



## Appeal Decisions

Site visit made on 30 April 2024

by **Helen O'Connor LLB MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 1 May 2024**

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### **Appeal A Ref: APP/L5810/W/24/3336500**

#### **16 Park Road, Teddington, Richmond Upon Thames TW11 0AG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Ben Phillips against the decision of Richmond Upon Thames London Borough Council.
  - The application Ref is 23/1836/HOT, dated 4 July 2023, and refused by notice dated 30 August 2023.
  - The development proposed is part demolition and extension of the existing single storey outbuilding to rear, removal of the rear first floor WC extension, reinstatement of existing windows to rear and minor alterations to the existing internal walls.
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### **Appeal B Ref: APP/L5810/Y/23/3330702**

#### **16 Park Road, Teddington, Richmond Upon Thames TW11 0AG**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
  - The appeal is made by Mr Ben Phillips against the decision of Richmond Upon Thames London Borough Council.
  - The application Ref is 23/1837/LBC, dated 4 July 2023, was refused by notice dated 30 August 2023.
  - The works proposed are part demolition and extension of the existing single storey outbuilding to rear, removal of the rear first floor WC extension, reinstatement of existing windows to rear and minor alterations to the existing internal walls.
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### **Decisions**

1. Appeal A is dismissed.
2. Appeal B is dismissed.

### **Preliminary Matters**

3. Planning permission and listed building consent were recently granted at the appeal property (references 21/3363/HOT and 21/3403/LBC) for the part demolition and extension of the existing single storey outbuilding to rear, removal of the rear first floor WC extension, reinstatement of existing windows to rear and minor alterations to the existing internal walls. Those proposals are similar to the appeal proposals in most respects except that the appeal proposals include an increase in the size of the extension at the western end to provide a utility room and pantry.
4. The information before me confirms that the approved scheme proposals have not been substantially completed, which is consistent with the existing

floorplans and elevational drawings that have been provided. However, the description of development given on the planning and listed building consent application forms for the appeal proposals only refer to the utility room extension. Therefore, in the interests of accuracy, in the headings above I have taken the description of the development and works from those given on the appeal forms and decision notices which reflect the entirety of the proposals.

5. The site relates to development and works at Adelaide House, 16 Park Road, which forms part of the Grade II listed building known as Adelaide House Clarence House (List Entry Number: 1391771) (hereafter referred to as the listed building), which is located within the Park Road, Teddington Conservation Area (CA).
6. The description of the proposal is the same for both the planning appeal (Appeal A) and the listed building consent appeal (Appeal B), although the legal regimes are different. While I have borne in mind my statutory duties in respect of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) as appropriate, to reduce repetition, I have dealt with both appeals together in this decision letter.

### **Main Issues – both appeals**

7. The main issues are whether the works and development would preserve the Grade II listed building and any of the features of special architectural or historic interest that it possesses, and the extent to which the character or appearance of the CA would be preserved or enhanced.

### **Reasons**

#### *Significance and special interest*

8. The listed building comprises a pair of semi-detached houses (nos.14 & 16) that occupy a prominent position at the conjunction of Park Road, Park Lane and Middle Lane. The list entry describes the listed building as occupying the site of a former pair of cottages, possibly dating from the 17<sup>th</sup> century or earlier. They comprise a surviving pair of three storey, early-mid 19<sup>th</sup> century neo-classical houses. This is particularly evident in the principal stuccoed elevations which face eastwards. Although 14 and 16 are of different build, with no.16 possessing a wider three bay front elevation, the respective facades and fenestration reflect the proportions, symmetry and elegant detailing that typifies the Georgian period.
9. In contrast, the rear and side elevations of the listed building are less assured, which is consistent with the prevailing building hierarchy of the time. Built predominantly in brick and tile hanging, by comparison the exterior of these elevations is less grand. The plan of the main listed building is broadly rectangular, but it is evident that there have been various additions and modifications over time. These include rear projections at the appeal property with a further single storey range extending westwards, which in part are probable 19<sup>th</sup> century adaptations.
10. The significance and special interest of the listed building as an entity is derived, in large part, from its architectural and aesthetic interest as an example of Georgian housing. Amongst other factors, this can be found in the sense of order and hierarchy that underpins the plan form, internal spaces and the status differentiation reflected in the building's handsome frontage and

more restrained rear and side elevations. It is further reflected in architectural detailing, legible plan forms and surviving historic fabric.

11. As one of the pair, No.16 makes an integral contribution to the listed building and generally embodies the significance and special interest described. The modest form, scale and secondary positioning of the single storey range to the rear of no.16 would be consistent with its probable historic functional use. This is reinforced by the Council's confirmation<sup>1</sup> that it occupies a similar footprint to an outbuilding featuring in 1860s maps of the area. As such, it serves to reinforce the ordered hierarchy of the listed building.
12. The CA covers part of an important historical route between the village of Teddington and Bushy Park, and an area west of Teddington Station. Its significance is derived from several components that reflect the evolution of the area, and its rapid growth following the arrival of the railway. The appeal site is in the oldest part of the CA and at its northern end. This area contains substantial houses set in spacious grounds that line the treed avenue of Park Road on its western side. The Character Appraisal and Management Plan for the CA describes<sup>2</sup> the entrance to the conservation area from Teddington as being framed by Adelaide House and Clarence House on the west side, which was consistent with my observations. Consequently, the appeal site is an important part of the built backcloth that underpins the character and appearance of the CA as a whole.

*The effect on the listed building and conservation area*

13. The proposals would demolish the existing single storey lean-to range and wc to the rear of no.16, which would result in the loss of some historic fabric. This harm would be exacerbated by the displacement of the historic form with a modern boxy addition of greater volume. The addition would disrupt a longstanding element in the composition of the rear and side elevations of no.16 for the following reasons.
14. In comparison to the existing rear range, the extension would have a considerably wider footprint, bulkier form, flat roof and extensive areas of glazing. These factors would result in an obvious contemporary contrast to the main house, ultimately giving it a more assertive presence. Owing to its scale and appearance, it would weaken the traditional differentiation in the hierarchy of building elevations which forms part of the special interest of the listed building. Hence, despite being single storey, this aspect of the proposals would distort rather than reveal the significance of the listed building.
15. Furthermore, the extension would predominantly result in a large open living space quite unlike the plan form and more compartmentalised internal spaces found in the traditional parts of the house, or smaller functional space in the displaced lean-to range. Based on the limited information provided, it is not convincingly explained how such an approach would preserve or enhance the special interest of the listed building. This leads me to find the proposals would represent an adverse deviation from the integrity of the listed building's plan form.
16. The Council states that the proposals would involve reinstating key original features to the listed building, including removal of unsympathetic internal and

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<sup>1</sup> Page 13, Officer Planning Report

<sup>2</sup> Page 3

external additions and repairs. However, this is not made apparent in the limited evidence before me and is not an argument advanced as part of the appellant's full statement of case. Nevertheless, from the drawings provided and my own observations, the proposals would reinstate blocked up fenestration on the rear elevation and remove an unsympathetic, probable 20<sup>th</sup> century first floor wc, as well as some internal modern partitions. Subject to agreeing further details, such measures would represent minor improvements to the special interest of the listed building.

17. However, there is little basis to show that the other matters the Council lists<sup>3</sup> as proposed improvements form part of the appeal schemes. This refers to repairs to original sash windows, other internal repairs and landscaping improvements.
18. Taking these factors together, I cannot agree with the appellant's assertion that the proposals would cause no harm to the historic environment. Rather, I find that the proposed demolition and extension would fail to preserve the special architectural and historic interest of the Grade II listed building as an entity, which runs counter to the expectations of sections 16(2) and 66(1) of the Act. For similar reasons, the proposals would weaken the positive contribution made by the appeal site and wider listed building to the significance of the CA. It follows that the character and appearance of the CA as a whole would not be preserved or enhanced. Conflict therefore also arises with section 72(1) of the Act.
19. Cognisant of the modest scale of the appeal scheme, the degree of harm to the significance of each designated heritage asset, would, in the terms of the National Planning Policy Framework (the Framework), be less than substantial. In these circumstances, paragraph 208 of the Framework requires the harm to each asset to be weighed against the public benefits.

#### *Heritage balance*

20. Planning Practice Guidance<sup>4</sup> advises that public benefits should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. The proposals would increase and improve the living accommodation for the occupants of no.16 which would primarily be a private benefit. Nevertheless, some wider economic benefits would be derived from the construction process. Furthermore, as outlined above there would be some minor enhancements and investments into the fabric of the listed building which constitute public benefits. Even so, cumulatively the extent of public benefits would be modest, and so they attract a commensurate degree of favourable weight.
21. On the other hand, paragraph 205 of the Framework states that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. As such, less than substantial harm to a designated heritage asset carries considerable importance and weight.
22. Overall, the sum of public benefits is not sufficient to outweigh the great weight that the less than substantial harm to the designated heritage assets carries.

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<sup>3</sup> Page 15 of the Officer Planning Report

<sup>4</sup> Paragraph: 020 Reference ID: 18a-020-20190723

Conflict therefore arises with the historic environment protection policies in the Framework.

23. Both parties refer to the previously approved applications at the appeal site, which have considerable crossover with the appeal proposals before me. Should the appeals fail, then it is highly likely that the previously approved scheme would be implemented. Hence, it is a fall-back position that holds relevance for my determinations.
24. In comparison with the fall-back scheme, the appeal proposals would have a greater volume owing to the larger utility room at the western end. Moreover, as that section would also extend further southwards, it would depart further from the established setback of the wc outcrop on the existing footprint of the building. Accordingly, I am not persuaded that the fall-back scheme would result in equal or greater harm than the appeal proposals, rather the opposite. It follows that it does not weigh in favour of permitting the appeal proposals.
25. The appellant points out that in comparison to the fall-back position, the increase in volume would be minor and would not be seen from the highway or public realm. However, listed buildings are protected for their intrinsic special architectural or historic interest, and I have made my assessment on that basis. Moreover, I am not aware that the statutory duties in the Act, including the general duty with respect to conservation areas, are restricted to the consideration of public views.
26. Accordingly, the proposed works and development would result in unjustified harm to the special interest and significance of the Grade II listed building, it would also fail to preserve or enhance the character and appearance of the CA. Consequently, the proposal would conflict with policy LP3 of the London Borough of Richmond Upon Thames Local Plan, July 2018 which seeks to protect designated heritage assets from such harm.

## **Conclusions**

27. In conclusion, I find that the proposed works and development conflict with the statutory provisions set out in the Act; the historic environment policies within the Framework; as well as heritage policy in the development plan. There are not wider public benefits sufficient to outweigh the harms identified.
28. In relation to Appeal A, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have not found material considerations of sufficient weight to indicate that I should make a decision other than in accordance with the development plan.
29. Therefore, for the above reasons and having regard to all other matters raised, I conclude that Appeal A and Appeal B should be dismissed.

*Helen O'Connor*

INSPECTOR