

cunnane

town planning

PINS ref: APP/L5810/A/07/2041553 & APP/L5810/E/07/2041554
LPA ref: 06/3890/FUL & 06/4229/CAC
Our ref: JB/4167/L0407/Hamilton lpa

67 Stratmore Road, Teddington TW11 8UH
Tel: 020 8943 4032 Fax: 020 8977 8344
reception@cunnanetownplanning.co.uk

Ms S. Tamplin, Planning Department
London Borough of Richmond upon Thames
Civic Centre, 44 York Street
Twickenham
TW1 3BZ

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03 APR 2007

PLANNING

2 April 2007

Dear Ms Tamplin

Appeals by Hamilton Lofts Ltd at 37 Hamilton Road, Twickenham, TW2 6SN

I am writing to inform you that the above appeals have been submitted to the Planning Inspectorate. Please find enclosed a copy of the letter, appeal form and grounds of appeal sent to the Planning Inspectorate for each appeal.

Yours sincerely



Sophie Hill
CUNNANE TOWN PLANNING LLP
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Encs.

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town planning

PINS ref: APP/L5810/A/07/2041553
LPA ref: 06/3890/FUL
Our ref: JB/4167/L0407/Hamilton pins

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The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square, Temple Quay
Bristol, BS1 6PN



2 April 2007

Dear Sir/Madam

Appeal by Hamilton Lofts Ltd at 37 Hamilton Road, Twickenham, TW2 6SN

The above appeal was submitted online on Friday. Please find enclosed the supporting documents mentioned on the appeal form.

A copy of the appeal form and grounds of appeal have been sent to Richmond upon Thames Council.

I trust this appeal will be registered shortly and look forward to receiving the appeal timetable in due course. Please do not hesitate to contact me if any further information is required.

Yours faithfully

Sophie Hill
CUNNANE TOWN PLANNING LLP
sophie.hill@cunnanetownplanning.co.uk

Cc. Mr S. Pike, Acanthus LW Architects
Ms S. Tamplin, London Borough of Richmond upon Thames

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The Planning Inspectorate



Further information about us and the planning appeal system is available on our website
www.planning-inspectorate.gov.uk

PLANNING APPEAL (Online)

For official use only
Date Received

30-Mar-2007 22:07

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice or, for 'failure' appeals, within 6 months of the date by which they should have decided the application.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

APPEAL REFERENCE: APP/L5810/A/07/2041553

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	Hamilton Lofts Ltd		
Organisation Name (if applicable)	Hamilton Lofts Ltd		
Address	c/o Cunnane Town Planning LLP 67 Strathmore Road TEDDINGTON Middlesex	Phone	
Postcode	TW11 8UH	Fax	
Email			
I prefer to be contacted by Email <input type="checkbox"/> Post <input checked="" type="checkbox"/>			

B. AGENT DETAILS (if any) FOR THE APPEAL

Name	Miss SV Hill		
Organisation Name (if applicable)	Cunnane Town Planning LLP		
Address	67 Strathmore Road TEDDINGTON Middlesex	Phone	(020) 89434032
		Fax	(020) 89778344
		Your Ref	JB/4167
Postcode	TW11 8UH		
Email			
I prefer to be contacted by Email <input type="checkbox"/> Post <input checked="" type="checkbox"/>			

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA	Richmond Upon Thames London Borough Council		
LPA's application reference no.	06/3890/FUL		
Date of the planning application	04 Dec 2006		
Date of LPA's decision notice (if issued)	19 Mar 2007		

The Planning Inspectorate - Planning Appeal

D. APPEAL SITE ADDRESS

Address 37 Hamilton Road
TWICKENHAM

Postcode TW2 6SN

**Note: Failure to provide the full postcode
may delay the processing of your appeal.**

Is the appeal site within a Green Belt? YES ☐ NO ☒ Grid Ref :East 05154432 North 01733829

E. DESCRIPTION OF THE DEVELOPMENT

Please enter details of the proposed development. This should normally be taken from the planning application form, but if the application was revised while it was with the local planning authority for consideration, you may enter a description of the revised scheme.

Part-demolition of existing buildings, part refurbishment to provide one B1 workunit (184 sq m) and 31 residential units with 32 parking spaces

Size of the whole appeal site (in hectares) 0.23

Area of floor space of proposed development (in square metres) 3156

Has the description of the development changed from that entered on the application form? YES ☐ NO ☒

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

*Please tick **ONE** box only* ☒

- | | | |
|-----------|---|---------------------------------------|
| 1 | Refuse planning permission for the development described in Section E. | 1 <input checked="" type="checkbox"/> |
| 2 | Grant planning permission for the development subject to conditions to which you object. | 2 <input type="checkbox"/> |
| 3 | Refuse approval of the matters reserved under an outline planning permission. | 3 <input type="checkbox"/> |
| 4 | Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object. | 4 <input type="checkbox"/> |
| 5 | Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). | 5 <input type="checkbox"/> |
| OR | | |
| 6 | The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. | 6 <input type="checkbox"/> |

G. CHOICE OF PROCEDURE

CHOOSE ONE PROCEDURE ONLY

You should start by reading our booklet 'Making your planning appeal' which explains the different procedures used to determine planning appeals. In short there are 3 possible methods: - written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

Please note that when we decide how the appeal will proceed we will take into account the LPA's views.

1 WRITTEN REPRESENTATIONS

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions of buildings, individual houses or small groups of houses, appeals against conditions and changes of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

- a) If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land? YES ☐ NO ☒
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES ☒ NO ☐

If the answer to **1b** is 'YES' please explain:

To understand the nature of the site as a whole, to view the condition of the buildings and to assess the relationships to neighbouring properties.

2 HEARINGS

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). The Planning Inspectorate will then arrange a hearing at which the Local Planning Authority and the appellant(s) will be represented. Members of the public, interested bodies (e.g. Parish/Town Councils) and the press may also attend. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

3 INQUIRIES

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are suggested for appeals that:

- are complex and unduly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

H. GROUNDS OF APPEAL

If you have requested the written procedure, please provide your **FULL** grounds of appeal.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive enough to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

** See separate document : 'Hamilton Grounds of Appeal.doc' **

I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal.
YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.

Please read the enclosed *Guidance Notes* if in doubt.

Please tick **ONE** box only ✓

If you are the **sole** owner of the **whole** appeal site, certificate A will apply:

CERTIFICATE A

A ☒

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates:

OR

CERTIFICATE B

B ☐

I certify that the appellant (or the agent) has given the requisite notice (see *Guidance Notes*) to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's Name	Address at which the notice was served	Date the notice was served
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

CERTIFICATES C and D

C & D ☐

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding.
Please tick either (a) or (b).

If the appellant is the **sole** agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'. ✓

a) None of the land to which the appeal relates is, or is part of, an agricultural holding: ✓

OR

b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below: ☐

Tenant's Name	Address at which the notice was served	Date the notice was served
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1-6 below, **must** be sent with your appeal form; 7-11 must also be sent if appropriate. If we do not receive **all** your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

- | | | |
|---|--|---------------------------------------|
| 1 | A copy of the original planning application sent to the LPA. | 1 <input checked="" type="checkbox"/> |
| 2 | A copy of the site ownership certificate and ownership details submitted to the LPA at application stage (this is usually part of the LPA's planning application form). | 2 <input checked="" type="checkbox"/> |
| 3 | A copy of the LPA's decision notice (if issued). | 3 <input checked="" type="checkbox"/> |
| 4 | A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. | 4 <input checked="" type="checkbox"/> |
| 5 | A list (stating drawing numbers) and copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. | 5 <input checked="" type="checkbox"/> |
| 6 | A list (stating drawing numbers) and copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). | 6 <input type="checkbox"/> |

Copies of the following must also be sent, if appropriate:

- | | | |
|----|--|---------------------------------------|
| 7 | Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here: | 7 <input checked="" type="checkbox"/> |
| 8 | Any relevant correspondence with the LPA. | 8 <input checked="" type="checkbox"/> |
| 9 | If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose: | |
| | (a) the relevant outline application; | 9a <input type="checkbox"/> |
| | (b) all plans sent at outline application stage; | 9b <input type="checkbox"/> |
| | (c) the original outline planning permission. | 9c <input type="checkbox"/> |
| 10 | If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition , we must have a copy of the original permission with the condition attached. | 10 <input type="checkbox"/> |
| 11 | A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). | 11 <input type="checkbox"/> |
| 12 | If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers. | 12 <input type="checkbox"/> |

Appeal against LPA's failure to give notice within the appropriate period on an application for Conservation Area Consent for demolition of buildings associated with this same development proposal.

PLEASE TURN OVER AND SIGN THE FORM - UNSIGNED FORMS WILL BE RETURNED

K. PLEASE SIGN BELOW

(Signed forms together with all supporting documents must be received by us within the 6 month time limit)

- 1 I confirm that I have sent a copy of this appeal form and relevant documents to the LPA
(if you do not your appeal will not normally be accepted).
- 2 I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature

Date 30 March 2007

Name (in capitals) Miss SV Hill

On behalf of (if applicable) Hamilton Lofts Ltd



The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the booklet accompanying this appeal form.

NOW SEND

1 COPY to us at:

The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

1 COPY to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

1 COPY for you to keep

When we receive your appeal form, we will:

- 1 Tell you if it is valid and who is dealing with it.
- 2 Tell you and the LPA the procedure for your appeal.
- 3 Tell you the timetable for sending further information or representations.

YOU MUST KEEP TO THE TIMETABLE

If information or representations are sent late we may disregard them.
They will not be seen by the Inspector but will be sent back to you.

- 4 Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

Published by The Planning Inspectorate June 2004.

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The Copyright Unit
Her Majesty's Stationery Office
St Clements House
2-6 Colegate
Norwich
NR3 1BQ

L. APPEAL DOCUMENTS

Please remember that any supporting documentation needs to be received by us within the appropriate deadline for the case type.

We will not be able to validate the appeal until all necessary supporting documents are received.

Please ensure that anything you do send by post is clearly marked with the reference number :

APP/L5810/A/07/2041553

```
*****
* The Documents Listed Below Were Uploaded With The Appeal Form *
*****
```

```
===== GROUNDS OF APPEAL =====
TITLE:      Grounds of Appeal 1
FILENAME:    Hamilton Grounds of Appeal.doc
```

```
===== ESSENTIAL SUPPORTING DOCUMENTS =====
TITLE:      05. A list (stating drawing numbers) and copies of all plans, drawings
and
documents sent to the LPA as part of the application. The plans and
drawings should show all boundaries and coloured markings given on those
sent to the LPA.
DESCRIPTION: List of application drawings
FILENAME:    Hamilton drawings.doc
```

```
*****
* The Documents Listed Below Will Follow By Post *
*****
```

```
===== ESSENTIAL SUPPORTING DOCUMENTS =====
** 01. A copy of the original planning application sent to the LPA.
** 02. A copy of the site ownership certificate and ownership details submitted to the
LPA at application stage (this is usually part of the LPA's planning application
form).
** 03. A copy of the LPA's decision notice (if issued).
** 04. A site plan (preferably on a copy of an Ordnance Survey map at not less than
10,000 scale) showing the general location of the proposed development and its
boundary. This plan should show two named roads so as to assist the location of the
appeal sit
** 05. A list (stating drawing numbers) and copies of all plans, drawings and
documents
sent to the LPA as part of the application. The plans and drawings should show all
boundaries and coloured markings given on those sent to the LPA.
** 07. Additional plans or drawings relating to the application but not previously
seen
by the LPA.
** 08. Any relevant correspondence with the LPA.
```

LPA ref: 06/3890/FUL
CTP ref: JB/4167

Drawings for appeal at 37 Hamilton Road, Twickenham, TW2 6SN

3593	PL31	-	Location Plan
	PL32	-	Planting Strategy
	PL33	-	Site Layout
	PL34	-	Basement Layout
	PL35	-	Ground Level Plan
	PL36	-	Level 1 Plan
	PL37	-	Level 2 Plan
	PL38	-	Level 3 Plan
	PL39	-	Level 4 Plan
	PL40	-	North Elevation & Context Elevation
	PL41	-	East Elevation & Section AA
	PL42	-	South Elevation & Section BB
	PL43	-	West Elevation & Section CC
	PL44	-	Existing Elevations
	PL45	-	Illustrative Elevational Examples
	PL46	-	Demolition Drawing
2519	01P	-	Site Survey

Design & Access Statement (with Appendices), dated October 2006.



APPEAL BY HAMILTON LOFTS LTD**SITE AT 37 HAMILTON ROAD, TWICKENHAM****GROUND OFS OF APPEAL**

1. This appeal concerns a site that originally formed part of an electricity generating works (from 1901-02) that was located between the northern ends of two culs-de-sac, Hamilton Road and Warwick Road, and the main line railway to the west of Twickenham Station. The original buildings spanned across the site but were rather crudely "cut in half" in the 1960's when the site was divided and a new electricity sub-station constructed on the western half, while leaving the remains of the original buildings surplus on the eastern half. It is that eastern half, at the northern end of Hamilton Road, which comprises the current appeal site. The original purpose of the existing buildings is significant to the appeal in that they were built to accommodate electricity generating equipment and batteries, with only a relatively small building constructed to accommodate offices in the form of a number of small individual rooms. Further information on the history of the site is contained in the main brochure, entitled the Design and Access Statement, which is submitted as part of the planning application.
2. The Design and Access Statement, including its appendices, along with various subsequent correspondence, comprise the information submitted in support of the application. This submission includes an historical appraisal and a report on the potential of the site for employment use. The Inspector's attention is particularly drawn to the Structural Engineer's report and to the conclusions therein regarding the unsuitability of the majority of the existing built floorspace for use for any purpose involving access by people.
3. An application for permission for part demolition and new build and part refurbishment, for a mixture of employment, residential and live/work units, was submitted in 2005. The Hamilton Road area, including the application site, was designated a Conservation Area in January 2006, as a result of which it was then necessary to submit an application for conservation area consent as well. A copy of the Designation Statement is submitted in support of this appeal. The proposals were the subject of negotiations with the local planning authority, which resulted in the applications being withdrawn and a revised scheme submitted. It is that revised scheme which is the subject of this appeal.
4. The site includes three primary buildings, which may be identified from the "Existing Site Analysis" drawing that is to be found on page 1 of the Design and Access Statement. Building 1 is that which was originally built for use as the administrative offices of the electricity works. Building 2, which stands to the west of Building 1, accommodated the storage batteries for the works while it is understood that Building 3 housed part of the generating equipment. The latter two buildings are inappropriate for modern use by reason of the form of construction, the low ceiling heights in the case of Building 2, and the current physical condition of the fabric.
5. The site is accessed via Hamilton Road, which is a residential street with continuous terraces of houses pressing close against the back edge of the pavement and relying

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wholly on on-street parking. The road is regularly and consistently heavily parked, providing no opportunities for vehicles to be able to turn other than in the front forecourt area to the appeal site which the present owners have left open and available for this purpose. The layout of the appeal scheme would provide for the continued turning of vehicles within the site, beyond the present carriageway of Hamilton Road. The road itself is approached via similarly narrow residential streets including Edwin Road and Colne Road, which lead eventually to the A305 Staines Road/Heath Road towards the centre of Twickenham to the east and towards Hampton and Sunbury in the west. There is understood to be no disagreement between the parties to this appeal that vehicular access to the site is difficult and that access by large commercial vehicles is to be discouraged.

6. There are a number of bus services along Heath Road but none through the residential roads to the north serving the appeal site. There is a footpath which crosses a pedestrian bridge over the railway line approximately ten minutes walk away to the west and there is a walk of around twenty minutes to Twickenham Station to the east, where there are further bus services. To the north of the railway line is an open area of generally unkempt green space, including a former shooting range, to which the public have access for informal recreation.
7. The relevant Development Plan includes the Mayor's London Plan and the London Borough of Richmond upon Thames Unitary Development Plan First Review of March 2005 (the UDP). The UDP includes no site-specific proposals but the land to the north, including the railway line, lies within the River Crane area of opportunity. The railway line is defined as a "Green Corridor" and the open land to the north of the railway is defined as Metropolitan Open Land. The site lies within the existing developed area of Twickenham where there is no in-principle objection to development. The local authority has identified the group of three buildings as "buildings of townscape merit", which is a form of local listing whereby the Council seek to

"protect and encourage the preservation and enhancement of buildings and will use its powers where possible to protect their character and setting".

These are buildings that the local authority consider contribute significantly to the townscape but which have been considered not to be of sufficient quality or interest as to justify inclusion on the statutory list. The site is within a newly designated conservation area.

8. The appeal proposal comprises re-use of Building 1 as offices, the reconstruction of Building 2 for residential purposes and the demolition of Building 3 to be replaced by further residential units, forming a courtyard. Terraced dwellings would be erected along the eastern boundary of the site in two blocks of 2 and 4 dwellings respectively.
9. Planning approval was refused by notice dated 19 March 2007 for seven reasons that are summarised and addressed briefly below. In each case, these Grounds of Appeal should be read in conjunction with the evidence contained in the Design and Access Statement and the appendices thereto.

(i) *Planning Obligation*

10. The local authority did not invite the applicants to enter into an agreement concerning the provision of contributions in accordance with the Council's adopted Planning Obligations Strategy because it was minded to refuse planning permission. The applicants would have been prepared to enter into such an agreement (the applicant's letter of 12/12/06 to the Case Officer refers) and a UPO will be submitted in support of this appeal within the appropriate timescale.

(ii) *Scale of Development*

11. The proposed development has been carefully designed to preserve views into the site from Hamilton Road. Building 1 would be retained but Building 2 would be rebuilt because of the huge practical difficulties of re-using the existing building for contemporary residential (or office) purposes because of its poor physical condition and restricted headroom between floors. In order to preserve the character of Building 2, in acknowledgement of its townscape role within the Conservation Area and because of its designation as a Building of Townscape Merit, the appeal scheme proposes the reconstruction of this building so as to provide a frontage that is very similar to existing. The new building would be slightly higher overall, so as to achieve the necessary internal ceiling heights on each floor. There would be very little noticeable difference in the view from Hamilton Road, except that the new development would look significantly tidier and better maintained. On balance, the view from within the conservation area would be enhanced.
12. From the west, the view at present is across the 'modern' electricity sub-station installation towards the western end walls of the buildings 2 and 3 on the appeal site that were "made good" when the site was "chopped in half". The newly constructed end walls from the 1960s are of poor visual quality and, again, new development would serve to enhance the character and appearance of the conservation area. The scale of the proposed redevelopment of Building 2 would not be so different from existing as to represent any harm to the character or appearance of the conservation area and would not be obtrusive. Indeed, it is to be noted that the Conservation Area designation statement defines the area as:

"dominated by the important former electricity works buildings of no.37 Hamilton Road."

Therefore, an element of "domination" of the street scene by the buildings on the appeal site is integral to the character that the conservation area designation seeks to protect. Since scale is to be assessed in relation to neighbouring buildings, and the proposal is so similar to the existing building, it follows that the new development should be considered acceptable.

13. There would be no significant views from within the conservation area of the proposed development to the rear of Buildings 1 and 2. The scale is such that it sits comfortably behind the front two buildings, (those which contribute significantly to the street scene), and so would itself have no material visual impact on Hamilton Road. This element of the scheme would be visible from across the other (north) side of the railway line, from the Metropolitan Open Land. However, that view would be one at a significant distance, and of a building of attractive, modern form instead the existing

Building 3, which has a significant adverse impact on the character of built development when viewed from the north. Other commercial buildings are also in view from the open space and from the pedestrian footbridge across the railway to the west of the site. Overall, it is considered that the proposed Building 3 would not be of such a scale as to result in harm to the character and appearance of views of the conservation area.

14. From outside the appeal site there would be only minimal views of the proposed dwellings along the eastern boundary, so these should not be considered obtrusive, nor should they be considered as detrimental to the visual amenities of the conservation area or the Metropolitan Open Land.

(iii) Overbearing Unneighbourly Development in relation to Talbot Road

15. The proposed new houses along the eastern boundary would abut the rear gardens of properties in Talbot Road. The rear elevations of the proposed houses have been carefully designed with roofs sloping away from the boundary so as to avoid any overbearing impact upon the neighbouring gardens. There would be rear windows in the form of roof lights to the terrace of four houses, but these would be at a high level and would permit no view eastwards or downwards towards the existing houses. There are no rear windows in the two houses towards the northern end of the eastern boundary. The new houses would screen the remainder of the development site from the Talbot Road properties such that there would be no harmful overlooking or appearance of overbearing development. Whilst residents of the Talbot Road properties adjoining the site would be well aware of the new development, it would not impact upon daylight or sunlight and would not be overbearing or unneighbourly in appearance. Accordingly, the proposed relationship to the Talbot Road properties is considered acceptable.

(iv) Demolition of Buildings of Townscape Merit

16. A structural report was submitted in support of the planning application and at no point has the local authority challenged the findings of that report, nor has it sought outside professional opinion to assess the report. The application demonstrates that demolition of two of the Buildings of Townscape Merit (BTM's) is not only justified, but is necessary to enable the effective and efficient re-use of this site (PPS 3, paragraphs 40-51). The long-term future of these buildings appears not to have been taken into proper consideration when they were considered for BTM status. The proposal would result in the refurbishment of Building 1, thereby enhancing and preserving the status of this building as a BTM and enhancing its contribution to the character and appearance of this part of the conservation area street scene.
17. The proposal would also include the reconstruction of Building 2, providing an enhancement to the character and appearance of the conservation area and, at the very least, preserving the association of a building in this location to the townscape of the locality. The demolition of Building 3 is wholly justified by its condition and inappropriateness for use for residential (or employment) purpose and the location of the building is such that, in any event, it has no beneficial impact upon the street scene or upon the "townscape" of this part of Twickenham. Again, the proposed development represents an enhancement of townscape character and appearance.

18. To seek to preserve Buildings 2 and 3 for contemporary use would necessarily involve their almost total reconstruction and the creation, effectively, of a new building within the old shell. This would involve use of considerable extra energy and resources over and above those required simply to demolish and erect a new structure. In the case of Building 2, this will be a new structure in which it is hoped to reuse/recycle existing materials in the new frontage at least, so as most closely to reflect the character and appearance of the existing building.

(v) Loss of Employment Land

19. The local planning authority alleges that the proposal would result in a significant reduction in the amount of employment floorspace within the site and that this would reduce employment opportunities in the locality. However, it appears that the Council has not taken into account the present condition of the buildings, which is such that they are incapable of offering any significant contribution towards local employment opportunities. The original use for the generation of electricity and for housing storage batteries would of itself have generated little employment. The buildings have stood empty for long periods and attracted generally only external storage uses such as containers and (strangely, perhaps) pianos. Garages on the site have occasionally been used for storage, including vehicles. The appeal scheme involves the retention for employment purposes of the only building on the site that was specifically designed to accommodate offices and its refurbishment to modern standards internally will enhance the chances of finding a tenant and creating new employment opportunities. No potentially suitable employment use other than offices has been identified by the appellants or by officers of the council.
20. The site is not a prime employment location, nor is it well served by public transport, and the appellant understands it to be common ground with the council that the site is inappropriate for uses within Class B2 or B8 because of the very restricted vehicular access via residential streets. It is the commercial opinion of the appellants and their advisors that this is an inappropriate site to create a larger volume of office space as there is unlikely to be sufficient demand. Furthermore, council officers have advised a policy preference for affordable housing here over additional employment space. Whilst there is understood to be some demand for additional 'class A' office space within prime areas of the Borough, such as Richmond and Twickenham town centres, it is not accepted that there is a significant level of demand in such tertiary locations as this. Reference will be made in the full Statement of Case to current levels of office vacancies.

(vi) Affordable Housing

21. The UDP Policy HSG6 states that affordable housing will be expected to be provided on sites capable of providing ten or more units or of 0.3 ha or more. On such sites, the Council expects that around 40% of all new units will be permanent affordable housing and that such provision should be sub-divided between social rented (30%) and housing for key workers and shared ownership (10%). The appeal scheme, as amended prior to planning permission being refused, proposes a 40% provision of affordable housing, the mix of tenure of which can be in accordance with the Council's preference. Provision of affordable housing will be a subject of the UPO mentioned above.

22. The amount of affordable housing that can reasonably be provided on this site is dictated by considerations of financial viability. Development of this site is severely constrained by the condition of the existing buildings and by adverse ground conditions arising from previous uses, requiring decontamination. There are inherent conflicts arising from the local authority's aim to preserve the Buildings of Townscape Merit and yet also to see them brought into beneficial use. Council policies suggest also that employment land should be retained, yet this particular site was in use for the production of electricity and does not have a significant history of employment-generating use. It is also accepted that it is inappropriate for most employment or storage uses that relate most closely to its history of use. Poor access to the site suggests only that a use within Class B1(a) would be appropriate and yet it can be established that there is very poor market demand for that use on this site and it is well away from the town centre in office market terms.
23. It is appropriate, therefore, to take into account all of those constraints when assessing the viability of development options that might be successful in preserving and enhancing the character of the site and its impact upon the conservation area, while also bringing it into gainful use. The appeal scheme represents a viable mix of employment and residential uses that would fund the ground, restoration and building works necessary for the beneficial and sustainable development of this difficult site. It is this balanced approach, supported by evidence of viability that has not to date been tested or challenged by council officers, that the Inspector is invited to support. The intended mixed use scheme is in line with Government guidance and would bring forward enhanced employment floorspace, a very significant proportion of affordable housing in an area where there is an established need, and smaller market residential units for which, again, there is an acknowledged local need.

(vii) Education

24. The reasons for refusal of permission include reference to the absence of a contribution towards provision of additional school places. It is to be expected that the local authority will, in its appeal submissions, seek to justify the requirement for a financial contribution through demonstrating a shortfall in primary and secondary school places and the appellant will address this issue through the proposed UPO.

CONCLUSION

25. The mixed scheme proposed represents an appropriate solution to development of this difficult backland site. The proposal takes reasonable and proper account of the site and planning policy constraints, including identification of the surroundings as a conservation area (as recently as January 2006), the identification of the three "Buildings of Townscape Merit" (notwithstanding their extremely poor physical condition) and the constraints arising from the recognised need to protect the amenities of neighbouring residents. In the appellant's submission, the submitted scheme responds to each of these constraints positively and effectively. It will result in a development that protects and enhances visual amenity, including the contribution of buildings to the local townscape and the preservation and enhancement of the character and appearance of the conservation area, while providing much needed affordable housing, smaller residential units for the open market and employment floorspace of a size and quality appropriate to the site. The proposed development would be

sustainable and energy efficient and will bring this formerly developed land effectively and efficiently back into beneficial use. The proposals conform to the underlying aims and goals of the development plan and, accordingly, the Inspector is invited to allow this appeal.

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LPA ref: 06/4229/CAC
Our ref: JB/4167/L0407/Hamilton pins2

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2 April 2007

Dear Sir/Madam

Appeal by Hamilton Lofts Ltd at 37 Hamilton Road, Twickenham, TW2 6SN

The above appeal was submitted online on Friday. Please find enclosed the supporting documents mentioned on the appeal form.

A copy of the appeal form and grounds of appeal have been sent to Richmond upon Thames Council.

I trust this appeal will be registered shortly and look forward to receiving the appeal timetable in due course. Please do not hesitate to contact me if any further information is required.

Yours faithfully

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