

Mr Joe Cunnane
Cunnane Town Planning
Oriol House
26 The Quadrant
Richmond upon Thames
TW9 1DL

Letter Printed 12 May 2023

FOR DECISION DATED
12 May 2023

Dear Sir/Madam

The Town and Country Planning Act 1990, (as amended)
Decision Notice

Application: 22/0195/FUL
Your ref: Petersham Road, Richmond
Our ref: DC/SGR/22/0195/FUL
Applicant: Butler
Agent: Mr Joe Cunnane

WHEREAS in accordance with the provisions of the Town and Country Planning Act 1990 and the orders made thereunder, you have made an application received on **24 January 2022** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

Rose Of York Petersham Road Richmond TW10 6UY

for

Refurbishment and extension of the Rose of York Public House to provide an additional fifteen guest bedrooms as well as associated landscaping and car parking.

NOW THEREFORE WE THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON THAMES acting by the Council of the said Borough, the Local Planning Authority HEREBY GIVE YOU NOTICE pursuant to the said Act and the Orders made thereunder that permission to develop the said land in accordance with the said application is hereby **REFUSED** subject to the reasons and informatives summarised and listed on the attached schedule.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R. Angus', with a long horizontal flourish extending to the right.

Robert Angus
Head of Development Management

SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION 22/0195/FUL

APPLICANT NAME

Butler
c/o Cunnane Town Planning LLP
ORIEL HOUSE, 26 THE QUADRANT
RICHMOND UPON THAMES
TW9 1DL
United Kingdom

AGENT NAME

Mr Joe Cunnane
Oriel House
26 The Quadrant
Richmond upon Thames
TW9 1DL

SITE

Rose Of York Petersham Road Richmond TW10 6UY

PROPOSAL

Refurbishment and extension of the Rose of York Public House to provide an additional fifteen guest bedrooms as well as associated landscaping and car parking.

SUMMARY OF REASONS AND INFORMATIVES

REASONS

U0156058	Reason for refusal - MOL
U0156059	Reason for refusal - heritage
U0156060	Reason for refusal - Sustainability

INFORMATIVES

U0078190	NPPF REFUSAL- Para. 38-42
U0078189	Decision drawing numbers ~~

DETAILED REASONS AND INFORMATIVES

DETAILED REASONS

U0156058 Reason for refusal - MOL

The proposed development by reason of its siting, size, scale and use, would represent inappropriate development which would be harmful to Metropolitan Open Land, in principle, and adversely impacts on the spatial and visual openness of the area. Other harm has been identified through the harm to designated and non-designated heritage assets and the failure to comply entirely with policy in relation to sustainable construction. No Very Special Circumstances have been demonstrated that clearly either individually or cumulatively outweigh the harm to the MOL and the other harm identified. The proposal is therefore considered contrary to the NPPF, Policy G3 of the London Plan, and Policy LP13 of the Local Plan (2018).

U0156059 Reason for refusal - heritage

The proposed side extension, due to its siting, scale and form, would be a visually intrusive and urbanising feature that would harm the landscape dominated setting and rural atmosphere to the detriment of the character and appearance of the Richmond Hill Conservation Area and harm the setting, character and appearance of the host Building of Townscape Merit. The proposals are contrary to Local Plan policies LP1, LP3, LP4, LP5 and LP16; London Plan policies HC1 and G7; the advice contained in the NPPF; and the statutory duties of Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990.

U0156060 Reason for refusal - Sustainability

In the absence of an Energy Report to demonstrate the development will achieve a 35% reduction in CO2 emissions over Building Regulations and/or a legal agreement to secure an appropriate contribution to the Council's Carbon Offset Fund, the scheme fails to demonstrate acceptable carbon reduction and sustainability benefits and thereby fails to comply with the aims and objectives of the NPPF and Development Plan policies, in particular, policies LP20 and LP22 of the Local Plan (2018) and Supplementary Planning Document 'Sustainable Construction Checklist' (2016).

DETAILED INFORMATIVES

U0078190 NPPF REFUSAL- Para. 38-42

In accordance with paragraphs 38-42 of the National Planning Policy Framework, Richmond upon Thames Borough Council takes a positive and proactive approach to the delivery of sustainable development, by:

- o Providing a formal pre-application service
- o Providing written policies and guidance, all of which is available to view on the Council's website
- o Where appropriate, negotiating amendments to secure a positive decision
- o Determining applications in a timely manner.

In this instance:

- o The applicants did seek formal pre-application advice, however, the Council's recommendations for amendments were not followed, and the scheme was found to be contrary to policy and guidance, and therefore the application was subsequently refused. The Council is ready to enter into discussions, through the Council's formal pre-application service, to advise the applicants of relevant policy and guidance; and where possible assist in the preparation of a new planning permission. More information on the pre-application service and relevant fees can be found online at www.richmond.gov.uk/pre-application_for_developers.

U0078189 Decision drawing numbers ~~

For the avoidance of doubt the Drawing(s) No(s) to which this decision refers are as follows:-

E005; E001; E002; E003; E004; E006; E007; E008; E009; E010; ELP001; P005 rev B; P006 rev D; P007 rev D; P008 rev D; P009 rev D; CCL10313/PLP rev 2; CCL10313/TPP rev 2; CCL10313/TCP rev 1; CCL10313/IAP rev 2 received on 24.01.2022

P001 rev D; P002 rev D; P003 rev D; P004 rev F received on 28.01.2022
P010; P011 received on 02.11.2022

END OF SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION
22/0195/FUL

FUL Applications

Making an Appeal – Summary Guidance

Whether to appeal

If the Local Planning Authority (LPA) turn down your application, you should look carefully at the reasons why they turned it down before you make an appeal. You should speak to the LPA to see if you can sort out the problem - perhaps by changing your proposal. An appeal should only ever be a last resort.

Type of appeal:

Planning Application

Appeal time:

Within six months of the date of the council's decision letter.

Who can appeal?

The applicant or their agent may lodge an appeal.

The right of appeal:

You can appeal against the council's decision:

- If you applied to the Local Planning Authority and they:
 - Refused permission;
 - Gave permission but with conditions you think are inappropriate;
 - Haven't approved the details of a scheme which they or the Secretary of State have already given outline planning permission for or;
 - Have approved the details of a scheme but with conditions you think are inappropriate or unreasonable.

- If the LPA rejected a proposal arising from a condition or limitation on a planning permission.
- If the LPA don't decide your application within the time allowed. Normally the time allowed is eight weeks from when they accept your application.
- If the LPA told you they needed more information before they could decide your outline planning application, but you do not want to supply this.

You will make your appeal to the Department for Communities and Local Government of which the Planning Inspectorate is a part. Most are decided by specialist officers in the Planning Inspectorate. Only the person or business applying for consent to display an advertisement may appeal. If the council issues a discontinuance notice, only those on whom the notice is served may appeal.

The appeal process:

Appeals must be made

- Online at www.planninginspectorate.gov.uk, or
- Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

It will be expected that all appeal documentation will be submitted electronically.

The process is fully documented on the website of the Planning Inspectorate www.planninginspectorate.gov.uk, however in summary there are three main types of appeal:

Written procedure:

Written evidence is considered from the applicant/agent/business and the council. The council will send copies of any letters of objection or support they received when considering your application. Within six weeks of the Inspectorate receiving your appeal forms the council will send a copy of their statement to the Inspectorate. You must make any comment on these within three weeks.

Hearing procedure:

Hearings allow you and the council to exchange views and discuss your appeal. Before the hearing the council will send a copy of their statement to you and the Inspectorate. You can comment on their statement in writing otherwise the Inspectorate will treat the reasons given in your appeal form as the basis of your case for discussion.

Hearings are usually held in council offices. The Inspector leads the discussion and invites the people involved to put their points across. The Inspector will visit the site unaccompanied before the hearing and will make a further accompanied visit as part of the hearing.

Inquiry procedure:

Inquiries are normally for large-scale applications. A public inquiry is a formal procedure in which both parties have legal representation.

Making your views known on someone else's appeal:

The LPA will notify anyone who took part in the consultations when you first applied for permission that you are appealing. For appeals decided by hearing or inquiry the LPA will tell interested people when and where this will be and let them know that they can attend. The Inspectorate will also take account of the views of certain groups who have a right to comment, for example, owners of a site, local amenity groups and so on.

Costs:

Normally you and the council will pay for your own expenses in an appeal. You can only claim costs when you can show that the council have behaved in an unreasonable way causing unnecessary expense.

Who to contact?

The Planning Inspectorate

Website www.planninginspectorate.gov.uk

Email enquiries@pins.gsi.gov.uk

Telephone 0303 444 5000

Write to Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

London Borough of Richmond upon Thames

Website www.richmond.gov.uk/planning

Email planningappeals@richmond.gov.uk

Telephone 020 8891 1411 for advice

Write to The Appeals Officer, Development Control, Civic Centre, 44 York Street, Twickenham TW1 3BZ