



Appeal Decision

Site Visit made on 25 August 2021

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 06 September 2021

Appeal Ref: APP/L5810/W/21/3268861

Hampton Pre-Prep School, 41-43 Wensleydale Road, Hampton TW12 2LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Trustees of Hampton School Trust against Richmond Upon Thames London Borough Council.
 - The application Ref 20/3434/FUL, is dated 30 November 2020.
 - The development proposed is described as improvement works at Hampton Pre-Prep, to include demolition of existing modular buildings, provision of a new school hall, replacement kindergarten accommodation, a redesigned visitor reception and waiting area, a replacement outside WC block and reception class wet area extension, improvements to the sick bay, and improved internal and external connectivity. No increase in pupil numbers, staff numbers, or car parking is proposed.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the Trustees of Hampton School Trust against Richmond Upon Thames London Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this, I have sought the views of the main parties in writing, and I have taken any relevant correspondence into consideration.

Main Issues

4. The Appellant has submitted this appeal on the basis of non-determination of the planning application. Following the submission of the appeal against non-determination, Richmond Upon Thames London Borough Council (the Council) has identified the reasons the Local Planning Authority would have given to refuse consent. The Appellant has seen these details and has had the opportunity to respond.
5. Whilst the Council's statement identifies four reasons for refusal, in light of all the submissions in this appeal, the main issues are:

- The effect of the proposed development on the living conditions of occupiers of 45 Wensleydale Road, with particular reference to outlook, noise and disturbance,
- Whether or not adequate arrangements have been made in respect of fire safety strategy; and,
- Whether or not adequate arrangements have been made in respect of community use.

Reasons

Living Conditions

6. The appeal site is located within a residential area and comprises a school for young children which, the evidence and planning history indicate, was formed from the conversion of two detached dwellings. To the rear of the main school building is the outdoor play space area of the school which includes a number of modestly sized outbuildings and prefabricated building used as a kindergarten. Two metal external staircases are located to the rear of the main school building, one of which protrudes into the play space area reaching ground level in a central position within the site.
7. The appeal scheme proposes a number of alterations and additions to the main school building as well as proposing the demolition of existing outbuildings and the kindergarten building and the construction of a new, substantially scaled, school hall building.
8. As noted above, the appeal site is located within a residential area. Immediately to the north of the appeal site is 45 Wensleydale Road (the Neighbouring Property) which, whilst the evidence indicates is owned by the school, is in residential use. The Council have raised specific concerns regarding the scale, mass and position of the proposed school hall and the position of a new external staircase with regards to its potential impact on the living conditions of existing and future residents at the Neighbouring Property.
9. The proposed school hall building would be sited abutting the boundary between the appeal site and the Neighbouring Property. The Neighbouring Property is a detached dwelling which has a conservatory extension to the rear. The rear garden area at the Neighbouring Property is relatively narrow, reflecting the prevailing widths of gardens within the immediate vicinity. However, that garden has been divided into two separate areas, with the rear garden at the Neighbouring Property being limited to a modestly sized area.
10. The proposed school hall would replace a small number of outbuildings which are similarly positioned abutting the boundary with the Neighbouring Property. These structures are very limited in terms of their scale and mass and are separated from each other by small gaps. However, the proposed school hall would be substantial in terms of its spread and mass and would represent a notable increase in overall height when compared to the existing outbuilding structures. Outlook for residents at the Neighbouring Property, and especially for those using the modestly rear sized garden, would be dominated by the scale, height and spread of the proposed school hall building.
11. Based on the evidence before me and observations made on my site visit, I find that the proposal would result in a school hall building which, by reason of

its height, mass and spread across the full length of the shared boundary with the Neighbouring Property, would have an unacceptable overbearing impact on residents of the Neighbouring Property. Whilst the Appellant's submissions are noted regarding the potential improvement to the visual aesthetics of the boundary, this would not overcome the harm that would result from the overbearing impact of the proposed new school hall building on residents of the Neighbouring Property.

12. In terms of the impact on living conditions for residents at the Neighbouring Property with regards to noise and disturbance, the Council have raised concerns regarding the proposed position of the entrance to the new school hall, as well as concerns regarding the positioning of an external staircase.
13. With regards to the positioning of the external staircase, based on the plans before me and on observations made on my site visit, the proposed stairs would not be in a dissimilar position when compared to the existing staircase. In this respect I find that the proposed staircase would not result in additional unacceptable noise or disturbance for residents of the Neighbouring Property.
14. Nonetheless, the proposed entrance to the new school hall would be positioned immediately adjacent to the boundary with the Neighbouring Property and would be likely to result in levels of activity in very close proximity to the boundary and the Neighbouring Property that would have an adverse impact on residents of the neighbouring property with regards to noise and disturbance. It is noted that the proposal would also include a canopied area at the entrance. However, this would not, in my view, be likely to provide sufficient sound screening for the increase level of noise and disturbance associated with the coming and goings of pupils from and to the proposed school hall.
15. In summary of the above, whilst I have found that the position of the proposed external staircase at the site would not be harmful, the scale, spread and height of the proposed school hall would have an unacceptable impact on living conditions on residents of the Neighbouring Property with regards to loss of outlook. Furthermore, the position of the entrance to the new school hall would result in harm with regards to unacceptable noise and disturbance to the living conditions of residents at the Neighbouring Property.
16. For these reasons, the appeal proposal would conflict with Policy LP8 of the Richmond Upon Thames Local Plan (2018) (the Local Plan) which, amongst other matters, requires that development does not have an overbearing impact on residents and does not harm the reasonable enjoyment of the use of buildings due to increases in noise and disturbance.
17. Whilst I acknowledge that there were no objections to the appeal scheme from the existing residents at the Neighbouring Property, that would not justify the harm that I have identified above in relation to future residents.

Fire Safety

18. The London Plan (March 2021) was adopted after the submission of this appeal. Nonetheless, Policy D12 of the London Plan which concerns fire safety, requires that development achieve the highest standards of fire safety with regards to its design.
19. Policy D12 of the London Plan only requires proposals for major development to submit a 'Fire Statement'. The appeal scheme is not for major development

and consequently only criterion A of Policy D12 of the London Plan requires consideration in respect of the appeal proposal.

20. Whilst it is acknowledged that the Planning Statement submitted in support of the planning application made brief references to the position of some fire-fighting and escape routes, including the use and position of external staircases, and provided a general assertion regarding achieving the highest standards with regards to fire safety, criterion A of Policy D12 of the London Plan emphasises the importance of incorporating features which reduce the risk to life or serious injury, including fire alarm systems and passive and active fire safety measures. Furthermore, the requirements of this policy include the details or provision of a robust strategy for evacuation from the site.
21. As noted above, the supporting information provided by the Appellant in this regard is brief and, in my view, is a general assertion regarding the standards of fire safety. No specific information or details appear to have been provided in relation to active or passive fire safety measures, nor do there appear to be any details before me with regards to a robust strategy for evacuation. Consequently, I am not persuaded that the Appellant has adequately demonstrated the appeal scheme as a whole would not have an adverse impact on the safety of future users of the proposed development in the event of fire. Accordingly, I find that the proposal would conflict with the aims, objectives and requirements of Policy D12 of the London Plan.
22. The Appellant has put it to me that a formal fire strategy could be secured by condition. However, I do not find that it would be appropriate in these circumstances to secure such information through a condition given that I cannot be sure that the provision of suitable fire safety measures would not result in a requirement to redesign elements of the proposal.

Community Use

23. Policy LP28 of the Local Plan concerns social and community infrastructure and details requirements in relation to new community infrastructure as well as with regards to loss of such infrastructure.
24. The Council have put it to me that in the absence of details of how the proposed new school hall would be made available for alternative community uses, the proposal would conflict with the aims and objectives of Policy LP28 of the Local Plan.
25. However, in this instance, whilst it is noted that the details provided by the Appellant with regards to community use are limited, there clearly is an intention to provide alternative and suitable uses for the proposed school hall. In respect of this matter, I therefore find that the specific details of, for example, costs or date and times on which the hall would be made available, could be secured by a condition requiring those details prior to use of the new school hall. Consequently, I find no conflict with Policy LP28 of the Local Plan in this regard.

Other Matters

26. Information and details have been provided by the Appellant in support of this appeal with regards to the need for upgrading the existing structures at the school. In this respect, the proposal would provide benefits in terms of improved education facilities and, furthermore, could provide biodiversity

enhancement subject to conditions. I attach moderate weight to these benefits in the determination of this appeal by reason of the scale of the proposal.

27. Weighed against these benefits, the appeal proposal would conflict with the policies of the development plan when taken as a whole. The identified harm resulting from the conflict with the development plan weighs significantly against the proposal. Consequently, I find that the harm that would result from the appeal scheme as identified in the main issues above, would collectively outweigh the benefits of the appeal scheme.
28. I note the Appellant's frustrations with the Council's communication and the way in which it handled the application. However, these matters do not impact on the planning merits of the proposal.
29. Interested parties raise additional objections to the proposal on the grounds of parking, highway safety and disturbance from construction traffic. These are important concerns and I have considered all the evidence and submissions before me. However, given my findings in relation to the main issues above, these are not matters which have been critical to my overall decision.

Conclusion

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

Mr A Spencer-Peet

INSPECTOR