
Appeal Decision

Hearing and site visit held on 28 March 2023

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 28 April 2023

Appeal Ref: APP/L5810/W/22/3311969

25 Ham Farm Road, Richmond upon Thames TW10 5NA

- 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 Bartosz and Claire Tkacz against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 22/0934/FUL, dated 29 March 2022, was refused by notice dated 26 May 2022.
 - The development proposed is demolition of dwelling house and construction of replacement dwelling in a conservation area.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of dwelling house and construction of replacement dwelling in a conservation area at 25 Ham Farm Road, Richmond upon Thames TW10 5NA in accordance with the terms of the application, Ref 22/0934/FUL, dated 29 March 2022 and the plans submitted with it, subject to the conditions at the end of this decision.

Main Issue

2. Prior to the Hearing, the Council withdrew reasons for refusal relating to affordable housing, trees, biodiversity, fire safety and sustainable drainage. The main issue is whether the proposed demolition and replacement dwelling would preserve or enhance the character or appearance of the Parkleys Estate Conservation Area (CA). On 6 September 2022, the building was added to the Council's list of Buildings of Townscape Merit (BTM). I have considered the appeal on this basis.

Reasons

3. Parkleys Estate Conservation Area encompasses the first large scale residential development by what became SPAN Developments Ltd. It includes a low-rise, medium density estate of 175 flats set within well planned landscaped surroundings, listed at Grade II. On the eastern edge of the site, a number of individual plots were separately developed along Ham Farm Road. These include detached houses of individual appearance by various architects including the appeal property which was designed by Eric Lyons and Nos. 33 and 35 almost certainly designed by Leslie Gooday, one of these latter cited by Pevsner in 'The Buildings of England. London 2: South'. Including a similar (now extended) house at No. 7, these dwellings are different in plan form but share a distinctive, mainly single storey modest style of architecture with low pitched, largely copper roofs and open, spacious living areas.

4. Having regard to the Council's 2007 Character Appraisal & Management Plan, the heritage significance of the CA stems mainly from the superior planning and architectural design of the flats on the Parkleys Estate which has had a major influence on subsequent residential development in the UK. The modernist houses along Ham Farm Road with their generous well planted gardens and low front boundaries reinforce the semi-rural character of the area and provide a sense of transition between the higher density estate and open land on Ham Common. Only No. 5 Ham Farm Road (possibly the original farmhouse) is mentioned in the Appraisal, but several are now designated as BTMs. As a single storey house, No. 25 allows views over towards mature trees and contributes positively to this. However, many of the houses have been altered and the original sense of consistency referred to in the Appraisal and overseen by SPAN at the time has been eroded. There is a lack of cohesion in design and materials, meaning this part of the CA is less sensitive to change than the flats. There is little to link the houses in Ham Farm Road to the architecture and estate layout of the main part of the CA. The houses are of varying heights, although copper roofs remain apparent. No. 25 has similarities to Nos. 7 and 21 and especially Nos. 33 and 35. No. 27 is a copper roofed 2 storey house designed by Bernard Kreeger, a pupil of Lyons.
5. The demolition and total loss of the existing house would remove a design by Eric Lyons who was the most influential architect and instigator of Parkleys. As such, the significance of the existing building lies in more than just its built form, but in being the work of a particular architect of note. Having said that, it is only appreciated in the context of other individually designed dwellings along Ham Farm Road.
6. The unity of architectural design and original materials and detailing is identified as a key strength of the CA but relates mainly to the apartment blocks. The appeal building was designed by the same architect as the flats, and several others in Ham Farm Road originate from the same period and display common features. In this shared context, whilst diminished by later changes, notwithstanding their differing appearance and lack of visual links, demolition of No. 25 would diminish to some extent the character and appearance of the CA, conflicting with the aims of policy LP4 of the 2018 London Borough of Richmond upon Thames Local Plan (LP).
7. However, the heritage significance of the building has to be seen in the light of the considered refusal by Historic England (HE) in December 2021 to place it on the statutory list. Whilst little altered and a rare example of Lyon's work on a bespoke detached house, HE draw attention to inconsistency in its architectural vision, particularly in its compositional use of materials and detailing. HE advise that the lack of resolution in aspects of the plan related to proximity of glazing to the boundary wall and a 'box-like' conservatory, together with a lack of refinement in its execution, amongst other things, generally means Lyon's work is not best represented in this building. The forward siting of the double garage (now with a roller shutter door) hides much of the house from view and detracts from its contribution to the street scene. HE conclude by stating that the rarity of its survival is not sufficient to override its shortcomings.
8. Looking to the future, the building would be difficult and expensive to adapt to accessible wheelchair standards with respect to the kitchen, significant level changes in the living area and restricted bedroom manoeuvring, as well more

general access issues. Policy LP38 resists demolition of existing houses unless it has first been demonstrated that the existing housing is amongst other things, incapable of improvement or conversion to a satisfactory standard to provide an equivalent scheme. The appellants have demonstrated that wheelchair access is an important requirement for them and some weight attaches to the improvements necessary to bring this property up to today's standards, which, notwithstanding the composition and detailing issues mentioned by HE, would inevitably also diminish the building's currently unaltered architectural heritage interest. The Council indicates that it would consider suitable internal alterations for this purpose sympathetically, but a dilution of special interest would result.

9. Moreover, any new occupier is likely to wish to carry out internal alterations and is very likely to wish to reduce the energy consumption of what is a very inefficient and poorly insulated building, in common with up-to-date standards. There would be no control over removal of internal fittings or partitions to create a family kitchen for instance. Large areas of single glazing at the rear are a fundamental part of its architectural character and typical of many post-war 'modern contemporary' houses, as is the low-pitched copper roof. Adapting these features to improve insulation, let alone approach modern standards, would be very difficult without an appreciable and almost certainly detrimental change in its architectural heritage interest. The desire to alter the house has been demonstrated by previous planning applications (both refused) for alterations and extensions in 1983 and 1984.
10. In considering these matters I have had regard to the contribution that the building makes to the street scene, which would remain largely unaltered by any internal alterations or changes at the rear. However the replacement building would make a more positive contribution because of the intention to replace the very prominent double garage with a carport. The existing design of the street elevation is 'extremely plain' (Historic England) and not as interesting as the rear.
11. The building ticks 6 of the 12 questions posed by Historic England at Table 1 of Advice Note 1, February 2016 (updated 2019) *Conservation Area Appraisal, Designation and Management*, when assessing whether a building makes a positive contribution to a conservation area. Taking all the forgoing factors into account, I agree with the Council officers that its loss would cause 'less than substantial' harm to the CA but at a low-medium level. That harm nevertheless attracts great weight in the final balance.
12. The Council acknowledges that the replacement building would be of high quality and would reflect the general pattern of development in the area. It is common ground that it would provide a positive contribution to and enhance the character of the conservation area. The design has significant merit. It would be a work of architectural interest, specifically designed to suit the individual aspirations of its owner. It would pay homage to Lyons by way of the clerestorey lights, a great deal of glazing and a courtyard garden at its centre. Its low profile and elevational appearance would relate well to the other houses in Ham Farm Road that are in the CA. The original dwellings here are individual in character, height and finishes and apart from variously pitched copper roofs at Nos. 4, 21, 25, 27, 33 and 35, have little in common beyond generous planting and a sense of spaciousness. LP policy LP4 sets out a presumption against demolition of BTMs. Whilst there is no evidence that the building is

structurally deficient, its replacement would be of the high standard of design that would complement the surrounding area, that is required by the policy.

13. There would be no conflict with the heritage protection aims of LP policy LP38 but the total loss of the house would conflict with LP4. There would be no conflict with the local character and design quality aims of Policy LP1. The proposal would conflict with policy LP3, though there would be public benefit in the longer term in the provision of a new well insulated building of high quality design that would enhance the CA. It would comply with sub paragraph A of policy C2 of the Ham and Petersham Neighbourhood Plan (NP) but would conflict with sub paragraph B which aligns with LP policy LP3. There would be no conflict with NP policy H2 concerning design principles for housing development.
14. I conclude that after a long period in private ownership, the lack of listed status is the most decisive factor, The architectural and historic interest of this house is limited and is at risk in the future. In a balanced decision following the advice in paragraph 203 of the National Planning Policy Framework, the decision rests on consideration of the 'less than substantial' harm caused to the character and appearance of the CA by demolition and the total loss of a building designed by the founder of what became SPAN Developments, whose buildings are represented better elsewhere, against the likelihood of future dilution of its architectural heritage interest: and the provision of a new house of considerable architectural merit that the Council acknowledges would preserve and enhance the conservation area and provide the public benefit required by LP policy LP3. The balance lies firmly in favour of allowing the appeal.

Conditions

15. Apart from the usual time limitation on development, conditions are required to control the external materials and landscaping in view of the need to preserve the character and appearance of the CA. The mature willow needs to be protected and conditions control arboricultural work and new tree planting. Other conditions relating to matters of London Plan policy include fire safety and diesel fuel. Conditions ensure that ecological interests are protected. The specification of the 'green' roof needs to be approved in the interests of biological diversity and appearance. No conditions are necessary to ensure wheelchair housing or water consumption standards which are controlled under the Building Regulations. A Construction Management Statement will ensure that deliveries, parking and wheel washing take place in an appropriate and safe manner amongst other things. Conditions ensure the provision of cycle parking, refuse arrangements and sustainable drainage. Details of the solar panels and heat pump are necessary to ensure these are acceptable visually and acoustically. Finally, a restriction on permitted development is necessary to protect the spaciousness of this part of the CA.

Conclusion

16. For all the above reasons, the appeal should be allowed.

Paul Jackson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Bartosz and Claire Tkacz

Christopher Griffiths

Ed Kemsley

Michael Shaw

HCUK

Peacock and Smith

Proctor and Shaw

FOR THE LOCAL PLANNING AUTHORITY:

Nicolette Duckham

Sukhdeep Jhooti

Senior Case Officer

Planning Officer

DOCUMENTS

1 Statement from Claire Tkacz

2 Letter from Twentieth Century Society dated 7 February 2023

Schedule of 23 conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents: 2103_EX.01; 2103_EX.02; 2103_EX.03; 2103_EX.04; 2103_EX.05; 2103_EX.06; 2103_EX.07; 2103_P.01; 2103_P.02; 2103_P.03; 2103_P.04; 2103_P.05; 2103_P.06; 2103_P.07; 2103_P.08; 2103_P.09; 2103_P.10; 2103_P.11; 2103_P.12; 2103_S.01 received on 01/04/22.

Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan Rev. A, dated 17 March 2021, prepared by Hayden's Arboricultural Consultants Ltd,

Energy Statement, prepared by Green Consult-Global,

LBRUT Sustainable Construction Checklist – June 2022,

Proposed Rear Garden & Front Garden Design Statement, dated 07 March 2022, prepared by Nicola Kelly Garden Design,

Preliminary Ecological Appraisal Report, version 2, dated March 2022, prepared by Practical Ecology,

Bat Report, prepared by Practical Ecology,

Outline Sustainable Drainage Strategy 22096-SWD-RP-01 C01, prepared by Water Environment dated 23 November 2022.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local

Planning Authority. Development shall be carried out in accordance with the approved details.

- 4) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; a program or timetable of the proposed works. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); detailing the quantity, density, size, species, position and the proposed time or programme of planting of all shrubs, hedges, grasses etc, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with BS 3936:1986 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS 4043: 1989, Transplanting root-balled trees; and BS 4428:1989, Code of practice for general landscape operations (excluding hard surfaces). All hard and soft landscape works shall be carried out in accordance with the approved details and in any event prior to the occupation of any part of the development.
- 5) The development hereby approved shall not be implemented other than in accordance with the principles and methodology as described within the approved arboricultural details referred to in condition 2 above, unless otherwise previously agreed in writing with the local planning authority.
- 6) Prior to commencement of works, confirmation of the appointment of a retained Arboricultural consultant to conduct and submit an auditable system of site supervision and monitoring shall be submitted to and approved by the Local Planning Authority. Illustrated monitoring reports concerning the condition of retained trees shall be submitted to and approved by the Local Planning Authority, upon commencement and completion of works hereby approved.
- 7) Prior to the occupation of the dwelling hereby approved, a tree planting scheme shall be submitted to and approved in writing by the local planning authority. This scheme shall be written in accordance with the British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations (sections 5.6) and BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations, and include:
 - A) Details of the quantity, size, species, and position of each individual tree.
 - B) Planting specification and methodology including soil volume calculations and incorporating root deflection measures (Where necessary)
 - C) Proposed time of planting (season)
 - D) 5-year aftercare, maintenance and management programme.

Written and photographic confirmation of the tree planting, as specified in the approved Tree Planting Scheme, to be submitted at the conclusion of the project and approved in writing by the local planning authority. If within a period of 5 years from the date of planting that tree or any tree planted in replacement for it, is removed, uprooted, destroyed or dies (or becomes in the opinion of the local planning authority seriously damaged) then the tree shall be replaced to reflect the specification of the approved planting scheme in the next available planting season or in accordance with a timetable agreed in writing with the local planning authority.

- 8) Following the implementation of the Tree Protection Plan, and no later than 14 days prior to the commencement of development (or any materials or machinery being brought onto the site), the Local Planning Authority Arboricultural Officer shall be formally invited, to attend a 'pre-start meeting'. Key stakeholders (including site manager, project arboriculturist and other key site personnel) shall attend the pre-start meeting. Minutes from the meeting must be prepared and submitted by the applicant and approved for formal discharge by the Local Planning Authority, prior to the commencement of development.
- 9) The development must be carried out in accordance with the provisions of the Fire Safety Statement received on 29 November 2022 on and retained as such thereafter. During onsite construction of any phase of development, all non-road transportable industrial equipment or vehicles which are fitted with an internal diesel powered compression ignition engine between 37 and 560KW and not intended for transporting goods or passengers on roads are required to meet Stage IIIB of EU Directive 97/68/E and be NRMM registered. Such vehicles must be run on ultra low sulphur diesel (also known as ULSD 'cleaner diesel' or 'green diesel'). No vehicles or plant to which the above emission standards apply shall be on site, at any time, whether in use or not, unless it complies with the above standards, without the prior written consent of the local planning authority.
- 10) The development shall not be implemented other than in accordance with the recommendations in the Practical Ecology Preliminary Ecological Appraisal dated March 2022 and Practical Ecology Bat Survey report dated August 2022; and shall not be occupied until all recommendations therein have been implemented in full.
- 11) No development shall commence until a Construction Environmental/Ecological Management Plan (CEMP) is submitted to and approved in writing by the local planning authority and the development shall thereafter constructed in accordance with these details. The CEMP shall 1) include recommendations from the Practical Ecology Preliminary Ecological Appraisal dated March 2022 and Practical Ecology Bat Survey report dated August 2022 and 2) include badger identification and signs.
- 12) Any external illumination of the premises shall not be carried out except in accordance with details giving the method and intensity of any such external illumination which shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of the buildings.

- 13) Full details of all ecological enhancements shall be submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with these details. These details shall:
1. Follow the recommendations of the Practical Ecology Preliminary Ecological Appraisal dated March 2022 and Practical Ecology Bat Survey report dated August 2022.
 2. Ensure all walls/fences have mammal holes to allow continued movement of wildlife.
 3. Ensure all plant species are native or wildlife friendly.
- Details should include:
1. specific location (including proposed aspect and height) on a plan in context with the development.
 2. specific product/dimensions.
 3. proposed maintenance.
- 14) Full details of all biodiversity (green with brown features roof) shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site; and thereafter implemented in accordance with these details. These details shall be:
1. biodiversity based with extensive substrate base (min depth 80mm);
 2. planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).
- Details should include full maintenance details including access arrangements.
- 15) The roof of the building shall not be used for any purpose other than for maintenance of the building.
- 16) No development shall take place, including any works of demolition, until a Construction Management Statement (CMS) (to include any demolition works) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The CMS shall provide for:
- a. The size, number, routing and manoeuvring tracking of construction vehicles to and from the site, and holding areas for these on/off site;
 - b. Site layout plan showing manoeuvring tracks for vehicles accessing the site and proposals for turning safely;
 - c. Details and location of parking for site operatives and visitor vehicles (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - d. Details and location where plant and materials will be loaded and unloaded;
 - e. Details and location where plant and materials used in constructing the development will be stored, and the location of skips on the highway if required;

- f. Details of any necessary suspension of the footway;
 - g. Details of security hoardings;
 - h. Details of wheel washing facilities;
 - i. Details of a scheme for recycling/disposing of waste resulting from demolition and construction works (including excavation, location and emptying of skips);
 - j. Details of measures that will be applied to control the emission of noise, vibration and dust including working hours. This should follow Best Practice detailed within BS5288:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites;
 - k. Details of any highway licenses and traffic orders that may be required (such as for licences for any structures / materials on the highway or pavement; or suspensions to allow the routing of construction vehicles to the site);
 - l. Where applicable, the CMS should be written in conjunction with the Preliminary Arboricultural Method Statement, and in accordance with British Standard BS5837:2012 'Trees in relation to design, demolition and construction - recommendations';
 - m. Where applicable, the CMS should be written in conjunction with the Practical Ecology, Preliminary Ecological Appraisal (dated 18 March 2022) and Practical Ecology Bat Report (dated 24 August 2022) and include mitigation for harm to wildlife (e.g. tool box talks, good practice, etc.) Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.
 - n. A construction programme including a 24 hour emergency contact number.
- 17) No part of the development shall be occupied until cycle parking facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the position, design, materials and finishes thereof. The approved facilities are to be retained thereafter.
- 18) No part of the development shall be occupied until refuse facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the position, design, materials and finishes thereof. The approved facilities are to be retained thereafter.
- 19) Prior to commencement of groundworks (excluding site investigations and demolition), a final detailed drainage design including drawings, supporting calculations and updated SuDS Proforma aligned with the Outline Sustainable Drainage Strategy, prepared by Water Environment dated 23 November 2022; shall be submitted to and approved in writing by the Local Planning Authority. This shall include a detailed management plan confirming routine maintenance tasks for all drainage components to demonstrate how the drainage system is to be maintained for the lifetime

of the development. The development shall only be implemented in accordance with the approved details and maintained as such.

- 20) Notwithstanding the details shown on the approved drawings, prior to the occupation of the development hereby approved, further details of the photovoltaic panels shall be submitted to and approved in writing by the Local Planning Authority. The details shall include siting, design and proposed anticipated energy savings. The development shall be implemented in accordance with the approved details and maintained as such unless otherwise agreed in writing by the Local Planning Authority.
- 21) Prior to first occupation of the dwellings hereby approved, solar panels shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority. The details shall include the design, technical specification and external finishes thereof and comply with the approved Energy Statement.
- 22) Before the Air Source Heat Pump (ASHP) to which the application refers is used at the premises, 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 the ASHP shall thereafter be retained as approved.
 - a) The cumulative measured or calculated rating level of noise emitted from the plant to which the application refers, shall be 5dB(A) below the existing background noise level, at all times that the mechanical system etc. operates. The measured or calculated noise levels shall be determined 1 metre from the facade of the nearest noise sensitive premises, and in accordance to the latest British Standard 4142. An alternative position for assessment /measurement may be used to allow ease of access, this must be shown on a map and noise propagation calculations detailed to show how the design criteria is achieved.
 - b) The plant shall be isolated so as to ensure that vibration amplitudes which causes reradiated noise not to exceed the limits detailed in table 4 detailed in section 7.7.2 of BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings.
 - c) A commissioning acoustic test and report shall be undertaken within 2 weeks of mechanical services commissioning, in order to demonstrate that the conditions above have been complied with. The results of the test shall be submitted to and approved in writing by the Local Planning Authority.
- 23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no external alterations or extensions shall be carried out to the dwelling hereby approved.