



PLANNING REPORT

Printed for officer by
Nicki Dale on 12 May 2023

Application reference: 22/0195/FUL
HAM, PETERSHAM, RICHMOND RIVERSIDE WARD

Date application received	Date made valid	Target report date	8 Week date
24.01.2022	27.01.2022	24.03.2022	24.03.2022

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.

Status: Pending Decision (If status = HOLD please check that all is OK before you proceed any further with this application)

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

DC Site Notice: printed on 28.01.2022 and posted on 04.02.2022 and due to expire on 25.02.2022

Consultations:

Internal/External:

Consultee

LBRuT Ecology
14D POL
21D POL
14D Urban D
LBRuT Trees Preservation Officer (South)
LBRUT Transport
LBRuT Ecology
LBRuT Trees Preservation Officer (South)

Expiry Date

01.11.2022
05.01.2023
12.01.2023
11.02.2022
11.02.2022
11.02.2022
16.02.2022
26.07.2022

Neighbours:

Flat 49, Star And Garter House, Richmond Hill, Richmond, TW10 6BF, - 28.01.2022
Flat 48, Star And Garter House, Richmond Hill, Richmond, TW10 6BF, - 28.01.2022
Flat 47, Star And Garter House, Richmond Hill, Richmond, TW10 6BF, - 28.01.2022
Flat 46, Star And Garter House, Richmond Hill, Richmond, TW10 6BF, - 28.01.2022
Flat 45, Star And Garter House, Richmond Hill, Richmond, TW10 6BF, - 28.01.2022
Flat 44, Star And Garter House, Richmond Hill, Richmond, TW10 6BF, - 28.01.2022
Flat 43, Star And Garter House, Richmond Hill, Richmond, TW10 6BF, - 28.01.2022
Flat 42, Star And Garter House, Richmond Hill, Richmond, TW10 6BF, - 28.01.2022
Flat 41, Star And Garter House, Richmond Hill, Richmond, TW10 6BF, - 28.01.2022

Flat 65,Star And Garter House,Richmond Hill,Richmond,TW10 6BF, - 28.01.2022
 Flat 64,Star And Garter House,Richmond Hill,Richmond,TW10 6BF, - 28.01.2022
 Flat 63,Star And Garter House,Richmond Hill,Richmond,TW10 6BF, - 28.01.2022
 Flat 62,Star And Garter House,Richmond Hill,Richmond,TW10 6BF, - 28.01.2022
 Flat 61,Star And Garter House,Richmond Hill,Richmond,TW10 6BF, - 28.01.2022
 Flat 60,Star And Garter House,Richmond Hill,Richmond,TW10 6BF, - 28.01.2022
 Flat 59,Star And Garter House,Richmond Hill,Richmond,TW10 6BF, - 28.01.2022
 Flat 58,Star And Garter House,Richmond Hill,Richmond,TW10 6BF, - 28.01.2022
 Flat 57,Star And Garter House,Richmond Hill,Richmond,TW10 6BF, - 28.01.2022
 Flat 56,Star And Garter House,Richmond Hill,Richmond,TW10 6BF, - 28.01.2022
 Flat 55,Star And Garter House,Richmond Hill,Richmond,TW10 6BF, - 28.01.2022
 Flat 54,Star And Garter House,Richmond Hill,Richmond,TW10 6BF, - 28.01.2022
 Flat 53,Star And Garter House,Richmond Hill,Richmond,TW10 6BF, - 28.01.2022
 Flat 52,Star And Garter House,Richmond Hill,Richmond,TW10 6BF, - 28.01.2022
 Flat 50,Star And Garter House,Richmond Hill,Richmond,TW10 6BF, - 28.01.2022
 Flat 51,Star And Garter House,Richmond Hill,Richmond,TW10 6BF, - 28.01.2022
 The Petersham Hotel,Nightingale Lane,Richmond,TW10 6UZ, - 28.01.2022
 Flat,Rose Of York,Petersham Road,Richmond,TW10 6UY, - 28.01.2022
 93 Petersham Road,Richmond,TW10 6UY, - 28.01.2022
 91 Petersham Road,Richmond,TW10 6UY, - 28.01.2022

History: Development Management, Appeals, Building Control, Enforcements:

<u>Development Management</u>	
Status: GTD	Application:89/1094/FUL
Date:15/08/1989	Conversion Of Vacant First Floor Area Into 9 Lettable Bedrooms With Bathrooms En Suite,provision Of Access Staircase & 10 Parking Spaces
<u>Development Management</u>	
Status: GTD	Application:89/2220/FUL
Date:21/12/1989	Conversion Of Part First Floor To Provide 9,lettable Bedrooms,relaxation Of Condition 21 Of Planning Permission (89/1094)to Omit 10 Parking Spaces
<u>Development Management</u>	
Status: GTD	Application:91/1199/FUL
Date:20/08/1991	External Alterations To Existing Kitchen To Include New Extractor Fan.
<u>Development Management</u>	
Status: GTD	Application:95/T2680/CA
Date:11/10/1995	Cherry - Lift Crown And Thin B 25
<u>Development Management</u>	
Status: GTD	Application:95/T2681/CA
Date:11/10/1995	Cherry - Lift Crown To 3m Removing Secondary Branches And Thin By 25
<u>Development Management</u>	
Status: GTD	Application:95/T2682/CA
Date:11/10/1995	Cherry - Lift Crown And Thin By 25
<u>Development Management</u>	
Status: GTD	Application:95/T2683/CA
Date:11/10/1995	Hornbeam - Lift Crown And Thin By 25
<u>Development Management</u>	
Status: GTD	Application:95/T2684/CA
Date:11/10/1994	Hornbeam - Lift Crown And Thin By 25
<u>Development Management</u>	
Status: GTD	Application:95/T2685/CA
Date:11/10/1995	Sycamore - Lift Crown And Thin By 25
<u>Development Management</u>	
Status: GTD	Application:95/T2686/CA
Date:11/10/1995	Fell Cherry Tree

<u>Development Management</u>	
Status: GTD	Application:95/T2687/CA
Date:11/10/1995	Sycamore - Remove Ivy
<u>Development Management</u>	
Status: GTD	Application:95/T2688/CA
Date:11/10/1995	Fell Large Dying Sycamore
<u>Development Management</u>	
Status: GTD	Application:95/T2689/CA
Date:11/10/1995	Ash - Remove Ivy Snags And Lowest Branch
<u>Development Management</u>	
Status: GTD	Application:95/T2690/CA
Date:11/10/1995	Ash - Remove Top Dead 12'
<u>Development Management</u>	
Status: GTD	Application:95/T2691/CA
Date:11/10/1995	Sycamore - Remove Die Back And Ivy
<u>Development Management</u>	
Status: GTD	Application:95/T2692/CA
Date:11/10/1995	Remove Elm Tree
<u>Development Management</u>	
Status: GTD	Application:95/T2693/CA
Date:11/10/1995	Remove Elm Tree
<u>Development Management</u>	
Status: GTD	Application:95/T2694/CA
Date:11/10/1995	Horse Chestnut - Remove Deadwood
<u>Development Management</u>	
Status: GTD	Application:95/T2695/CA
Date:11/10/1995	Fell Dead Elm
<u>Development Management</u>	
Status: GTD	Application:95/T2696/CA
Date:11/10/1995	Fell Dead Elm
<u>Development Management</u>	
Status: GTD	Application:95/T2697/CA
Date:11/10/1995	Fell Elm Tree
<u>Development Management</u>	
Status: GTD	Application:95/T2698/CA
Date:11/10/1995	Fell Elm Tree
<u>Development Management</u>	
Status: GTD	Application:95/T2699/CA
Date:11/10/1995	Fell Elm Tree
<u>Development Management</u>	
Status: GTD	Application:95/T2700/CA
Date:11/10/1995	Fell Dead Elm
<u>Development Management</u>	
Status: GTD	Application:95/T2701/CA
Date:11/10/1995	Fell Dead Elm
<u>Development Management</u>	
Status: GTD	Application:95/T2702/CA
Date:11/10/1995	Fell Elm Tree
<u>Development Management</u>	
Status: GTD	Application:95/T2703/CA
Date:11/10/1995	Fell Elm Tree
<u>Development Management</u>	
Status: GTD	Application:95/T2704/CA
Date:11/10/1995	Fell Elm Tree
<u>Development Management</u>	
Status: GTD	Application:95/T2705/CA
Date:11/10/1995	Fell Elm Tree
<u>Development Management</u>	

Status: GTD Date:11/10/1995	Application:95/T2706/CA Fell Elm Tree
<u>Development Management</u> Status: GTD Date:11/10/1995	Application:95/T2707/CA Fell Elm Tree
<u>Development Management</u> Status: GTD Date:11/10/1995	Application:95/T2708/CA Fell Elm Tree
<u>Development Management</u> Status: GTD Date:21/10/1996	Application:96/T3048/CA Fell Ash
<u>Development Management</u> Status: GTD Date:21/10/1996	Application:96/T3049/CA Sorbus Aria - Crown Thin/formative Prune By 25
<u>Development Management</u> Status: GTD Date:09/03/1999	Application:99/T0173 Conifer - Remove
<u>Development Management</u> Status: GTD Date:09/03/1999	Application:99/T0174 Conifer - Remove
<u>Development Management</u> Status: GTD Date:09/03/1999	Application:99/T0175 Conifer - Remove
<u>Development Management</u> Status: GTD Date:09/03/1999	Application:99/T0176 Conifer - Remove
<u>Development Management</u> Status: GTD Date:09/03/1999	Application:99/T0177 Conifer - Remove
<u>Development Management</u> Status: GTD Date:24/01/1979	Application:78/1297/ADV For Advertisements.
<u>Development Management</u> Status: GTD Date:22/04/1980	Application:78/1328/DD01 Alterations and erection of a single storey extension and formation of a terrace and courtyard. (Detailed drawings landscaping and materials to be used on hard surfaces). Condition No. (a) and 71 of planning permission 78/1328 dated 24/1/79.
<u>Development Management</u> Status: GTD Date:24/01/1979	Application:78/1328 Alterations and erection of a single storey extension and formation of a terrace and courtyard.
<u>Development Management</u> Status: GTD Date:26/06/1979	Application:79/0120 Construction of concrete steps and brick wall.
<u>Development Management</u> Status: GTD Date:30/05/1980	Application:80/0210/ADV For Advertisements.
<u>Development Management</u> Status: GTD Date:11/11/1986	Application:86/1097 Alterations and refurbishment involving erection of a new external stairs, the addition of new balustrades to the existing external stairs and roof terraces and the erection of a first floor extension. Provision of four new car parking spaces and provision of pergolas to courtyard and rear elevation. (Amended plan no. L04A (pp) received 20.10.86).
<u>Development Management</u> Status: GTD Date:04/09/1987	Application:87/1001/ADV Indirectly illuminated pole and hanging signs.

Development Management

Status: GTD

Date:29/07/2009

Application:09/T0363/TCA

T1 - Cherry - Crown reduction by not more than 25%

Development Management

Status: RNO

Date:15/10/2014

Application:14/T0723/TCA

T1- Cherry- Reduce back to previous points of reduction, retain crown continuity, clean out crown remove deadwood.

Development Management

Status: GTD

Date:16/12/2014

Application:14/T0918/TPO

T1- Horse Chestnut-dying tree.- to fell to ground level using advanced rigging techniques.

Development Management

Status: GTD

Date:21/01/2015

Application:14/T0940/TPO

T2 - Lime - Reduce the height and the lateral spread all round by 2.5m, clean out crown, remove basal growth and deadwood. T3 - Ash - Reduce the overall height and the lateral spread all round by 2.5-3m, remove ivy and deadwood, lift to 4m over the parking spaces. T4 - Ash - Reduce the height and the lateral spread all round by 2.5-3m, clean out crown, remove deadwood. T5 - Sycamore x 2 - Reduce the height and lateral spread all round by 2-2.5m, remove ivy and deadwood. G1 - Various - Mixed Hedgerow - Fell to ground level all the self-seeded ash trees and sycamore trees. Fell to ground level all the elm trees as they are now diseased with Dutch elm disease. Reduce the remaining trees and the hedge to approx. 4 foot in height. Prune sides in hard to clear the foot path and parking spaces. G2 - Various - Group of elms, elders and shrubs - Fell to ground level the elms and elders, prune back the shrubs from the parking spaces.

Development Management

Status: RNO

Date:23/01/2015

Application:14/T0980/TCA

T1-Horse Chestnut-Large Mature tree-to fell to ground level.

Development Management

Status: RNO

Date:19/11/2018

Application:18/T0781/TCA

T1 - Cherry - Crown reduction shorting the branches by 1.5m to reduce the weight acting on the decayed branches and reducing the risk of brakeage

Development Management

Status: WDN

Date:02/11/2020

Application:18/3985/FUL

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

Development Management

Status: WDN

Date:02/09/2020

Application:20/2430/ADV

Install an 'A' board to the public footpath approximately 116m from the main building of the Rose of York (37m from the Rose of York car park). Located on the Petersham Road A307 on the footpath leading to Buccleuch Gardens south side.

Development Management

Status: PDE

Date:

Application:22/0195/FUL

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.

Building Control

Deposit Date: 07.08.1991

Reference: 91/0689/1/FP

Alterations to kitchen and beer cellar

Building Control

Deposit Date: 26.06.1992 Alteration to part first floor and ground floor to form 11no. ensuite bedrooms

Reference: 92/0525/1/FP

Building Control

Deposit Date: 22.10.1992 Installation of showers in three guest rooms

Reference: 92/1244/FP

Building Control

Deposit Date: 10.04.1995 Internal alterations to provide three ensuite bedrooms

Reference: 95/0385/FP

Application Number	22/0195/FUL
Address	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.
Contact Officer	Sarah Griffiee
Target Determination Date	24.03.2022

1. INTRODUCTION

This application is of a nature where the Council's Constitution delegates the authority to make the decision to Officers rather than it being determined by the Planning Committee.

Before preparing this summary report the planning officer has visited the application site, considered any relevant previous planning applications in relation to the development and considered any comments made by those interested in the application such as consultees with specialist knowledge and nearby residents.

By indicating that the development proposal complies with relevant Local Plan Policies, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during the site visit, any comments received in connection with the application and any other case specific considerations which are material to the decision.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The application site is located to the eastern side of Petersham Road. The hotel is a U shaped building with 2 storeys and dual pitched roof form. Hard standing to the North of the building is used as car parking.

The application site is situated within Richmond Village and is designated as:

- Article 4 direction restricting basement development
- Building of Townscape Merit
- Richmond Hill Conservation Area
- Neighbouring listed building
- Metropolitan Open Land
- Tree Protection Order for Wood Group Area
- Richmond and Richmond Hill Village Planning Guidance
- Thames Policy Area

The site is within the protected view from Ham House to Orleans House and also from Richmond Hill to Asgill House.

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The application proposes the 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. A new pedestrian access is proposed to be provided from Petersham Road via a new stairway. The additional guest bedrooms are proposed to be provided on the site of an existing car parking garage, which is partly located underground and has a green roof, and in a two storey extension located on the south side of the building. Additional planting is proposed on an area of carpark that is currently hard surfacing and further landscaping is proposed to screen the two-storey extension. The proposals include the rationalisation of the existing elevations including the removal of an existing external staircase and balcony. The current application is an amendment of the scheme that was submitted under reference 18/3985/FUL which was withdrawn. The amended scheme, currently being considered, proposes a two-storey extension on the southern elevation that is reduced in width and bulk compared to the withdrawn scheme.

The comprehensive list of planning history can be found above however the most relevant planning history is as follows:

18/3985/FUL – Refurbishment and extension of the Rose of York Public House to provide an additional 16 guest bedrooms as well as associated landscaping and car parking. Withdrawn: 02.11.2020 for the following reason:

- Potential harm to trees subject to protection via TPO and presence in a Conservation Area including:
 - Excavation work within RPA of existing trees
 - More detail required regarding replacement tree planting
 - Extension would physically encroach into tree canopies
 - Increase pressure to prune and potential remove post development completion
 - Additional details regarding foundation design and construction required

4. CONSULTATIONS CARRIED OUT

Neighbour Notification

The list of neighbours notified of this application are listed above.

1 letters of objection have been received and the comments can be summarised as follows:

- Design
 - Request condition for details of associated features such as PV cells, extract flues and ventilation equipment to ensure sympathetic and suitable locations
 - Concern regarding loss of garden area above underground car park to accommodate a lightwell and glazed courtyard and having an adverse impact on both the Petersham Hotel and the adjoining Petersham Common
- Neighbour Amenity
 - Light pollution from proposed glazed link
 - Unclear if pub will have access to and use of new roof terrace
 - If so, detrimental to The Petersham Hotel with guests overlooking a noisy and untidy pub garden
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- Transport
 - Illegal parking in and around Nightingale Lane will be exacerbated by the reduced in parking at Rose of York
- Construction
 - Request decorative hoarding during construction to protect views from The Petersham Hotel
 - Request details Construction Management Standards
 - Concern regarding noise of construction and impact on quality of stay for neighbouring hotel guests and request for condition of working hours to prevent this harm
 - Unclear if sheet piling is required
- Flood Risk and Drainage
 - Unclear if proposed roof terrace will be any higher than the existing garden levels? If so, could create drainage issues for The Petersham Hotel
- Other
 - Foundation Plan is not clear whether existing structure of underground car park is to be partially retained or completely rebuilt
 - As it is a retaining wall, care should be taken in regard to the impact on the existing foundations to The Petersham Hotel

Internal Consultation

Urban Design – No objection – notes the need for signage detail and full details of landscaping

Transport – No objection subject to conditions

Ecology – No objection subject to conditions – notes need for landscaping details

Trees - Objects due to pruning pressures on trees in CA

LLFA – No comments received

MOL Policy – objects

Planning Policy – notes policy constraints

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2021)

The key chapters applying to the site are:

- 4. Decision-making
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

These policies can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

London Plan (2021)

The main policies applying to the site are:

- Policy D4 Delivering Good Design
- Policy D12 Fire Safety
- Policy E10 Visitor Infrastructure
- Policy HC1 Heritage Conservation and Growth
- Policy G3 Metropolitan Open Land
- Policy G6 Biodiversity and Access to Nature
- Policy G7 Trees and Woodlands
- Policy T5 Cycling
- Policy T6 Car Parking
 - Policy T6.4 Hotel and leisure uses parking
- Policy T7 Deliveries servicing and construction

These policies can be found at: <https://www.london.gov.uk/what-we-do/planning/london-plan>

Richmond Local Plan (2018)

The main planning considerations applying to the site and the associated Local Plan policies are:

Issue	Local Plan Policy	Compliance	
Local Character and Design Quality	LP1		No
Impact on Designated Heritage Assets	LP3		No
Impact on Non-Designated Heritage Assets	LP4		No
Views and Vistas	LP5		No
Impact on Archaeology	LP7	-	-
Impact on Amenity and Living Conditions	LP8	Yes	
Impact on Metropolitan Open Land	LP13		No
Impact on Biodiversity	LP15	Yes	
Impact on Trees, Woodland and Landscape	LP16		No
Impact on Flood Risk and Sustainable Drainage	LP21	Yes	
Visitor Economy	LP43	Yes	

Parking Standards and Servicing	LP45	Yes	
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These policies can be found at

https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf

Richmond Publication Local Plan (Regulation 19 version)

The Richmond Publication Version Local Plan (Regulation 19 version) and its supporting documents, including all representations received, was considered at Full Council on 27 April. Approval was given to consult at Regulation 19 and, further, to submit the Local Plan to the Secretary of State for Examination in due course.

The Publication Version Local Plan is a material planning consideration for the purposes of decision-making on planning applications once published for consultation (expected to commence in June 2023).

Supplementary Planning Documents

Buildings of Townscape Merit

Design Quality

Development Control for Noise Generating and Noise Sensitive Development

Refuse and Recycling Storage Requirements

Sustainable Construction Checklist

Transport

Richmond and Richmond Hill Village Planning Guidance

These policies can be found at:

https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance

Other Local Strategies or Publications

Other strategies or publications material to the proposal are:

Richmond Hill Conservation Area Statement

Article 4 Direction restricting basement development

Basement development – Planning Advice Note

Basement Assessment User Guide

Strategic Flood Risk Assessment

Determining applications in a Conservation Area

In considering whether to grant planning permission with respect to any buildings or other land in a conservation area, Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this context, "preserving", means doing no harm.

To give effect to that duty, decisions of the court have confirmed that for development proposed to be carried out in a conservation area, a decision-maker should accord "considerable importance and weight" to the desirability of preserving or enhancing the character or appearance of the conservation area, when weighing this factor in the balance with other material considerations which have not been given this special statutory status. This creates a strong presumption against granting planning permission where harm to the character or appearance of a conservation area is identified. The presumption can be rebutted by material considerations powerful enough to do so.

In applications where the decision-maker is satisfied that there will be no harm to the character or appearance of a conservation area, the statutory presumption against granting planning permission described above falls away. In such cases the development should be permitted or refused in accordance with the policies of the development plan and other material considerations.

6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i. Metropolitan Open Land
- ii. Change of Use of Floorspace
- iii. Design and Heritage
- iv. Basement Development
- v. Neighbour Amenity
- vi. Trees and Ecology
- vii. Transport and Parking
- viii. Sustainability
- ix. Affordable Housing
- x. Fire Safety
- xi. Flood Risk & Drainage

Issue i – Metropolitan Open land

The application site is located within designated Metropolitan Open Land (MOL) where policies and guidance related to Green Belt apply. The fundamental aim of these policies is to permanently protect the openness of designated land. National planning policies on Green Belt land set out within the NPPF apply to MOL, as provided by London Plan Policy G3. In line with policy Local Plan policy LP13 the Borough's MOL will be safeguarded, retained in predominantly open use and there is a strong presumption against inappropriate development.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This statement applies equally to MOL. Paragraph 144 continues by explaining that, when considering any planning application, local planning authorities should ensure substantial weight is given to any harm to the Green Belt. It clarifies that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate development but sets out a limited list of exceptions to this. The following exception is relevant in this instance:

- Exception c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*

It is noted that the applicant maintains that consideration of exception G – the “*limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use*” - is the relevant assessment. The development proposals however clearly comprise extensions to a building and will be assessed accordingly.

It remains to be determined whether the proposed extensions would amount to disproportionate additions over and above the size of the original building. The original building, for the purposes of the assessment against paragraph NPPF 149 c) is the horseshoe shape public house building. The underground carpark was a later addition in the 1960s.

The following table provides a summary quantitative assessment of the proposals looking at additions over and above the size of the original building.

	Original	Proposed	Difference
Building Footprint	381.1 sq m	515.8 sq m	134.7 sq m 35.34% increase
Floor Area	814.6 sq m	1392.4 sq m	577.8 sq m 70.9 % increase
Max Height	7.95 m	7.95 m	No change
Volume	Not provided	3561.533 m ³	

The quantitative assessment is complicated by the fact that some of the building is either below ground

or partly below ground, due to the topography of the site. The parts of the building that are entirely below ground do need to be considered when assessing whether or not the additions are disproportionate. The building's footprint is not considered to indicate the full impact of the scheme because it does not provide a full reflection of the additions at first floor level. If the first floor level accommodation is considered as part of the building's footprint, the additions represent a 58% increase over and above the original footprint of the building. This is considered to represent a disproportionate increase in scale.

The submitted floor plans, elevations and sections also indicate that the additions are disproportionate over and above the size of the original building. The proposed two storey extension on the southern side of the building together with the new accommodation in the vicinity of the existing parking garage represents extensive additional built form.

The development of the car park/garage, despite partly being below ground, provides accommodation at first floor level and contributes to the overall increase in floorspace of 70.9% above that of the original building. As the proposed additions are considered to be disproportionate, the development is inappropriate development and by definition harmful to the MOL. In accordance with paragraph 144 of the NPPF, this application should only be approved if there are very special circumstances. It remains to be considered whether very special circumstances exist that would outweigh the harm to the MOL and any other harm resulting from the proposal. The existence of very special circumstances or otherwise will be considered at the end of this report.

It is also necessary to consider the scheme's compliance with Local Plan Policy LP13. Like the NPPF, policy LP13 contains a presumption against inappropriate development which should be approved only in very special circumstances. The development proposals do not fall within any of the "appropriate uses" listed by the policy. Part C of LP13 encourages improvement and enhancement of the openness and character of the MOL and measures to reduce visual impacts. The applicant has included such measures including increased soft landscaping within the car park, the screening of the two storey development from Petersham Road, and removal of former additions to the building. The proposals however involve a substantial increase in built form which increase the footprint of the hotel at ground and first floor level.

The proposed south side extension creates the biggest impact on openness by incorporating a two-storey extension that is a departure from the established horseshoe form of the building. The present retaining wall in this location fades into the landscape setting where the side extension will have a more dominant and urbanising presence and so the quality of MOL is not regarded to be enhanced in this location. Rather the development proposals are harmful in this regard.

As explored above, the new built form in the vicinity of the parking garage will be apparent from multiple views within the site and from the Petersham Hotel. When looking at the building from the north, the new accommodation will have much more presence than the current entrance to the parking garage. Whilst the parking garage extension will partly be concealed by a green roof, its presence will still be apparent due to the glass roof and balustrades. The extension will have much greater presence and therefore impact when compared to both the existing arrangement and that associated with the original building.

The two storey extension on the south side of the building will be apparent from Petersham Road and from views within the site. Due to the two storey extension on the south side of the building together with the increased above ground development in the vicinity of the former carparking garage, the scheme would have greater visual and spatial impact on MOL compared with both the existing arrangement and the building as originally built.

In summary the proposals are harmful when considering the spatial and visual impact upon openness, fail to improve the character of the MOL and do not successfully reduce visual impacts arising from the scheme. The proposals are thus unacceptable when considering the policy requirements of Local Plan policy LP13. The proposals have been identified to be inappropriate development in terms of paragraph 149 of the NPPF. Whether very special circumstances exist that outweigh the definitional harm and any other harm caused will be considered elsewhere in this report.

Issue ii – Change of Use of Floorspace

Local Plan policy LP43 supports proposals that increase bedspaces for the purposes of visitors accommodation subject to compliance with other Local Plan policies. Local Plan policy LP27 seeks to

resist the loss of public houses. Similarly London Plan policy HC7 provides that development proposals for redevelopment of associated accommodation, facilities or development within the curtilage of the public house that would compromise the operation or viability of the public house use should be resisted.

As noted above the additional guest bedrooms are supported by Local Plan policy LP43. As the overall mix of uses will be retained, there is no objection to the loss of 51 sq m of public house floorspace. The public house will remain at a viable size and so there is no objection to the proposed mix of uses.

Issue iii – Design and impact on heritage assets

The NPPF explains that heritage assets “are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”. Paragraph 199 of the NPPF states ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 of the NPPF states ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal’.

Paragraph 203 of the NPPF states ‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.

The NPPF stresses the importance of achieving high quality design in all developments. This is repeated at a local level as summarised within Policy LP1 of the Local Plan which states; new development must be of a high architectural quality based on sustainable design principles. Development must respect local character and contribute positively to its surrounding based on a thorough understanding of the site and its context.

Policy LP3 of the Local Plan states: The Council will require development to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough. Development proposals likely to adversely affect the significance of heritage assets will be assessed against the requirement to seek to avoid harm and the justification for the proposal. LP4 seeks to protect non-designated heritage assets.

Policy LP5 seeks to protect the the quality of the views and vistas which contribute significantly to the character, distinctiveness and quality of the local and wider area, including by respecting the setting of a landmark taking care not to create intrusive elements in its foreground or middle ground and by improving views within Conservation Areas.

The heritage assets that require consideration in the determination of this planning application include the Richmond Hill Conservation Area; the Listed Buildings of Wick Cottage to East of Petersham Hotel and the Boundary Stone Opposite 291 Petersham Road; and the Buildings of Townscape Merit (BTM) which comprise the application building itself – the Rose of York -, the Petersham Hotel and 91 Petersham Road.

The Richmond Hill Conservation Area Appraisal (adopted 30.03.2023) notes that there is a high proportion of green space in this CA and this green setting adds to the character and significance of the CA. Petersham Road falls away from Hill Rise and continues to do so until it meets Buccleuch Gardens. With this difference in levels, there are naturally various sloped roads and gardens which form connections between the two areas such as Nightingale Lane and Terrace Gardens. The Petersham Hotel opened in 1865 and remains in use as a hotel. The Italian gothic building with its contrasting brick banding and tower is an impressive and imposing structure in its setting. It is most visible from the Twickenham bank but its roofscape is visible from Richmond Hill. The CA appraisal continues to identify that “The southern section of Petersham Road becomes more rural as it approaches Petersham Common, varying from open views around Petersham Meadows to an enclosed wooded character towards Star & Garter Hill. The buildings are subservient to their setting with the landscape dominating.

Even the grand Petersham Hotel is well obscured by trees and due to its placement between the levels of Petersham Road and Nightingale Lane, it sits comfortably within the landscape.”

The area in which the application site is located is a major area of metropolitan open land of rural character, forming a great contrast to the surrounding townscape, and also to the more manicured landscapes of Terrace Gardens, Buccleuch Gardens and adjoining riverside open spaces. It is a part of a large-scale structural belt of open land from Richmond Park through to Marble Hill and Ham Lands, and along the riverside into the Old Deer Park and Kew Gardens. These areas form an important part of the 'Arcadian Landscape' of visually interlinked landscapes of historic importance associated with the Thames.

Petersham Common, directly adjacent to the site, is a broad-loafed area of woodland which provides a striking rural contrast so close to the town centre. The CA appraisal describes the 'exceptional view' from the Petersham Meadows towards the top of Richmond Hill and notes the rural atmosphere which positively contributes to the character and appearance of the CA. The application site sits prominently within those 'exceptional views' from the Thames towpath, Petersham Meadows and adjacent Buccleuch Gardens towards Richmond Hill. Whilst the topography and height are such that the building appears subservient to grander properties on the hill and the wider landscape, its overall width and painted exterior are such that it still stands out in contrast to the landscaped setting.

The management plan for the Conservation Area notes that the attractiveness of the location causes pressure for development which might harm the balance of the landscape-dominated setting, obstruct or spoil views and intrude visually into valued landscapes. Within the opportunities for enhancement the CA Appraisal specifically notes pursuit of improvements in the boundary area between Petersham Road and Buccleuch Gardens/Petersham Meadows.

The Rose of York is understood to have originally been a stable block serving the Petersham Hotel. It was always U-shaped apart from a small extension which was added c1920. The building may have been converted to a pub just before or after the Second World War. The Petersham Hotel has undergone alteration in the 1960s when a rear extension was built and an underground carpark between the hotel and the stable block added. The latter is now separately owned but there are still rights of access between the two and the parking garage has a green roof which forms the garden terrace to the hotel.

There are several elements to the scheme.

To the north, the existing single storey extension and staircase will be removed and the car park area amended to remove the access into the garage and re-landscape this area. A pedestrian route is added from Petersham Road to the courtyard. The reduction in visual clutter, reduction in the expansive area of hardstanding and additional soft landscaping will improve the setting of the BTM and the wider setting of the Petersham Hotel in views from the north.

The replacement structure for the garage will be visible, notwithstanding the additional screening planting proposed, but has a muted finish and seen in the context of the improved landscaping adjacent, is considered to appear suitably subservient and recessive in appearance, neither harming the host BTM, Petersham Hotel or the character and appearance of the Conservation Area. This element, when seen above, will reduce the amount of 'garden' area and introduce a large lightwell but this is not considered to appear incongruous or harmful to any designated/non-designated heritage assets given the degree of soft landscaping proposed, siting of the lightwell directly adjacent the existing building and nature of the topography.

No objection is raised to the minor elevational changes.

On the southern side of the building, a further ground floor extension is proposed for removal and replacement with a staircase, to which no objection is raised. Bicycle parking is to be added to the frontage which is a modest intervention that will not cause harm.

The two-storey side extension will be complementary in respect of use of materials, eaves height and roof form which is overall kept to a lower and more subservient ridge height. It is recognized that the

width, whilst appearing dominant in the elevational images in comparison to the existing built form, is very similar to that of the existing garage. At present the elevation to the garage is well screened from the road. The forward siting of the extension, addition of roof and elevational treatment will increase the visual dominance of this extension. This will appear at odds with its former horseshoe shape form although it is recognized, as stated above, that the garage extension does to a more limited degree do this also.

Views from Petersham Road would be negatively impacted from the increased dominance of the two storey side extension, affecting the openness MOL. Views to this element are partially shielded by the main form of the building and the adjacent woodland but it remains that the built form would be noticeably elongated from various viewpoints including within the 'exceptional view' along the riverbank and Petersham Meadows. The resultant urbanizing influence would harm the rural atmosphere of the Conservation Area and is directly contrary to the aims of the Conservation Area Appraisal to preserve the balance of the landscape dominated setting.

The two storey side extension would prejudice the historic hierarchy of buildings, with the Petersham Hotel being the principal building. This is considered to represent harm to the application building, the conservation area, and – as explored in the section above – the open character of the MOL. In respect of the BTM, the harm is on the slight end of the scale accounting for the overall impact being partially counter-balanced by other enhancements including the removal of later additions and improved soft landscaping.

Due to the separation distances involved and intervening landscaping and built form, no harm is considered to arise when considering the settings of the nearby Listed Buildings, and the BTM at 91 Petersham Road and the Petersham Hotel.

In this instance, whilst the proposal would lead to less than substantial harm to the setting, character and appearance of both the BTM and the conservation area, there is no public benefit arising from the proposal as such it is contrary to the NPPF. In view of the above, the proposal fails to comply with the aims and objections of policies LP1, LP3, LP4 and LP5 of the Local Plan and the advice contained in the NPPF.

Issue iv – Basement Development

Local Plan policy LP11 states that the Council will resist subterranean and basement development of more than one storey below the existing ground level to residential properties or those which were previously in residential use. Proposals for subterranean and basement developments will be required to comply with the following:

1. not extend beneath a maximum of 50% of the existing garden land or more than half of any other undeveloped garden area (this excludes the footprint of the original building);
2. Demonstrate the scheme safeguards the structural stability of the existing building, neighbouring buildings and other infrastructure, including related to the highway and transport; a Structural Impact Assessment will be required where a subterranean development or basement is added to, or adjacent to, a Listed Building.
3. use natural ventilation and lighting where habitable accommodation is provided;
4. include a minimum of 1 metre naturally draining permeable soil above any part of the basement beneath the garden area, together with a minimum 200mm drainage layer, and provide a satisfactory landscaping scheme;
5. demonstrate that the scheme will not increase or otherwise exacerbate flood risk on the site or beyond, in line with policy LP 21 Flood Risk and Sustainable Drainage;
6. demonstrate as part of a Construction Management Statement that the development will be designed and constructed so as to minimise the impact during construction and occupation stages (in line with the Local Environmental Impacts, Pollution and Land Contamination policy of this Plan)

To take each of the policy requirements in turn, none of the basement sections of the building, as proposed, extend more than one storey below ground level and the basement does not encompass more than 50% of the building's curtilage.

A phase 2 structural report has been submitted in support of the application. It shows that providing

best practise is followed, movement to the surrounding structures should be no greater than described as 'very slight' under CIRIA C580 Category 1. No visible change to the adjacent pavement is expected. Given the founding depth and bearing strata anticipated, any settlement would be considered immediate and no long-term movement is expected. If this application were to be approved, a condition could ensure compliance with the recommendations set out in the structural report.

The basement accommodation will be ventilated and lit naturally via lightwells and a partially glazed courtyard. Where the new basement extension extends beyond the footprint of the building, where a void and glass roof is not proposed, 1 metre of soil is proposed above. In accordance with Local Plan policy LP21, as the site is located in Flood Zone 1; there are no in-principal restrictions on basement development based on the risk of rapid inundation. No basement screening or Basement Impact Assessment is required as the site is not in a ground water throughflow area or at a 25%+ risk of ground water flooding. A construction management plan has been submitted and could be conditioned if this application were to be approved.

Issue v – Neighbour Amenity

The NPPF seeks to encourage high standards of amenity for existing and future land users. Local Plan policy LP8 provides that all development will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties.

Given that the nearest residential properties are located on the opposite side of Petersham Road and the existing building acts as an intervening structure between the development and the residential properties, the development proposals would have no material impact on the amenities of any residential occupiers. Petersham Hotel is located to the north west of the application building and shares a common boundary. Due to level differences across the two properties and the fact that they are compatible neighbouring land uses, no material impact should arise when considering the development's impact on the amenities of neighbouring land users. A Construction Management Plan would be conditioned, if this application were to be approved, to ensure that impacts during construction are appropriately mitigated and managed.

ASHP is proposed but there is no accompanying noise impact assessment. Had the application been otherwise acceptable, further details would have been conditioned.

Issue vi – Trees and Ecology

Local Plan policy LP16 seeks to protect the trees and landscape of the borough. Local Plan policy DM OS5 (and LP15) requires new development to enhance existing and incorporate new biodiversity features and habitats into the design of buildings themselves as well as in appropriate design and landscaping schemes of new developments with the aim to attract wildlife and promote biodiversity, where possible.

The site is located within the CA5 Richmond Hill, Conservation Area which affords trees both within and adjacent to the site statutory protection. In addition, the trees that border the Car Park to the Northwest of the site including trees T1-T11 are also subject to statutory protection via Group Tree Preservation Order (TPO) Ref: T0848 and are therefore considered to have important amenity value. The trees along the Southern boundary of the site are part of Petersham Common which is owned by the Council and within the CA5 Richmond Hill, Conservation Area.

Although regrettable, no objections have been raised by the Tree Officer to the loss of Trees T12, T13 & T14 which are proposed to be removed in order to facilitate the proposal.

The extension of the building to the southeast is set against the natural setting of the woodland of Petersham Common. Trees G21, T20, T19 & T18 present both an above and below ground constraint to the proposal which physically encroaches into the existing canopies of these trees. As proposed, this extension will require the pruning of these Local Authority owned trees to accommodate the roofline and regular maintenance thereafter to maintain clearance.

These trees mark the edge of the woodland and are important for the maintaining its integrity. Such pruning would alter the character of the woodland at this point. Furthermore, the clearance between these trees and the proposed structure will be reduced and the canopy of these trees will likely still

overhang the roof to a certain degree, with all the associated issues re: leaf and seed fall etc. It is acknowledged however that future pruning regimes would be a matter to be resolved through the tree works application process.

Whilst there is no objection in tree terms, there are concerns regarding pruning affecting the character and appearance of the Conservation Area. As described above in respect of the design/heritage assessment, the two storey side extension will appear more prominent than the existing garage elevation and is considered to have an urbanising influence. This is exacerbated by the necessity for the initial pruning and ongoing maintenance of trees on this boundary to provide clearance. The development proposals are subsequently contrary to Local Plan policy LP16.

It is noted that, having received a Preliminary Ecological Appraisal including updated bat and badger surveys, the Council's ecologist has raised no objection to the development proposals, subject to the use of conditions to secure the recommendations contained in the PEA, ecological enhancements, a construction environmental management plan, and details of any external lighting.

Issue vii – Transport and Parking

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy LP45 states that the Council will require new development to make provision for the accommodation of vehicles in order to provide for the needs of the development while minimising the impact of car-based travel including on the operation of the road network and local environment and ensuring making the best use of land.

The development proposals would increase the number of guest bedrooms in the application building from 12 to 27 and would provide 11 additional car parking spaces within the existing private parking forecourt to the north of the building.

The site has a PTAL of 2 and is not in a controlled parking zone. It is however accessed from the A307 Petersham Road which is a heavily trafficked strategic distributor road connecting Kingston and parts of north-east Surrey to Richmond and West London. This has a carriageway width of 6.5m and there are 1.8m wide footways on both sides of the road. The carriageway has double yellow lines on both sides. The nearest side road which might incur increased parking as a result of the hotel's expansion is Nightingale Lane. This however is part of a controlled parking zone which operates between 08.30 and 18.30, Monday - Friday. Although the site is and will continue to be heavily served by cars, because of its location away from Richmond Town Centre, the applicant has provided enough car parking spaces within the curtilage of the site to mitigate the risk of any increase in on-street parking stress.

The building is currently served by 22 vehicular parking spaces for 12 bedrooms, a rate of 1.83 spaces per bedroom, and this application will provide 33 vehicular parking spaces for 27 guest bedrooms, a rate of 1.22 spaces per bedroom. The applicant has also proposed three additional cycle parking spaces for employees, which is welcomed. There is no objection to the quantum of parking proposed.

The applicant has provided a construction management plan which shows that the number of construction vehicles entering and exiting the site will peak at 3-4 per day in the structures and fit-out stage; will be limited to smaller vehicles; and scheduled for off-peak hours where practicable. The applicant has provided vehicle tracking drawings which show that all vehicles can enter, turn in, and exit the site in forward gear. Due to the narrow width of and heavy vehicular traffic on the A307, vehicles would have to turn right into the site, so will have to approach from the east (Kingston) and will have to exit turning right, towards Richmond. Wheel washing facilities to prevent site debris getting on the carriageway of the A307. No objection is raised to the development proposals from a highway perspective and the CMP could be conditioned if the application was to be approved.

Issue viii – Sustainability

In accordance with Local Plan policy LP22 developers are required to incorporate measures to improve energy conservation and efficiency as well as contributions to renewable and low carbon energy generation. The policy requires all non-residential buildings over 100sqm to achieve a 35% reduction over the target emission rate (TER) based on Part L of the 2013 Building Regulations. London Plan policy SI 2 also requires major developments to achieve a minimum on-site reduction of at least 35 per

cent. Where this cannot be achieved, any shortfall can be provided through a cash in lieu contribution to the borough's carbon offset fund. The Council's Sustainable Construction Checklist SPD will be applied to development including commercial or other developments of 100sqm or more (including extensions). Applicants are required to submit an Energy Statement to show how the requirements of the themes within the Checklist have been met within the proposed new development.

The applicant has provided a Sustainable Construction Checklist and an Energy Assessment prepared by Climate Integrated Solutions. The score based on the Sustainable Construction Checklist for non-domestic refurbishments is 55.5 which is score between rating B and C. A BREEAM rating of very good is achieved. Whilst this falls short of the 'excellent' target it is recognised that certain points may not be achievable under the nature of the scheme.

The Energy Assessment shows that the target CO2 reduction of 35% is not achieved. An overall 6.86% carbon saving over part L is achieved in respect of the refurbished parts of the building whilst the newbuild sections achieve a 17.73% carbon saving. PV has been discounted for the scheme without exploration of what could feasibly be provided. ASHP is proposed.

The applicant's explanation for the lower CO2 reduction is that the scheme is partly a refurbishment and the number of bath/showers that increase the expected hot water use. In recognition of the scores, the applicant has offered a carbon offset payment. More robust justification would normally be required prior to an offset payment being accepted in accordance with para 6.3.14 of the Local Plan, particularly noting the poor performance of the new build elements of the scheme. As this application is to be refused for an in-principle reason, this additional information has not been sought and an additional reason for refusal shall be included on this basis. The applicant is not considered to have satisfied the requirements of Local Plan policy LP22 and London Plan policy SI 2.

Issue ix – Affordable Housing

The Council will continue to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential, including small sites, having regard to the strategic borough-wide target and the individual circumstances of the site, in accordance with LP36. Further details are set out in the Affordable Housing SPD.

The only residential accommodation proposed comprises a two bedroom manager's flat and two staff bedrooms. If this application were to be approved a condition would be applied to ensure that the manager's flat and staff bedrooms were to be used for purposes ancillary to the hotel use only and not sold or let separately. On this basis, with such a condition, the development is not the sort that would attract a contribution to affordable housing.

Issue x - Fire Safety

The London Plan contains Policy D12 which requires all applications to include a Fire Safety Statement to demonstrate the proposal will fulfil the criteria set out in Part A of this policy and to demonstrate that fire safety has been considered at an early stage.

A Fire Safety Statement has been submitted which assesses the proposed layout in relation to fire safety precautions. Where deficiencies are found, solutions are proposed to meet the functional requirements of the Building Regulations. The submitted statement shows that the proposed development has been designed to provide adequate levels of fire safety to an extent that Building Regulations will be satisfied. The information provided is considered to satisfy the intent of Policy D12 and so no objection is raised to the proposals in this regard.

Issue xi – Flood Risk & Drainage

London Plan policy SI12 requires current and expected flood risk from all sources across London to be managed in a sustainable and cost-effective way in collaboration with the Environment Agency, the Lead Local Flood Authorities (LLFAs), developers and infrastructure providers. London Plan policy SI13 concerns sustainable drainage, and states that development proposals should aim to achieve greenfield run-off rates. The policy defines the appropriate drainage hierarchy. Further, policy D11 of the London Plan requires development to maximise building resilience and minimise potential physical risks, including those arising as a result of extreme weather.

Local Plan policy LP21 requires all developments to avoid, or minimise, contributing to all sources of flooding taking account of climate change. The policy also stipulates that Sustainable Drainage Systems (SuDS) will be incorporated into all development proposals.

The application has not been accompanied by a drainage strategy. The site is located in Flood Zone 1 and is at very low risk of surface water flooding. The carriageway on Petersham Road directly in front of the property is however at very high risk of surface water flooding (1 in 30 chance). Had the application been otherwise acceptable, a condition could be applied to secure a drainage strategy that is underpinned by sustainable drainage principles to manage drainage on the site. With the use of such a condition the development proposals will accord with London Plan policies D11, SI12 and SI13; Local Plan policy LP21 and the advice contained in the NPPF.

7. LOCAL FINANCE CONSIDERATIONS AND OTHER MATTERS

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and Richmond CIL are therefore material considerations.

Had this development received planning consent it would be liable for a chargeable amount under the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy Regulations 2012).

8. VERY SPECIAL CIRCUMSTANCES AND PLANNING BALANCE

Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. It is considered that the 'ordinary' balance should be applied, which means identifying where the proposals comply with the development plan and the weight given to the material planning considerations.

This report has provided an assessment of the proposals against the relevant policies contained within the Development Plan. There is clear conflict with development plan policy in respect of MOL, design, impacts on heritage assets and sustainability. In terms of MOL and heritage assets, the development plan - together with the NPPF - provides a clear presumption that planning permission should be refused.

As has already been established in this report, the development is inappropriate development and is by definition harmful to the MOL. It should only be approved in very special circumstances. In order for the development proposals to be acceptable in Green Belt or MOL terms, the decision maker must first consider the "definitional" harm arising from the inappropriate development as well as such further harm to the MOL as identified as being caused by the development in that case and any other harm. Secondly the decision taker should consider countervailing benefits said to be served by the development. The decision maker must consider whether those benefits clearly outweigh the harm so as to amount to very special circumstances. The key to whether very special circumstances exist is whether other considerations, or benefits of the scheme, clearly outweigh the harm to the MOL and any other harm caused.

In this instance the harm arising from the development is definitional harm to the MOL together with harm caused by the development to the openness of the MOL in terms of special and visual impacts. This harm is afforded substantial weight.

Other harms arising from the development include harm to heritage assets (the Conservation Area and BTM). The harm to the character and appearance of the Conservation Area is less than substantial but considered moderate within that scale and is afforded great weight. The harm to the significance, character and setting of the BTM is slight and afforded moderate weight. Richmond Council have declared a climate emergency and the failure to achieve a policy compliant standard of sustainable design and construction is afforded significant weight.

The applicant has put forward no case for very special circumstances and so the only benefits arising from the scheme are those considered in the planning balance below. These benefits do not clearly

outweigh the harm to the MOL. The benefits of the scheme do not, therefore, amount to very special circumstances and do not outweigh the harm to the Green Belt and the other harm caused.

Whilst there are some benefits associated with the development proposals – including economic benefits during the construction and operational phase of the development – these are held in moderate weight. The moderate weight apportioned to the economic benefits of the scheme do not outweigh the harm to the MOL which must be afforded substantial negative weight, other harm as discussed above. There are subsequently no material considerations that would justify a departure from the development plan nor the statutory duty to “do no harm” to the conservation area.

The development proposals cannot be regarded to represent a sustainable form of development and it is recommended that this planning application is refused for reasons set out in section 9 of this report.

9. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the application process. In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in Chapter 16 of the NPPF.

For the reasons set out above, it is considered that the adverse impacts of allowing this planning application would significantly outweigh the benefits, when assessed against the policies in NPPF (2021) and Development Plan, when taken as a whole.

Refuse planning permission for the following reasons

1. 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).
2. 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 a 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.
3. 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).

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES /

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable YES* NO
(*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement YES* NO
(*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online YES NO

Case Officer (Initials):SGR.....

Dated:10.05.2023.....

I agree the recommendation:

This application has been subject to representations. The Head of Development Management / South Area Team Manager has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

South Area Team Manager:Nicki Dale.....

Dated:12.05.2023.....