepared by ATECGlobal
 - CIL Form
 - Photographs
- 1.4 A description of the application site and the relevant planning history is set out in Section 2. Section 3 examines the planning policy considerations. Section 4 sets out our planning appraisal and our conclusions are set out in Section 5.



2 SITE DESCRIPTION AND PLANNING HISTORY

- 2.1 The property is a two-storey cottage located on the western side of Princes Road. The property is identified as a locally listed building in the London Borough of Richmond-upon-Thames (The LPA) and is in the St Matthias Conservation Area (the Conservation Area).
- 2.2 The Conservation Area appraisal discusses “the Alberts” terraced cottages, of which this property is one. The building is also identified as a Locally Listed Building.
- 2.3 To the north of the property is number 27 Princes Road and to the south is number 31 Princes Road. To the west of the site is Beatrice Road.

PLANNING HISTORY

- 2.4 Following a review of the London Borough of Richmond’s online planning register, it is considered that there is no relevant planning history which would relate to this development proposal.

DISCUSSION WITH THE COUNCIL

- 2.5 Our client engaged with the London Borough of Richmond in October 2020 regarding the principles of the proposed works and discussed with Nicki Dale regarding the proposed works.
- 2.6 Nicki Dale confirmed in an email dated 6th October 2020 that there are no article 4 directions affecting permitted development rights and that if the awning met specific criteria that it would constitute permitted development. Following this conversation our client instructed builders to erect the awning.
- 2.7 Following the installation of the awning, our client was contacted by Mr Patrick Franklin of the planning enforcement team and set out that in his opinion that the proposals constituted development under Section 55 of the Town and Country Planning Act and therefore required planning permission. He also set out that if the awning were approved that the proposed use would be subject to conditions.



3 PLANNING POLICY

- 3.1 Under s70(2) of the Town and Country Planning Act 1990 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.2 The Government's planning policies, as set out in the National Planning Policy Framework (NPPF) published in February 2019, are a significant material consideration. Further guidance on the interpretation of the Framework's policies is provided by the Planning Practice Guidance (PPG).
- 3.3 Consideration of national policy and guidance set out in the NPPF (2019) and NPPG alongside the legal tests of The Planning (Listed Buildings and Conservation Area) Act 1990, Sections 66(1) and 72(1).
- 3.4 The London Borough of Richmond-upon-Thames development plan consists of the following documents:
- The London Plan (March 2021)
 - LBRuT Local Plan (July 2018)
 - LBRuT Planning Policy Map (July 2018)

LONDON PLAN

- 3.5 The following planning policies form the London Plan are of relevance to this application:
- Policy D3- Optimising site capacity through the design-led approach
 - Policy D4- Delivering good design
 - Policy D6- Housing quality and standards



- Policy HC1- Heritage Conservation and growth

LONDON BOROUGH OF RICHMOND LOCAL PLAN

3.6 The following planning policies form the LBRuT Local Plan are of relevance to this application:

- Local Plan Policy LP1
- Local Plan Policy LP3
- Local Plan Policy LP4
- Local Plan Policy LP8



4 PLANNING ASSESSMENT

HERITAGE

- 4.1 The heritage policy and guidance include the statutory duties of the Planning (Listed Building and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area, in determining applications.
- 4.2 In accordance with the requirements of the NPPF the significance of the heritage assets of the conservation area and the buildings, which will be affected by any proposal. Consequently, the proposals have been informed by a clear understanding and appreciation of the historical development and architectural character of the Site and its surroundings, as found today.
- 4.3 Paragraph 190 of the NPPF sets out that local planning authorities should also identify and assess the particular significance of heritage assets that may be affected by proposals. They should take this assessment into account when considering the impact of proposals in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 4.4 Importantly, Annex 2 of the NPPF defines "conservation" as the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance. It is not a process that should prevent change where proposals, such as these, would not result in harm to the significance of the heritage assets but have the potential to deliver enhancements.
- 4.5 Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 LPAs are required to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 4.6 In assessing the impact of the proposals on the heritage asset, in this case the St Matthias Conservation Area, we are required to assess whether the proposals would impact the significance of the heritage asset. There is a strong presumption against the



grant of permission for development that would harm (i.e. not preserve) the significance of the conservation area, though the presumption by be lessened if the harm can be minimised or mitigated.

- 4.7 For these purposes “preserve” means to do no harm, as is established in case law. “Harm” is defined by Historic England as change which erodes the significance of a heritage asset. This position is also in line with the policy requirements set out in Local Plan Policy LP3 .
- 4.8 Paragraph 127 of the NPPF 2019 sets out some key requirements that decisions should take into account. Many reflect the main thrust of the 2012 version of the Framework, however there is an essential change in point c of paragraph 127 which states: *“decisions should ensure that developments....are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)”*.
- 4.9 London Plan policy D3 states that Development should respond to the character of a place, be of high-quality design and protect the special features of the locality.
- 4.10 Policy LP1 of the Local Plan 2018 seeks to maintain and, where possible, enhance the high architectural and urban design quality which contributes to the character and heritage of the area. Proposals should demonstrate an understanding of the site and its context when considering the design including layout, siting and access and the compatibility of the works to the neighbouring uses.
- 4.11 LBRuT Local Plan Policy LP3 of the Local Plan 2018 covers Designated Heritage Asset and states that proposals should conserve and take opportunity to make positive contribution to the historic environment such as retaining and preserving the original structure, layout, architectural features and materials or reinstatement of heritage assets. Appropriate materials and techniques should be used. There is a requirement to seek to avoid harm or justify for loss and demolition will be resisted. The significance of



the asset is taken into consideration when assessing works proposed to a designated heritage asset.

- 4.12 LBRuT Local Plan Policy LP4 states that development shall preserve the significance, character and setting of non-designated heritage assets.
- 4.13 The site is both in a conservation area, but is also a non-designated heritage asset, alongside the rest of the properties on Princes Road. The significance of Princes Road is not specifically mentioned in the Conservation Area; however, its main significance relates to the streetscene and the terraced cottages found in the area. The rear of the properties, though no insignificant, are on the lower end of the spectrum of significance.
- 4.14 It is considered that the significance of the non-designated heritage asset in the form of the locally listed building is based on the front elevation and its context within the streetscene. As can be seen, the neighbouring properties on Princes Road are also locally listed and it is considered their significance is based on the contribution to the streetscene in the Conservation Area rather than their gardens.
- 4.15 The proposed awning is a lightweight addition to the rear of the property which is only used very occasionally. When the awning is not in use, a lightweight metal structure can be seen with the awning posts and supports being visible. See photos in appendix.
- 4.16 When the awning is in use, a grey awning with low luminous ambient lighting visible. The height of the awning at the rear elevation of the house is measured at 2.6m sloping to a height of 2.5m on top of the boundary wall. The materials used for the awning itself are of the highest quality.
- 4.17 The use of the awning is rare. The client uses it only when they sit outside, and the weather is poor. The client has had discussions with members of the planning enforcement team in which he clearly sets out that position. This means that the awning is mostly not in active use and therefore closed.



4.18 When assessing the impact on the conservation area, it is considered that the proposals will have no impact on the significance of the entire St Matthias Conservation Area, which is the only designated heritage asset which we are assessing. The irregular use of the awning furthermore ensures that the historic significance of the conservation area is not eroded and therefore not harmed. This by definition means that the heritage asset is preserved.

4.19 Our proposals would not impact the elevation of the site in a harmful manner. It is therefore considered that the proposals would result in less than substantial harm to the conservation area and therefore require no public benefit.

DESIGN

4.20 Paragraph 127 of the NPPF 2019 sets out some key requirements that decisions should consider. Many reflect the main thrust of the 2012 version of the Framework, however there is an essential change in point c of paragraph 127 which states: *“decisions should ensure that developments....are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)”*.

4.21 Policy LP1 of the Local Plan 2018 seeks to maintain and, where possible, enhance the high architectural and urban design quality which contributes to the character and heritage of the area. Proposals should demonstrate an understanding of the site and its context when considering the design including layout, siting and access and the compatibility of the works to the neighbouring uses.

4.22 The awning has been constructed using lightweight grey metal posts, runners and supports for the awning which is finished in a grey water-resistant material.

4.23 The assessment of whether an awning complies with planning policy in design terms focuses solely on the quality of the finish of the awning. As shown in the images, the awning is a high-quality modern addition which is sensitive to the dwellinghouse and the character of the area.



4.24 This design will reflect the aims set out within the Local Plan with the design being in keeping with the character of the conservation area and respect the local distinctiveness of the area. It is our opinion that the design complies with relevant London Plan and LBRuT Local Plan Policies.

AMENITY

4.25 Policy LP8 states that development must protect the amenity and living conditions of existing, adjoining, and neighbouring occupants. Design must allow for good daylight standards, avoid overlooking or noise disturbance, avoid visual intrusion, overbearing impacts or harm to the reasonable enjoyment of the uses of buildings and gardens. Harm may arise from various impacts such as noise, air pollution, odours, or vibration.

4.26 The assessment of the impact the awning will have should be based on when the awning is in use, which as previously stated, is very rarely. This is because it is considered that the structure, when not in use, has no impact on the amenity of neighbouring properties.

4.27 When at full extension the awning covers an area of roughly 16m². This is most of the applicant's private amenity space. The awning measures at a maximum height of 2.6m with a minimum height of 2.5m. this means that the structure is roughly 1m higher than the boundary walls for both neighbouring properties.

4.28 When open it is believed that the structure will not result in any detrimental loss of light to neighbouring properties. For context, a "detrimental loss of light" is anything over 20% of the existing position.

4.29 The awning is also not considered to result in a detrimental sense of enclosure as it is only used on rare occasions and is open on both sides and does not add any significant or permanent state of mass and bulk to the property.

4.30 Due to the nature of the proposals, they do not facilitate any change in overlooking.



4.31 As the awning is open on both sides and is generally a lightweight structure which is used rarely, it is considered that there is no significant harm on neighbouring amenity.

4.32 It is therefore considered that the awning would result in a harmful level of overshadowing, overlooking, sense of enclosure or impact on daylight or sunlight and therefore proposed development would not harm the amenity of neighbouring residents at the site.

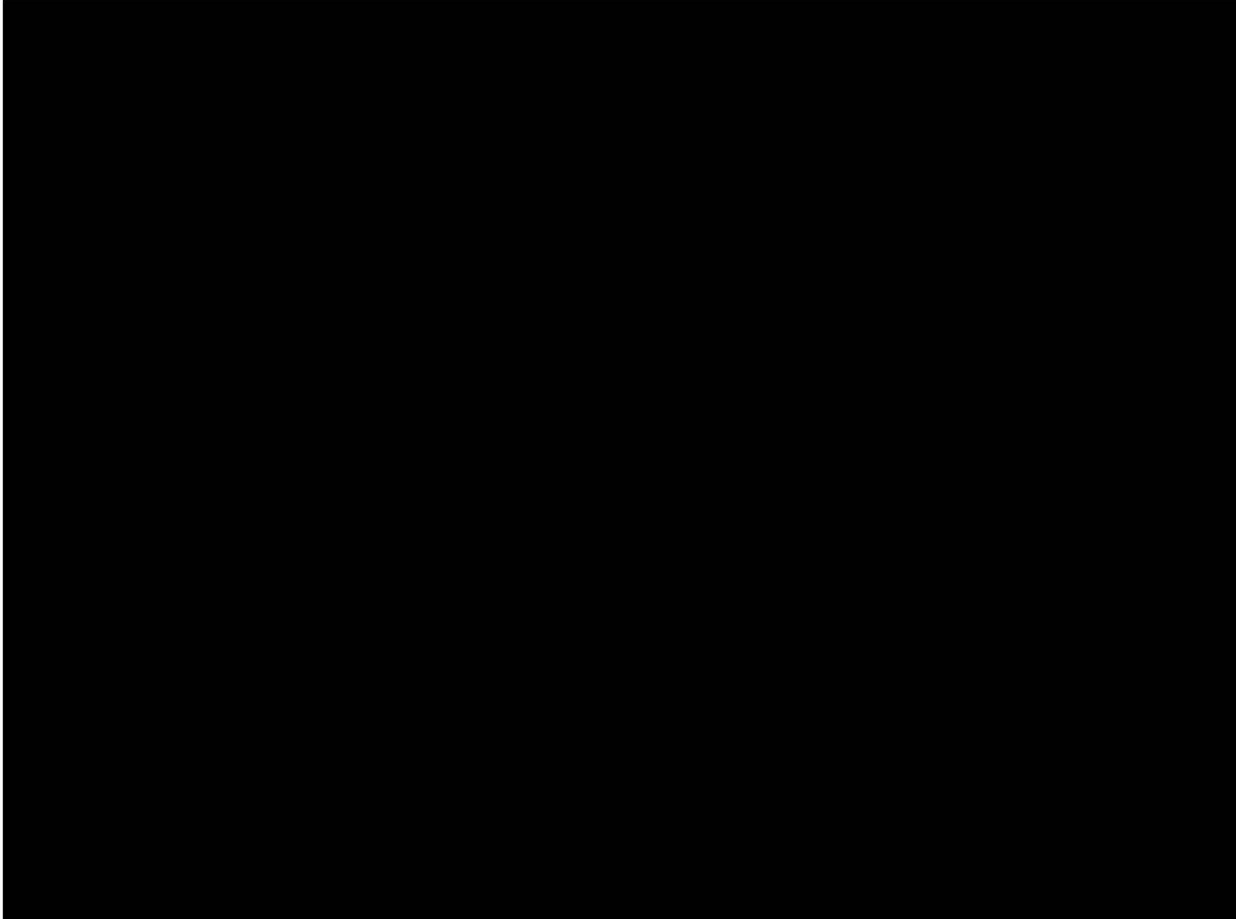


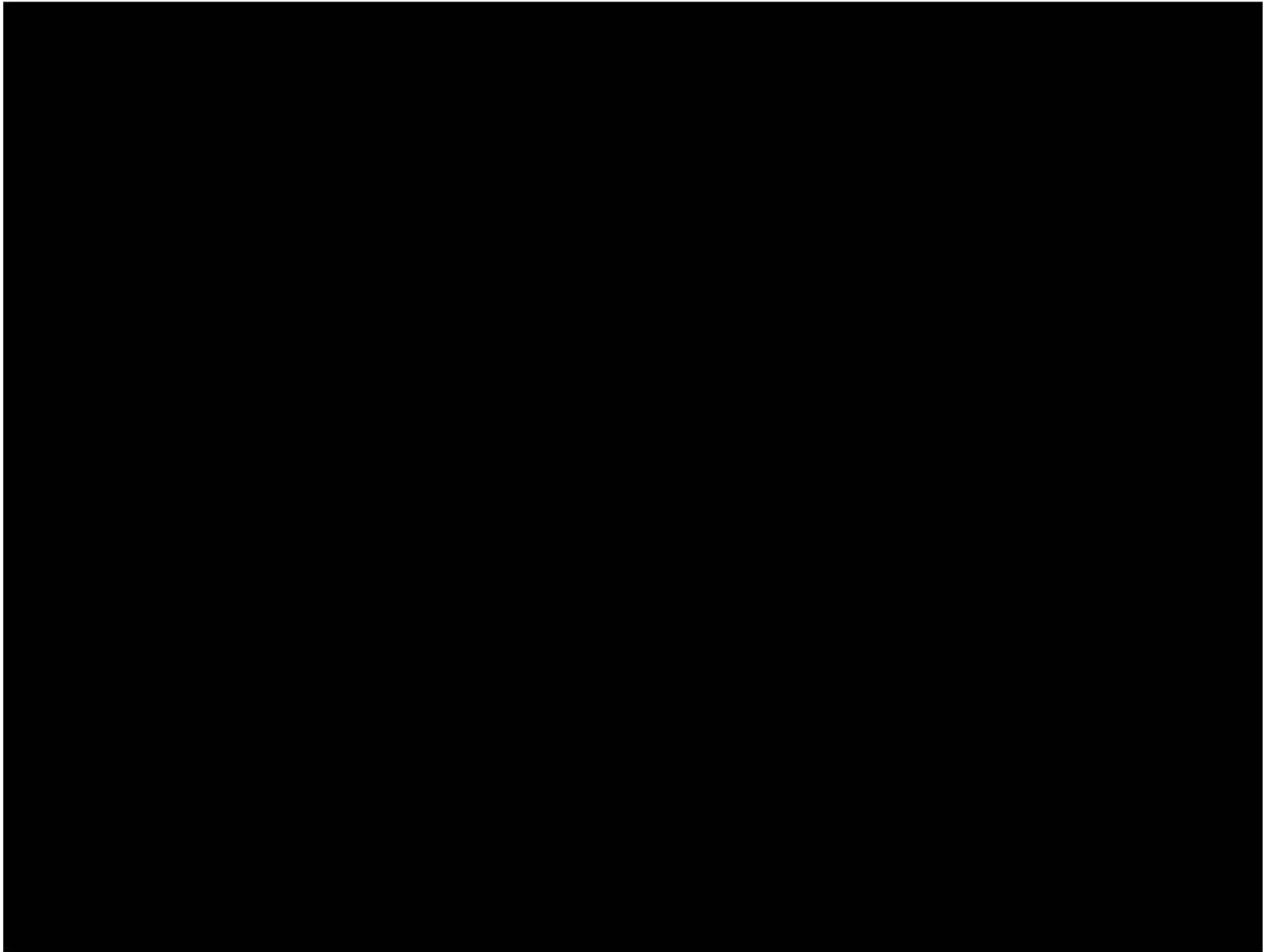
5 CONCLUSION

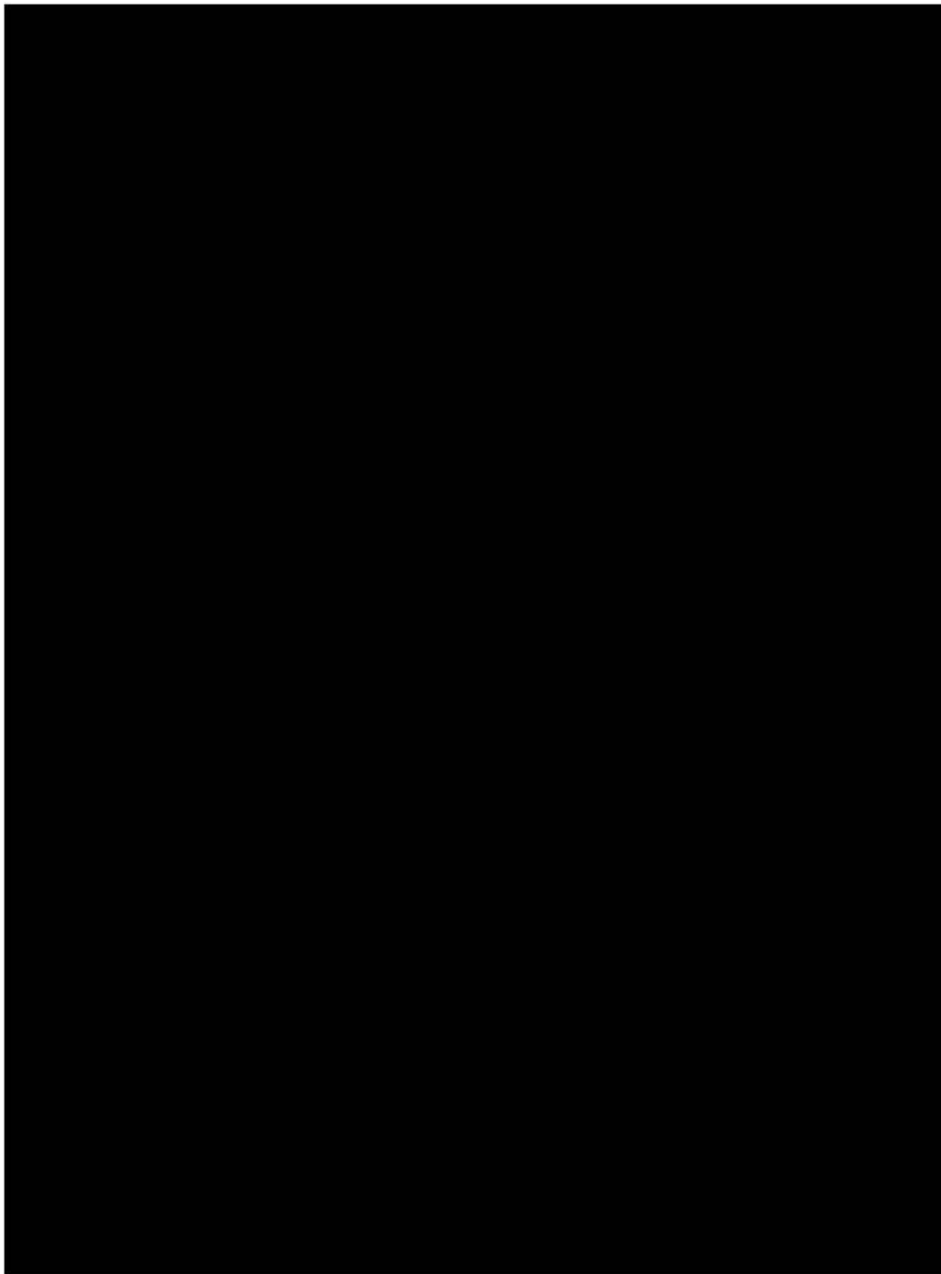
- 5.1 We believe that the above clearly shows that the principle of a development of this nature is acceptable in this location. The Development is a well-considered scheme respecting the identified value of the heritage assets (the Conservation Area). The sensitive external alterations will individually and cumulatively preserve the site and its contribution to the setting of other buildings locally and the character and appearance of the Conservation Area.
- 5.2 The proposed design complies with the relevant design guidance and will not harm the Conservation Area. The design will comprise of the highest quality materials and whilst being appropriate to its context. The proposals are sympathetic to the existing building, street, and wider area.
- 5.3 For these reasons, the Proposed Development is a sustainable form of development that will accord with legislation governing the Conservation Area and the Development Plan resulting in a proposal that should be wholly acceptable to LBRuT.
- 5.4 Accordingly, we respectfully request that this application for planning permission is determined without delay, in line with the prescribed timescales (eight weeks).

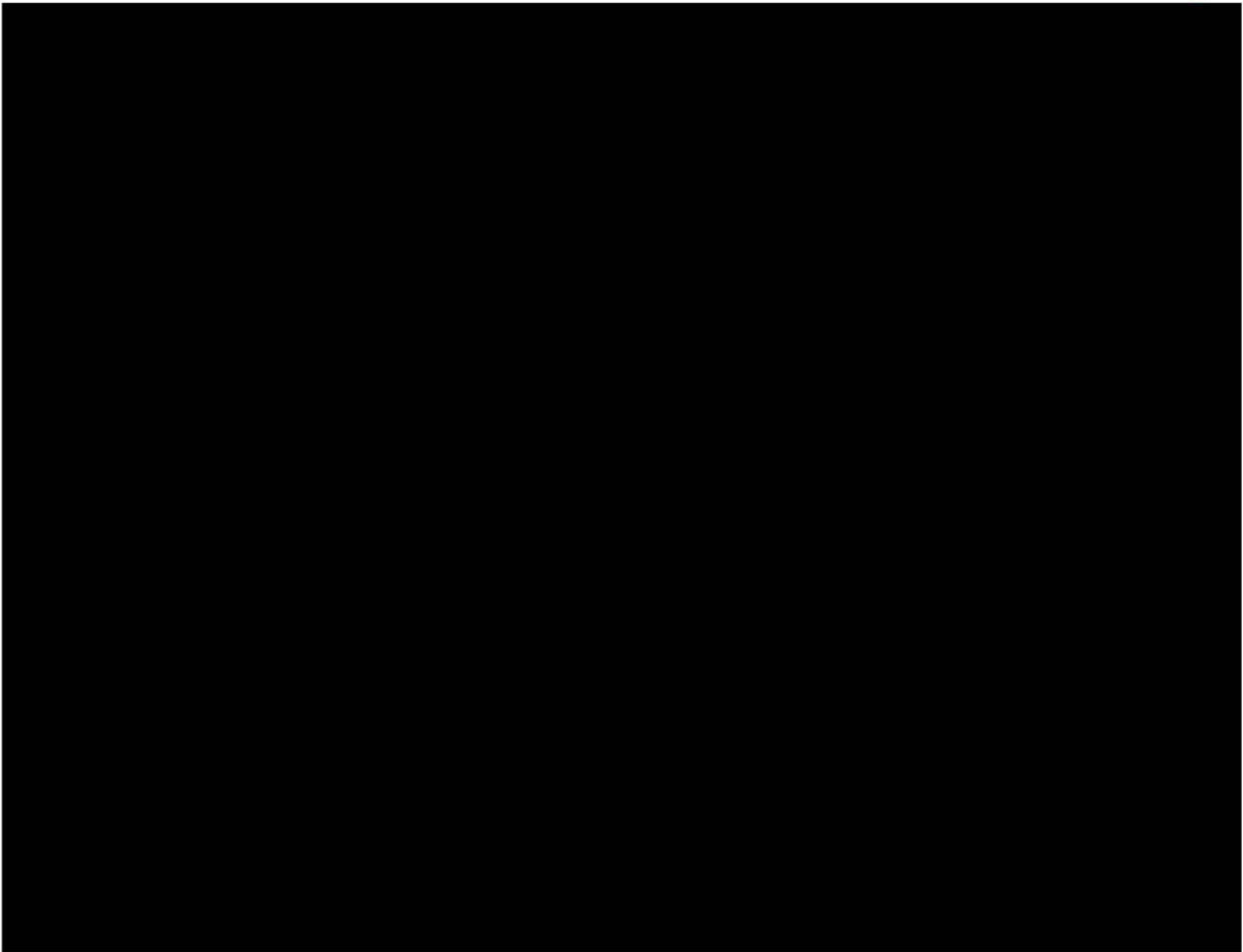


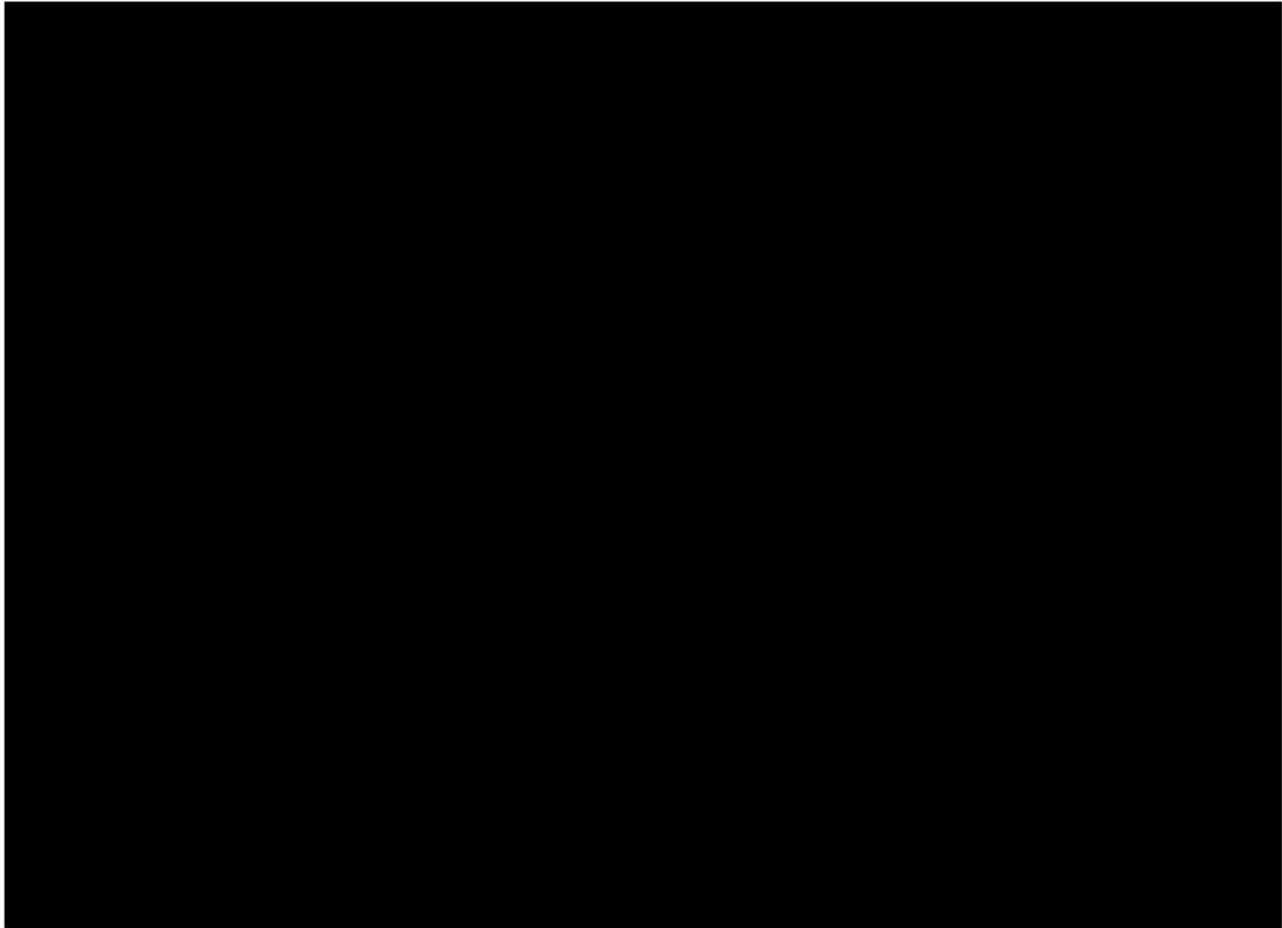
APPENDIX

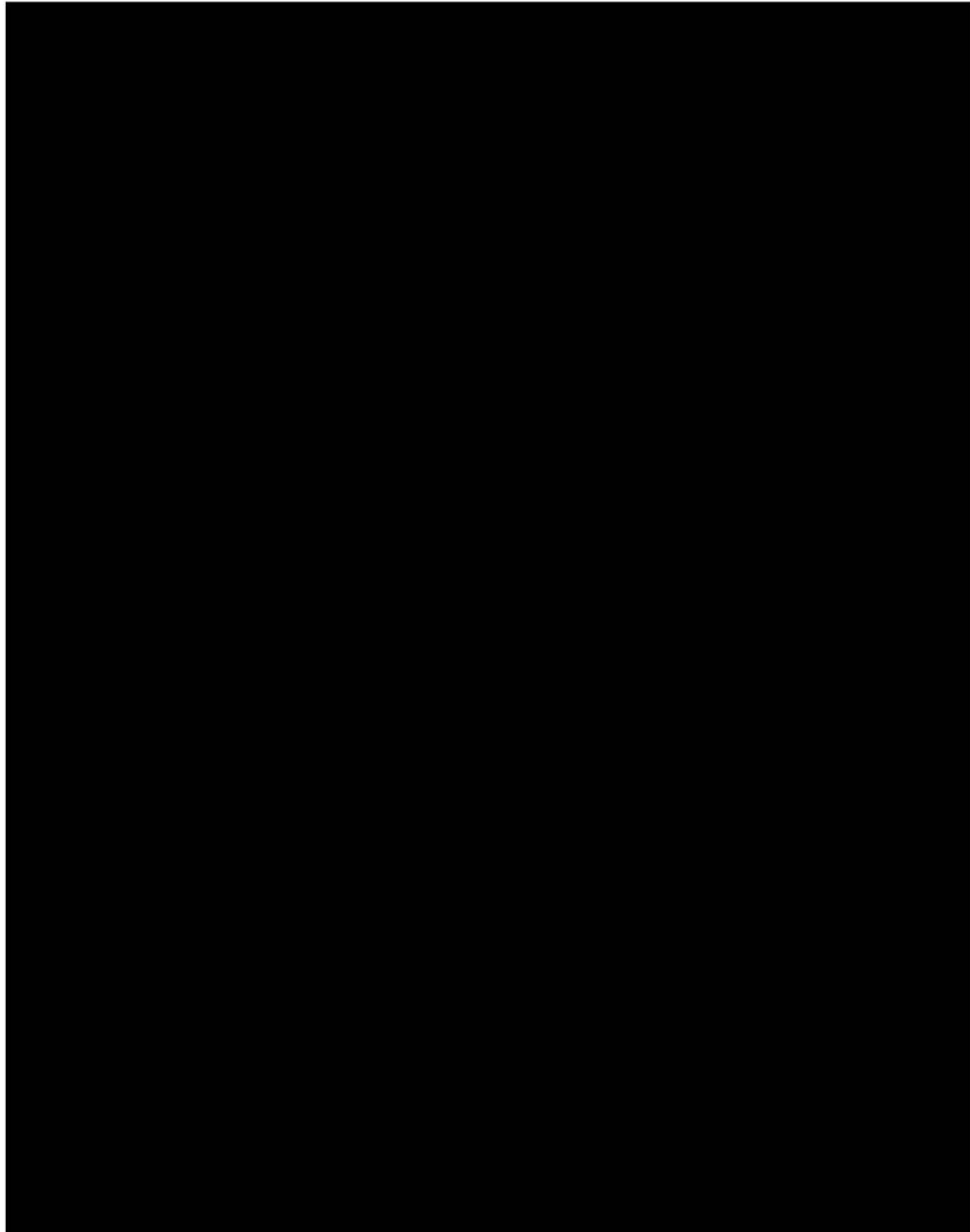


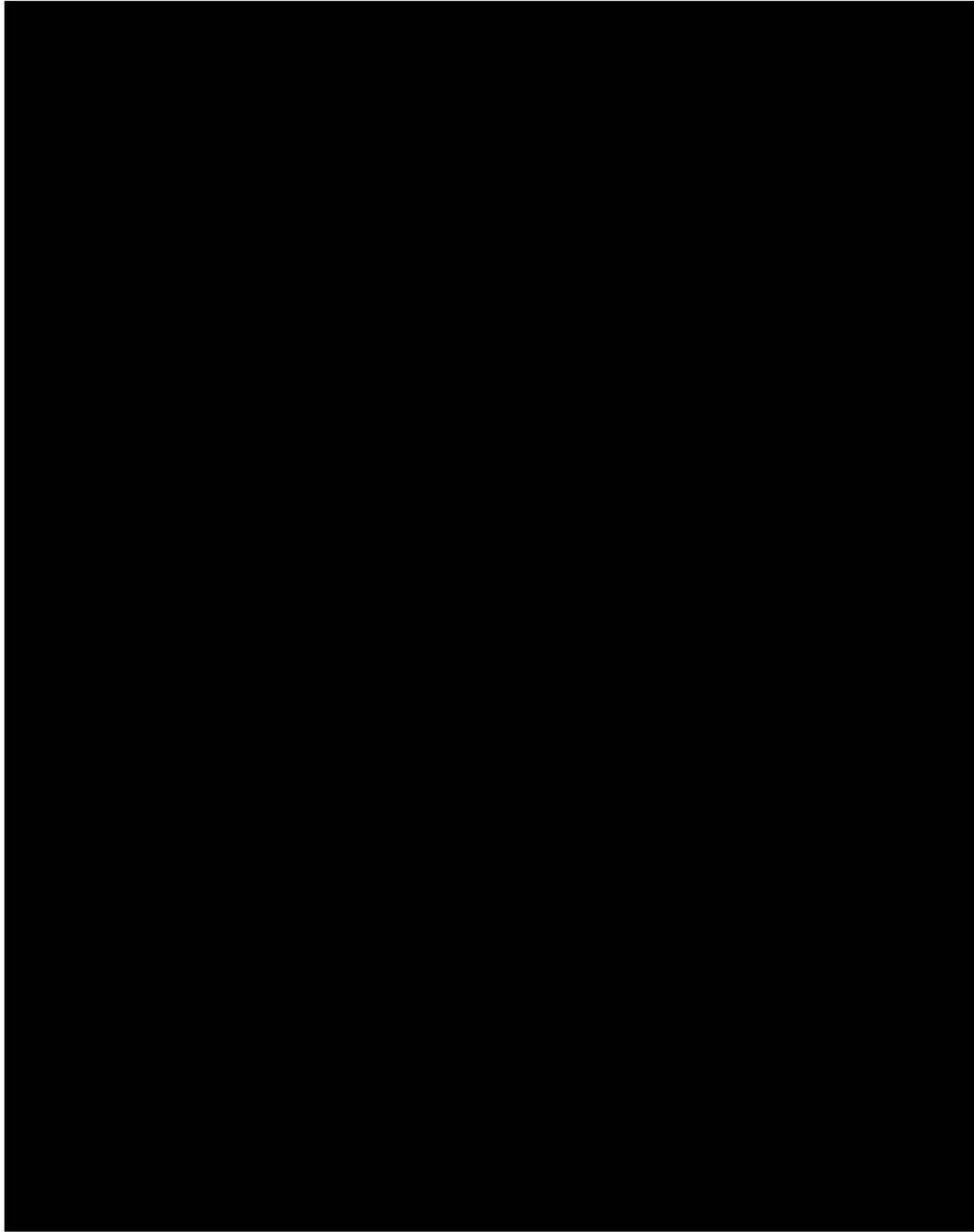














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4.24 This design will reflect the aims set out within the Local Plan with the design being in keeping with the character of the conservation area and respect the local distinctiveness of the area. It is our opinion that the design complies with relevant London Plan and LBRuT Local Plan Policies.

AMENITY

4.25 Policy LP8 states that development must protect the amenity and living conditions of existing, adjoining, and neighbouring occupants. Design must allow for good daylight standards, avoid overlooking or noise disturbance, avoid visual intrusion, overbearing impacts or harm to the reasonable enjoyment of the uses of buildings and gardens. Harm may arise from various impacts such as noise, air pollution, odours, or vibration.

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4.28 When open it is believed that the structure will not result in any detrimental loss of light to neighbouring properties. For context, a "detrimental loss of light" is anything over 20% of the existing position.

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4.30 Due to the nature of the proposals, they do not facilitate any change in overlooking.



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4.32 It is therefore considered that the awning would result in a harmful level of overshadowing, overlooking, sense of enclosure or impact on daylight or sunlight and therefore proposed development would not harm the amenity of neighbouring residents at the site.



5 CONCLUSION

- 5.1 We believe that the above clearly shows that the principle of a development of this nature is acceptable in this location. The Development is a well-considered scheme respecting the identified value of the heritage assets (the Conservation Area). The sensitive external alterations will individually and cumulatively preserve the site and its contribution to the setting of other buildings locally and the character and appearance of the Conservation Area.
- 5.2 The proposed design complies with the relevant design guidance and will not harm the Conservation Area. The design will comprise of the highest quality materials and whilst being appropriate to its context. The proposals are sympathetic to the existing building, street, and wider area.
- 5.3 For these reasons, the Proposed Development is a sustainable form of development that will accord with legislation governing the Conservation Area and the Development Plan resulting in a proposal that should be wholly acceptable to LBRuT.
- 5.4 Accordingly, we respectfully request that this application for planning permission is determined without delay, in line with the prescribed timescales (eight weeks).



APPENDIX

