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Your Ref: PP-13090042
Our Ref: 17103

DWD

69 Carter Lane
London
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Development Management
London Borough of Richmond upon Thames
Civic Centre,
44 York Street
Twickenham
TW1 3BZ

Dear Sir or Madam

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

RE: 1 SPRING TERRACE, PARADISE ROAD, RICHMOND, TW9 1LW

DWD has been instructed, on behalf of Mr and Mrs Tate, to submit this planning and listed building consent application to the London Borough of Richmond Upon Thames for works at 1 Spring Terrace, Paradise Road, Richmond, TW9 1LW (the 'Site').

The 'Proposed Development' is as follows:

"Remediation of existing boundary walls to the rear of 1 and 2 Spring Terrace including rebuilding of leaning sections of the wall, part infilling the existing opening to retain an opening of 1.2m wide and minor regrading of ground topsoil level adjacent to the opening. Remediation of existing boundary wall on western site boundary of No. 1"

The application follows the withdrawal and refusal of two previous applications for an opening in the wall and remediation works, in November 2023 and April 2024 (ref. 23/2473/HOT and 24/0312/HOT respectively).

The Proposed Development seeks to repair and restore the existing boundary wall between Nos. 1 and 2 Spring Terrace, as well as seeking approval to partially reinstate the existing unlawful opening to create a 1.2m wide opening in the boundary wall. In addition, the application seeks to secure via condition the introduction of a hedgerow between the two gardens, to ensure that privacy is retained for users of both gardens. Further inspection of the boundary wall adjacent to the public highway on Mount Ararat Road has taken place prior to the submission of this application. The boundary wall adjacent to Mount Ararat Road was found to be in poor condition due to a lack of stability and visible cracks. This application includes remediation works to the boundary wall adjacent to public highway.

The application will enhance the owner occupier's family's use of the rear amenity garden space, through the amalgamation of the additional plot of land to the rear of 2 Spring Terrace, whilst retaining the elongated pattern of development. In addition, the application will make good the boundary wall adjacent to the public highway, which is currently potentially unsafe to pedestrians travelling along Mount Ararat Road.

This Planning, Design, Access and Heritage Statement Covering Letter will set out the context of the Site; provide a detailed description of the Proposed Development; provide an assessment of the proposal against Planning Policy; and an assessment of the development in the context of its location in a Conservation Area and forming part of the curtilage of a Grade II Listed building.

The submission is also accompanied by the following information:

- Application Form;
- CIL Form;
- Drawings prepared by Andy Sturgeon Design consisting of:
 - Site Location Plan. Drawing No. 696-P-00-001 P01
 - Existing Site Plan. Drawing No. 696-P-00-002 P02
 - Proposed Site Plan. Drawing No. 696-P-00-003 P06
 - Existing Wall Elevation A-A'. Drawing No. 696-S-00-001 P02
 - Proposed Wall Elevation A-A'. Drawing No. 696-S-00-002 P03
 - Existing Wall Elevation B-B'. Drawing No. 696-S-00-003 P01
 - Proposed Wall Elevation B-B'. Drawing No. 696-S-00-004 P02
 - Existing Boundary Plan and Wall Elevation C-C. Drawing No. 696-S-00-005 P01
 - Proposed Boundary Wall Plan and Elevations C-C and D-D. Drawing No. 696-S-00-006 P01
- Reasonable Exception Statement – Fire Safety;
- Biodiversity Exemption Statement – Page 13 of this Cover Letter
- Arboricultural Report and Impact Assessment including Arboricultural Method Statement and Tree Protection Plan, prepared by Crown Tree Consultancy;
- Boundary Hedge Report, prepared by Andy Sturgeon Design, July 2024;
- Photos of External Boundary Wall
- Structural Assessment (Boundary Wall), dated 21 May 2024, carried out by Blue Structural Engineering LLP
- Structural Assessment (Rear Garden Wall) dated 21 May 2024, carried out by Blue Structural Engineering LLP; and
- Schedule of Works – appended to this letter

This Covering Letter also includes a Heritage Assessment, that is proportionate to the extent of the works proposed. Design and access considerations are also provided in this letter.

Context

The application Site forms part of a terrace row of residential properties that is set back from the road. It is situated on the corner plot and features a large tree in the front garden and has a deep rear garden which is common of other properties in Spring Terrace. The Site is bound by Paradise Road (A305) to the north, by Mount Ararat Road to the west, and by adjacent properties fronting onto Paradise Road and Mount Ararat Road to the east and south, respectively.

The existing residential building on the Site consists of a 3-storey dwelling forming part of the Grade II Listed Buildings 1 and 2 Spring Terrace (listing entry number: 1180552). The wall subject to this application lies within the curtilage of the listed building. The Historic England listing details are brief and notes:

“Late C18 pair of 3-storey houses, each 3 windows wide plus one window wide 2-storey side wings. Brown brick, slated hipped roof to eaves. Round-headed door in recessed single window bay.”

The Site forms part of the Sheen Road Conservation Area with the boundary of the St Matthias Conservation Area running immediately along one side of the Site. The land in the much larger St Matthias Conservation Area was developed more recently, and therefore its statutorily listed buildings tend to date to the mid to late-19th century (as opposed to the 18th). Similar to the Sheen Road Conservation Area, many of the houses are set back from the road by front gardens. The St. Matthias and Sheen Road Study notes;

“The two conservations areas form a large irregular area of mixed building styles and forms, from terraced mews to large, detached villas. These are unified by the dominant nineteenth century date and a consistently high quality of townscape.

In the absence of public open space, private gardens, both front and rear, have a significant role to play in the character of the conservation areas”

The Site is located within the ‘Richmond Archaeology Priority Area’ (APA) and within Flood Zone 1.

Planning History

The below table summarises the planning history for 1 Spring Terrace in the last 5 years. It is noted works to trees and condition application have not been included in this list.

Ref.	Description	Decision and date
24/0312/HOT and 24/0313/LBC	Remediation of existing boundary wall to the rear of 1 and 2 Spring Terrace including rebuilding of leaning sections of the wall, infilling the existing opening, and creation of a 1.2m wide opening of full height and regrading of ground topsoil level adjacent to proposed opening.	Refused permission on 03/04/2024 by way of; <ul style="list-style-type: none"> • Siting, loss of original fabric and in the absence of sufficient information to demonstrate that this would not destabilise the remaining wall, fails to sustain or enhance the significance of the listed buildings. • Additional harmful overlooking and loss of privacy to these neighbouring occupiers

23/2473/HOT and 23/2474/LBC	Demolition of a section of the wall to the rear of 1 and 2 Spring Terrace, to facilitate use of the land as part of the garden of 1 Spring Terrace.	Withdrawn by the Applicant 15/11/2023
22/2252/FULL and 22/2253/LBC	Internal and external works to 1 Spring Terrace, including a new basement, AC units and the replacement of the existing rear extension	Granted 10/02/2023 Permission
20/0024/FUL	New vehicular crossover alterations to front boundary conditions to form new brick wall, vehicular and pedestrian entrance. Alteration to rear garden boundary conditions to reduce opening size in existing brick associated hard and soft landscaping	Granted 22/05/2020 Permission
19/1095/HOT and 19/1095/LBC	Erection of a 1.8m high close-panelled timber fence, with a pedestrian gate, within the rear garden. The fence will be screened from view of Mount Ararat Road by existing 2.2m high brick boundary wall.	Written Off Never Validated 04/04/2019. Refused 07/05/2019 Permission
19/0892/HOT And 18/3430/LBC	Erection of a 1.8m high close-panelled timber fence, with a pedestrian gate, within the rear garden. The fence will be screened from view of Mount Ararat Road by the existing 2.2m high brick boundary wall.	Refused 07/05/2019 Permission
18/3429/HOT	Erection of a 1.8m high close-panelled timber fence with a pedestrian gate, within rear garden.	Withdrawn by the Applicant 04/12/2018
18/3108/FUL	New vehicular crossover. Alteration to front garden boundary conditions to form new brick wall, vehicular and pedestrian entrance. Alteration to rear garden boundary conditions to reduce opening size in existing brick wall. Formation of suspended driveway elevated on screw piles to protect RPA	Granted 28/02/2019 Permission
18/3109/LBC	Alteration to front garden boundary conditions to form new brick wall, vehicular and pedestrian entrance. Alteration to rear garden boundary conditions to reduce opening size in existing brick wall.	Granted 28/02/2019 Permission
18/2739/LBC	Erection of a fence within the garden area with a gate.	Written Off Never Validated 05/09/2019
18/0655/FUL	New vehicular and pedestrian entrance to site with associated vehicular crossover. Demolition of timber fence and part brick boundary wall. New brick wall, railings and vehicular and pedestrian	Refused 08/08/2018 Permission

	gates to the side boundary. Formation of suspended driveway elevated on screw piles.	
Annexe At 1 Spring Terrace Paradise Road Richmond TW9 1LW		
18/0656/LBC	New vehicular and pedestrian entrance to site with associated vehicular crossover. Demolition of timber fence and part brick boundary wall. New brick wall, railings and vehicular and pedestrian gates to the side boundary. Formation of suspended driveway elevated on screw piles to protect RPA.	Withdrawn by the Applicant 08/02/2019
Land To Rear Of 1 Spring Terrace, Paradise Road And Adjacent To 2 Mount Ararat Road		
19/3871/FUL	Partial demolition of and alteration to listed garden walls to facilitate the erection of single storey dwellinghouse with basement level (4 bedroom with a study), new entrance gates associated hard and soft landscaping and parking	Refused Permission 11/03/2020. Appeal Appeal Dismissed on 02/11/2021
2 Spring Terrace, Paradise Road, Richmond, TW9 1LW		
20/0896/LBC	Retention of an existing fence that separates land at the rear of No.2 Spring Terrace	Refused Permission 27/05/2020

The above planning history demonstrates a number of historical applications at the Site with some alterations permitted.

Proposed Development

The proposed development consists of the following alterations to the existing wall that demarcates the rear garden boundary between Nos. 1 and 2 Spring Terrace; and the boundary wall adjacent to the public highway on Mount Ararat Road:

- Reinstatement section of existing opening in the wall to reduce width of opening from 2300mm wide to 1200mm wide;
- Rebuilding section of leaning wall to provide a 215mm fully bonded wall.
- Minor regrading of ground levels to create a level access point through the proposed opening.
- Introduction of hedgerow, to be secured by condition, between the gardens of No. 1 and No. 2 Spring Terrace.
- Rebuilding damaged section of the boundary wall with Mount Ararat Road to improve structural integrity.

The boundary wall that runs from the rear of the properties and is positioned between the rear garden of Nos.1 and 2 Spring Terrace demarcates the original boundary between the two dwellings and their gardens. The plot of land at the bottom of both gardens was separated off from the gardens and held

under a separate ownership. This land has a separate access from Mount Ararat Road and there was previously a garage positioned on this land. This is visible on a Google street view image taken in April 2008 but is no longer visible in an image dated September 2012. It was presumably demolished at some point between these two dates. A planning application for a self-contained house on this land was unsuccessful, refused both by the Council and at appeal (ref. 19/3871/FUL).

Our client, the owners of No.1 Spring Terrace have purchased the parcel of land that was previously separated off from both gardens of Nos.1 and 2. The section of the plot of land that sits at the bottom of No.1 has been amalgamated back into their garden. The officer's report associated with planning permission 22/2252/FULL acknowledged this, stating that the proposal to restore the full depth of the original garden was welcomed. Our client also owns the section of the plot of land that sits at the bottom of No.2s garden and is located to the northeast of the wall. The boundary wall currently separates this parcel of land off from No.1s garden.

To enable our client to use this parcel of land as further amenity garden land, it is proposed that the existing unlawful opening measuring 2300mm will be partially rebricked to retain a small opening in the wall to provide connectivity between No.1s existing garden and land to the northeast. The opening will be 1.2 m wide and will be suitable to allow a person on foot to pass through it. This modification will allow the residents of No. 1 full permeability across the Site and to use the land for amenity purposes as part of their garden.

The plot of land is already separate from No.2 Spring Terrace's garden via soft landscaping and additional planting is proposed as part of this application. The submitted plans and Boundary Hedgerow Report prepared by Andy Sturgeon Design confirms that further dense hedgerow screening will be introduced, to ensure the divide between the two properties is clear and visual overlooking is prevented. The submitted Boundary Hedgerow Report illustrates what the hedgerow will look like, as well as how it will be maintained to ensure that it continues to provide boundary screening. The hedge will be maintained to a height of 1.8m – 2.0m. As part of the application, it is proposed that suitably worded and enforceable landscaping conditions should be attached to any grant of permission, to overcome the previous reason for refusal.

Landscaping conditions are widely used to ensure sufficient soft landscaping is introduced and maintained to a specific height, density and retained in perpetuity. Example landscaping conditions that could be attached to the grant of planning permission include:

“Prior to the first use of the land to the rear of No. 2 Spring Terrace the hedgerow planting scheme as set out in the Andy Sturgeon Design Boundary Hedge Report (July 2024) must be implemented in accordance with the approved species, plant sizes and proposed /densities and the hedgerow planting shall be retained for the lifetime of the development.

The hedgerow planting scheme approved in accordance with Condition [insert] shall be carried out not later than the first planting season following the date of decision or the completion of the development, whichever is the sooner.

The hedgerow planting shall be maintained to a height of 1.8- 2m and shall be maintained in accordance with the Andy Sturgeon Design Boundary Hedge Report (July 2024) for the lifetime of the development.

Any part of the hedgerow which forms part of the approved landscaping scheme which within a period of two years from planting fails to become established, becomes seriously damaged

or diseased, dies or for any reason is removed another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Should any part of the hedgerow delivered by Condition [insert] die or be damaged during the lifetime of the development, replacement planting shall be undertaken in accordance with the Andy Sturgeon Design Boundary Hedge Report (July 2024) or an alternative scheme to be submitted to and agreed in writing by the Local Planning Authority.”

If it is felt that more detail is required by officers, beyond the information in the Boundary Hedge Report or if a different boundary treatment would be preferable, then the above condition wording could be adapted to ensure additional details of the planting/ boundary treatment are required to be submitted for approval. The applicant would be willing to accept this.

The wall is approximately 1.45 m in height and is considered to be curtilage listed. The section of the wall where there is an existing opening will be partially reinstated so that a 1.2m opening will remain. The existing bricks which have been stored on site since the opening up works took place will be used. Advice has been taken from a structural consultant on the existing condition of the wall. Sections of the wall are leaning significantly, and the wall is also only single skin in parts, and therefore it requires remediation. In accordance with the guidance from the structural consultant those areas of wall identified as exceeding a 70mm horizontal displacement will be taken down and rebuilt straight as a 215mm thick wall. The works to restore the wall will ensure that it is structurally safe and remains in situ for many years to come. Please see submitted letter from Blue Structural Engineering (Rear Garden Wall) which confirms the proposed works to the wall will not impact the structural stability of the remainder of the wall.

The proposal will include minor ground regrading works to create an even access point into the plot of land through the new opening, as there is currently a minor gradient either side of the wall. The levelling is necessary to ensure safety for the residents when walking through the opening. AIA report confirms that no impact on the tree roots.

A further structural assessment of the boundary wall adjacent to Mount Ararat Road has been undertaken. Significant cracks were visible within the facing of the wall which overtime would lead to a loss of structural integrity in the wall and a potential hazard to passing pedestrians. It is proposed that the damaged sections of the wall are to be rebuilt as per the structural engineer's guidance. Please see submitted letter from Blue Structural Engineering (Boundary Wall). Photographs of the damaged sections of the wall have been submitted as part of the application.

No trees will be required to be removed or pruned to facilitate the development. All trees will be retained. Please see the submitted Arboricultural Report, prepared by Crown Tree Consultancy for further details regarding the trees and confirmation on the methodology for the works, to ensure that the trees are protected.

For more information on the design and location of the works, please see the submitted plans and consultants' reports. In addition to the submitted technical reports, please see the Schedule of Works appended to this letter.

Previous Refused Application

The previously submitted application, ref: 24/0312/HOT and 24/0313/LBC, was refused on 3rd April 2024. The below comments have been taken from the Officer report. Also set out below these is how the proposed development addresses the concerns raised by officers:

- “From site visit, it was discovered that an opening in the wall was existing which was not appear to have been authorised via planning or listed building consent. This application includes the reinstatement of this part of the wall in materials to match existing. The bricking up of the double opening is also supported. Form site visit, it was noted that in parts the wall is bowing quite considerably and that areas of single skin were existing as a poor quality rebuild. The proposal also seeks to rebuild areas of the wall which are either single skin or leaning more than 70mm. There is no objection to these works which would secure the stability of the wall. However, the proposed new opening is proposed in a location where there remains the unaltered brick wall and therefore, to accommodate this opening, more of the original brick wall will need to be taken down thus causing less than substantial harm to the special interest of the curtilage listed wall.”*

The Proposed Development seeks to reinstate the unauthorised openings as per the Structural Consultant’s guidance. It also seeks to remediate the parts of the wall that are leaning and single skin. The Structural Consultant’s has confirmed the proposed works would secure the stability of the wall. Drawing 696_S_00_004 P02 (Proposed Wall Elevation B-B) indicates the section of the wall that is to be reinstated and repaired, in accordance with the structural engineer’s advice.

The proposed opening in the wall will be located in an existing opening. The opening will be reduced from 2300mm wide to 1200mm wide. As such, no further unaltered brick wall needs to be removed. The re-bricking of the existing opening will utilise existing bricks that were saved within the Site.

- “Overall, the majority of the works are acceptable in rectifying the authorised works to the brick wall and rebuilding the elements which have been poorly re-built. However, there remains a concern regarding the location of the new opening which will necessitate the removal of more of the original wall which is not justified as there is clearly a less harmful option available. Utilising the existing opening but making it smaller would result in no harm to the wall which is curtilage listed.”*

The Proposed Development seeks to utilise the existing opening but reduce the width to 1200mm wide. As noted in the Officer’s report this would result in no harm to the wall which is curtilage listed.

- “It is proposed to form a yew to match the size of the existing brick boundary wall to separate the 2 site and prevent overlooking. Significant weight cannot be given to the presence of soft landscaping which is outside the control of planning permission. As such, it is not considered that this can be relied on to screen lines of sight from the land to the rear from No.2’s garden land.”*

There is already soft landscaping in place along the boundary with No.2’s rear garden. The Proposed Development includes further hedgerow landscaping along the boundary with No.2 rear garden. The Officer notes that the presence of soft landscaping is outside the control of planning permission, however, the inclusion of appropriately worded and enforceable landscaping conditions could be attached to the grant of planning permission to address this concern and ensure that the landscaping sits within the control of planning. This would ensure that the proposed hedgerow screening is an appropriate and evergreen species, that it can be maintained to a minimum height and retained for the lifetime of the development. The inclusion

of landscaping conditions is well established and would overcome the Council's reasons for refusal regarding neighbouring amenity and enable the Council to deem the application acceptable.

Submitted drawing 696_P_00_003 P05 (Proposed Site Plan) and the Boundary Hedge Report prepared by Andy Sturgeon Design, details the evergreen Yew hedge to be planted alongside a maintenance plan, which will ensure overlooking is minimised and privacy is retained between the two properties. The example images shown in the Boundary Hedge Report clearly show that the use of the Yew hedge provides a solid, dense boundary that would prevent overlooking.

It is considered that the revised submission has addressed the concerns raised by officers which led to the refusal of the previous application.

Policy and Legislative Context

In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act (2004), applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Development Plan for the Site is:

- Richmond Local Plan (2018) ("Local Plan"); and
- The London Plan 2021 ("London Plan")

Also of relevance are any Supplementary Planning Documents (SPDs) such as:

- House Extension and External Alterations
- Richmond and Richmond Hill Richmond Village Planning Guidance

The relevant policies from the Local Plan are:

- LP1 - Local Character and Design Quality
- LP3 - Impact on Designated Heritage Assets
- LP7 - Impact on Archaeology
- LP8 - Impact on Amenity and Living Conditions
- LP16 - Impact on Trees, Woodland and Landscape

The relevant policies from the London Plan are:

- Policy D4 Delivering Good Design
- Policy HC1 Heritage Conservation and Growth

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('The Act'), as well as satisfying the relevant policies within the National Planning Policy Framework (December 2023) ('NPPF').

Section 16 and 66 of The Act requires that local planning authorities shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of The Act requires local planning authorities to ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The NPPF at paragraph 200 identifies that *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”*

Paragraph 208 of the NPPF notes *“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 including, where appropriate, securing its optimum viable use.”*

Heritage Assessment

Listing Description

The Historic England Listing Description is as follows for both 1 and 2 Spring Terrace (listing entry number: 1180552):

“Late C18 pair of 3-storey houses, each 3 windows wide plus one window wide 2-storey side wings. Brown brick, slated hipped roof to eaves. Round-headed door in recessed single window bay.”

The properties are Grade II Listed Buildings. There is no direct reference to the boundary walls, nor the rear garden walls. However, it is considered that the wall that is the subject of this application is curtilage listed.

Conservation Area

The Site forms part of the Sheen Road Conservation Area with the boundary of the St Matthias Conservation Area running immediately along one side of the Site. The land in the much larger St Matthias Conservation Area was developed more recently, and therefore its statutorily listed buildings tend to date to the mid to late-19th century (as opposed to the 18th). Similar to the Sheen Road Conservation Area, many of the houses are set back from the road by front gardens. The St. Matthias and Sheen Road Study dated 1994 notes:

“The two conservations areas form a large irregular area of mixed building styles and forms, from terraced mews to large, detached villas. These are unified by the dominant nineteenth century date and a consistently high quality of townscape.”

Under Landscaping and Planting the Study notes that:

“In the absence of public open space, private gardens both front and rear have a significant role to play in the character of the conservation areas. There will be a presumption against backland development unless it can be demonstrated that there would be no significant harm effect on amenity and the quality of the local environment. Of particular concern is the character of mature trees in the rear gardens which complements the built environment.”

The Site is located within the ‘Richmond Archaeology Priority Area’ (APA).

Description of Significance

The Site’s significance primarily relates to its contribution to the character of the area and the design and historic significance of the residential house on the corner of Spring Terrace, alongside No. 2 Spring Terrace. The internal significance of the building is not considered here, as no internal works are proposed.

Although not considered to be the main aspects of the listing, the rear gardens and rear garden walls contribute to the conservation area, as noted by the 1994 St. Matthias and Sheen Road Study. The wall between No. 1 and No. 2 Spring Terrace, which is considered to be curtilage listed clearly shows the subdivision between these two homes and the extent of their original gardens.

Assessment of the impact of the proposals on the significance

As part of the development the existing 2.3m opening will be reduced to create a 1.2 m wide opening in the curtilage listed wall. The wall is approximately 1.45 high, and the opening will be full height. The rebricking works will be undertaken sensitively, so as to minimise harm to the surrounding brickwork. The existing bricks removed from the opening will be used to make good the sides of the opening.

The small size of this opening means that once the rectifying work has been complete the majority of the wall will remain intact and the original separation between these two gardens will clearly be visible and the land will read as two separate gardens. The subject land which is at the bottom of both No. 1 and No. 2's gardens was under separate ownership, not owned by either the property owner of No. 1 or No. 2, until recently when the land was acquired by our client. They have been able to amalgamate the land that is at the bottom of their garden into their garden already. The proposed opening will facilitate the use of the parcel of land that they have acquired that is to the northeast of the wall, allowing them to use this land that they own as further amenity garden space, whilst ensuring that the historic separation between these spaces can still be appreciated.

From aerial views, the original format of the two gardens will still remain visible, as only soft landscape is used to separate the rear garden retained by No.2. This ensures privacy and separation for both landowners, whilst also ensuring the historic form can still be read.

The opening will not be visible from public viewpoints within the conservation area and the land either side of the wall will remain as open undeveloped garden land.

A visual inspection of the wall was carried out by Blue Structural Engineering LLP, where it was identified that sections of the wall are leaning and require remediation. Where areas of the wall exceed a horizontal displacement of 70mm, they will be taken down and rebuilt off the first straight course of brickwork as a 215mm thick wall. It was further noted that sections of the wall have been rebuilt as a single skin brick wall and will need to be rebuilt as 215mm thick brick wall. All works will be carried out according to the details given by Blue Structural Engineering who confirm the work will improve the stability of the wall. These works will enhance the heritage asset, through ensuring the long-term protection of the wall.

As a result of the small size of the opening, and the works to repair the wall, it is considered that there will be no harm caused to the historic asset as a result of the proposed development. Further, the land will continue to be used as amenity garden land. The small scale of the works, which are to the curtilage listed wall as opposed to the main listed property, will ensure that the building's historic significance is retained, and the Site's amenity space will continue to positively contribute to the conservation area. In turn, this ensures its continued viable use as a residential site.

Similarly, the remediation works proposed to the boundary wall adjacent to Mount Ararat Road, which will be carried out in accordance with the guidance provided by Blue Structural Engineering will ensure that the wall does not fall further into disrepair or collapse. The works will ensure that the structural integrity of the wall is maintained. These works will not harm the historic asset and will instead help to preserve it.

The soft landscaped hedgerow that is proposed to be introduced between the two gardens provides a dense and clearly defined boundary between the two gardens, which allows privacy to be retained, whilst ensuring that the original garden form can still be appreciated. The use of a soft evergreen hedgerow is considered to be a more sympathetic form of boundary treatment, that is more suitable to the heritage setting, than a tall solid fence. This hedgerow is therefore also not considered to cause harm to the heritage asset.

Design Considerations

No development works are proposed as part of this application that will result in a change in the appearance, height, scale or massing of development at the Site. The existing built development at the Site will remain as existing, with the exception of the work to reinstate part of the wall, to restore and repair parts of the wall that require remediation and to retain a 1.2 m width opening within a section of the rear wall where there is already an existing opening. Along the boundary adjacent to Mount Ararat Road remediation works will be carried out to rebuild a section of existing wall.

The layout of the existing building is not proposed to alter, as a result of this application. The work to reduce the width of the existing opening will create connectivity between the existing rear garden of No. 1 Spring Terrace and the land to the northeast of the wall, which is owned by our client.

Very minor regrading works are proposed to the ground either side of the wall to ensure that there is level access and an even surface for pedestrians passing through the opening. The landscape consultant has confirmed that the landscape design for the 'east side' garden ground level has been revised, since the earlier withdrawn application, at the proposed entry point through the wall. The revised proposal now proposes significantly less, effectively negligible, excavation at that point than previously proposed. These works have been assessed by the arboricultural consultant and confirmed to be acceptable and to not cause harm to the existing trees.

The proposed development will not alter the use of the Site, as this will remain as residential. It will enhance the size of the rear amenity garden serving No. 1 Spring Terrace, providing them with access to more outside space.

The historical and architectural importance of the Grade II listed building has been considered when designing the development, to ensure that the size of the opening is kept to a minimum and that the existing separation between the two gardens can still be clearly appreciated through the retention and repair of the remainder of the wall.

The Schedule of Works for the proposals is appended to this letter. If required, the applicant would be willing to commit to a condition to provide more detailed Schedule of Works.

Amenity Considerations

As part of the previous reason for refusal, the Council considered the boundary between the garden of No.2 Spring Terrace and the land to the northeast would result in additional harmful overlooking and loss of privacy to the neighbouring occupiers. This proposal seeks to add additional landscaping to form a verdant boundary comprising of evergreen yews at a density of x2 plants per meter between the two properties gardens. A maintenance schedule is set out in the submitted Boundary Hedge Report as well as images of what the yew will look like once planted on site and once established approximately 1 year later.

As previously noted, the applicant will accept a suitably worded landscaping conditions to ensure the hedge is required to be planted and maintained for the lifetime of the development in order to overcome the previous reasons for refusal.

As noted in the Proposed Development section above, it is considered that appropriately worded landscaping conditions could be attached to any grant of planning permission to mitigate the previous reason for refusal. This would accord with paragraph 55 of the NPPF that states “*Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.*” Landscaping conditions are widely used to ensure sufficient soft landscaping is introduced and maintained to a specific height, density and retained in perpetuity.

It is therefore considered that through the use of landscaping planning conditions, the previous concerns raised by the Council can be adequately addressed and overcome, to ensure that overlooking is prevented, and privacy retained for both the residents of No. 1 and No.2 for the lifetime of the development.

Arboriculture Impact

An Arboricultural Report, carried out by Crown Tree Consultancy, has been submitted as part of this application.

The works proposed to reinstate part of the garden wall are noted as being within the root protection area of T4 (as identified in Tree Constraints Plan, page 22 of Arboricultural Report). It is noted that the existing foundations of the wall are to be reused and no excavation or machinery will be used. Therefore, it is considered there will be no impact on T4.

The demolition works and regrading works are located close to T3 and T4. As part of the Arboricultural Report the following restrictions are proposed to ensure minimal impact of these trees;

- Wherever practicable, hand tools shall be used.
- Otherwise, plant machinery may be used so long as it operates from outside Root Protection Areas (or on a suitable load-spreading surface).
- Masonry should not be permitted to fall on the same side of the wall as the trees. Instead, they should fall on the side where the trees do not grow (to the northeast).
- The foundations should be left intact.
- Excavation depth is not to exceed 150mm.
- Exposed roots over 25mm diameter shall be retained and protected with damp hessian if practicable; otherwise, they shall be neatly pruned.

Overall the report concludes that, provided that the protection measures set out in the Arboricultural Method Statement are fully implemented, there shall be no long-term detrimental impact on the health of the adjacent trees.

Biodiversity Net Gain

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning

permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met.

There are specific exemptions from biodiversity net gain for certain types of development. The exemptions are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Of the specific exceptions to the biodiversity gain condition is householder applications. These are applications made by householders as defined within article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The householder exemption is considered to apply to this planning application as the application is for *“development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse”*.

The evidence to support this justification includes:

- Description of development confirms the development only relates to works to the curtilage listed wall; and
- Existing and Proposed Site Plans and Site Location Plan, which confirm that the application red line includes only the building and its curtilage.

The development is therefore exempt from the biodiversity net gain requirements, and it is not necessary for a Biodiversity Net Gain Statement to be submitted with this application.

Summary

The proposed development seeks planning permission and listed building consent for the rebuilding and repair of parts of a curtilage listed wall, as well as minor regrading ground works adjacent to the opening, to enable the owners of 1 Spring Terrace to use the plot of land on the northeast side of the wall as part of their rear garden.

The proposal has taken into consideration the site’s context, site’s historic significance and surrounding conservation areas and is considered to fully align with local and national planning policies. The proposal has also addressed comments previously received from officers, on the decision notice and within the officer’s report of the refused application.

At the heart of the NPPF is the presumption in favour of sustainable development. It is considered that the Proposed Development provides a sustainable form of development, that will enhance the outside amenity space serving 1 Spring Terrace. It is therefore sought that planning permission and listed building consent is granted.

If the Council require any further information, please do not hesitate to contact me or my colleague Clare Bambury (Clare.Bambury@dwd-ltd.co.uk). If the Council require any further information or details to enable the application to be approved, please let us know, as we want to work with the Council to secure a positive outcome for our client.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'E Penson', with a horizontal line underneath.

Emma Penson
Director
DWD
emma.penson@dwd-ltd.co.uk
0207 332 2115

Enc. Schedule of Works

Schedule of Works

Reinstatement and Restoration Works:

Works to be carried out in accordance with the two structural assessments prepared by Blue Structural Engineering Ltd and the following:

- Mark on the wall using chalk the extent of the wall to be temporarily removed for rebuilding (where wall exceeds a horizontal displacement of 70mm)
- Site preparation works including laying mats/ ground sheets and temporary propping up wall either side of section to be removed.
- Adequate protection/barriers installed around the works area and to be retained for the duration of the works to ensure safety.
- Carefully cut away section of wall to be removed using hand tools, ensuring cut away the minimum area and that minimal damage is caused to the surrounding bricks to be retained.
- Dust suppression techniques will be used during the brickwork removal.
- Carefully remove the brickwork and retain on site for reinstatement.
- Existing foundations of the wall are to be retained and reused and no excavation.
- Prepare mortar to match the existing mortar, including ensuring that the colour tone matches.
- Careful rebuilding of the wall and re-instatement of the section of the wall that has been opened up to provide a fully bonded 215 mm wall. For the boundary wall between No. 1 and No. 2 the single skin areas to also have an extra skin added to provide 215mm brick wall fully bonded.
- Rebuilding works to be carried out using existing brick and hand tools, and following guidance provided by Blue Structural Engineering Ltd.
- Brick bond and mortar pattern to match existing wall.
- Very minimal re-levelling works using hand tools to ensure even ground level either side of the retained opening between No.1 and No.2.
- Remove all equipment from the site.
- Hedgerow planting to be undertaken in accordance with the plans and guidance provided by Andy Sturgeon Design in the Boundary Hedge Report.

All Works:

All the above works to be carried out in accordance with the Arboricultural Report prepared by Crown Tree Consultancy including:

- Wherever practicable, hand tools shall be used.
- Otherwise, plant machinery may be used so long as it operates from outside Root Protection Areas (or on a suitable load-spreading surface).
- Masonry should not be permitted to fall on the same side of the wall as the trees. Instead, they should fall on the side where the trees do not grow (to the northeast).
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- Excavation depth is not to exceed 150mm.

- Exposed roots over 25mm diameter shall be retained and protected with damp hessian if practicable; otherwise, they shall be neatly pruned.