

13 August 2024

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Dear Sir or Madam,

24/1662/FUL. DEMOLITION OF 20 DERELICT GARAGES AND ONE BED FLAT AND REDEVELOPMENT OF THE SITE. SION COURT SION ROAD TWICKENHAM.

Ridge and Partners LLP write on behalf of the owner of No.9 Ferry Road, Mr J. Trevethan and A. McEwan, to submit this objection letter in relation to currently submitted planning application 24/1662/FUL.

For the avoidance of doubt, the Proposed Development to which this letter relates is for;

" Demolition of 20 derelict garages and one bed flat and redevelopment of the site to provide 2, 1-bedroom and 3, 2-bedroom dwellings, associated private amenity space, communal amenity space, accessible parking space, cycle parking and refuse."

This letter follows on from the most recent objections issued on application 22/1757/FUL and the subsequently submitted Appeal APP/L5810/W/23/3315130. The application was refused July 2022 and the appeal was dismissed in December 2023.

This letter focuses on design and heritage based reasons for refusal and does not consider additional factors such as arboricultural impacts, daylight, flood risk. The absence of these factors from comments below does not mean that we consider that these are acceptable, and we would expect these to be robustly assessed by the Council's technical consultants.

The key reasons for objections within this letter are:

1. Inaccurate plans
2. Heritage impact on Buildings of Townscape Merit and the Twickenham Riverside Conservation Area;
3. Amenity impacts on adjacent bedroom windows;
4. Separation distances; and
5. Structural impacts.

The letter does not review all planning policies, but notes the expectations for good design across national, London and local planning policies. As part of any determination, it would be expected all relevant policies would be considered.

Site Context

The Proposed Development is located at the rear of the block of flats known as Sion Court. The proposal would be directly adjacent to No.9 Ferry Road, to the south-east. No.9 has existing amenity areas to the front and rear of their property, as well as a number of windows that currently look out into the little used hardstanding space at Sion Court.

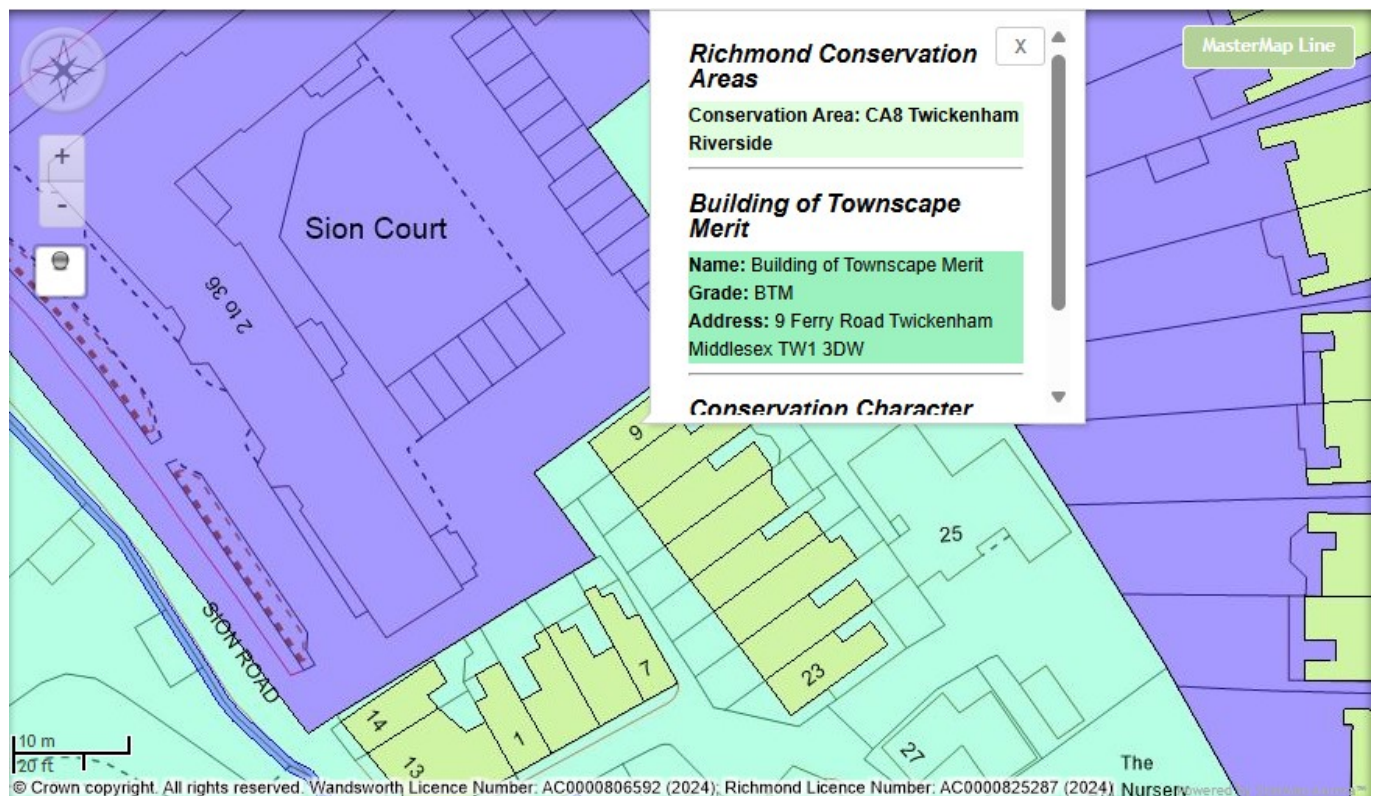
Whilst the land is adjacent, there are significant elevational changes with No.9 sitting below the proposal’s ground floor and protected by a retaining wall. The retaining wall is of a significant age and is unlikely to meet modern standards.

No.9 Ferry Road forms part of a terrace (9-23), which are considered part of a ‘Building of Townscape Merit’ within the Twickenham Riverside Conservation Area. The Conservation Area Appraisal (‘CAA’) gives regards to this terrace and states:

“Although a good distance from the river, the houses at the junction of Sion Road and Ferry Road share a common character with many of the riverfront houses although at a much smaller scale, reflective of the working class of people who would have lived and worked along the quay. The buildings decrease to modest 2 storey Victorian cottages and single storey outbuildings. The road is very narrow, and although picturesque, it has a distinct functional character in contrast to its surrounds. There are two charming terrace groups, the north (Sion Cottages, 1852) painted in pastel colours, and the east (Redknaps Cottages, built 1854), closing the view along Ferry Road as the road bends sharply through ninety degrees. Apart from the painting and a single roof light, the cottages remain largely unaltered and form an attractive and rare example of this scale of domestic dwelling surviving in the Conservation Area. The outbuildings are simple, with attractive bracketed eaves and tile roofs.”

The Council’s online Conservation Area map identifies the terrace at 9-23 Ferry Road as a building of Townscape Merit (see map extract below). Under the heading “Buildings of Townscape Merit” the Conservation Area Appraisal states:

“Buildings of Townscape Merit (BTMs) are buildings, groups of buildings or structures of historic or architectural interest, which are locally listed due to their considerable local importance.” These are therefore non-designated heritage assets as described in the NPPF.



On the basis of the CAA, it can be considered that the No.9 and the wider terrace are of significance.

Appeal Refusal Reason - ‘Neighbouring residents’

Prior to reviewing the reasons for objection, it is important to highlight that the previous appeal was refused, and one reason for this was stated in paragraphs 13, 14 and 37 as follows:

"13 However, to prevent intervisibility between the rear windows of No 9 and the kitchen/dining room of unit 1, an additional obscure glass privacy screen is required on the boundary. This detail was not shown at application stage, having been provided with the amended plans, and so may not have been taken into account in assessing the application. Concern has, however, been raised in the representations of the interested parties. Given its proximity to the windows, this additional boundary height would harm the outlook from the rear windows of No.9.

14. For the above reasons, I find that the proposal would harm the outlook from the garden of 19 Lebanon Park and the internal spaces of 9 Ferry Road. Such would be contrary to those aims of policy LP8 of the London Borough of Richmond upon Thames Local Plan 2018 (RLP) that require new development to protect the living conditions of existing neighbouring residents.

[...] 37.The proposal would harm the living conditions of neighbouring residents and provide poor accommodation for some future residents of the site"

At this stage it is confirmed that these Appeal reasons for refusal continue to apply to the Proposed Development, which has made no material changes to warrant an opposing view.

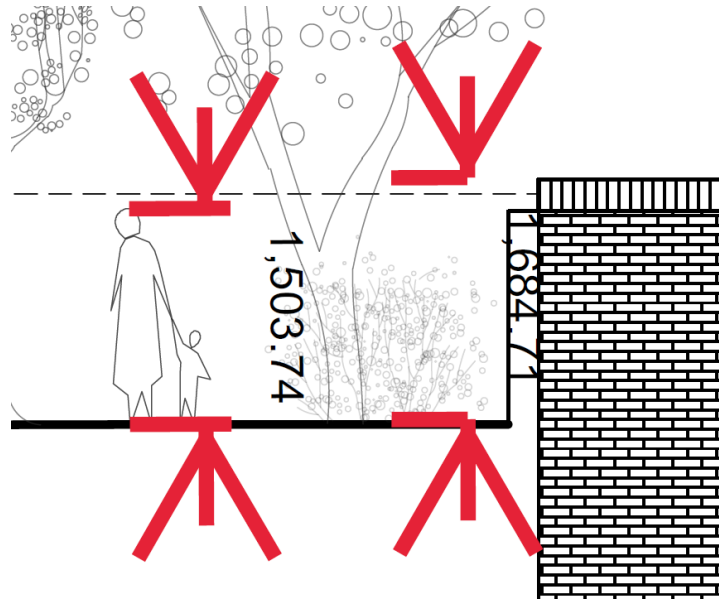
Lack of Accurate Plans

As part of the application a number of elevations, floorplans and CGI's have been submitted. No proposed levels plan has been submitted.

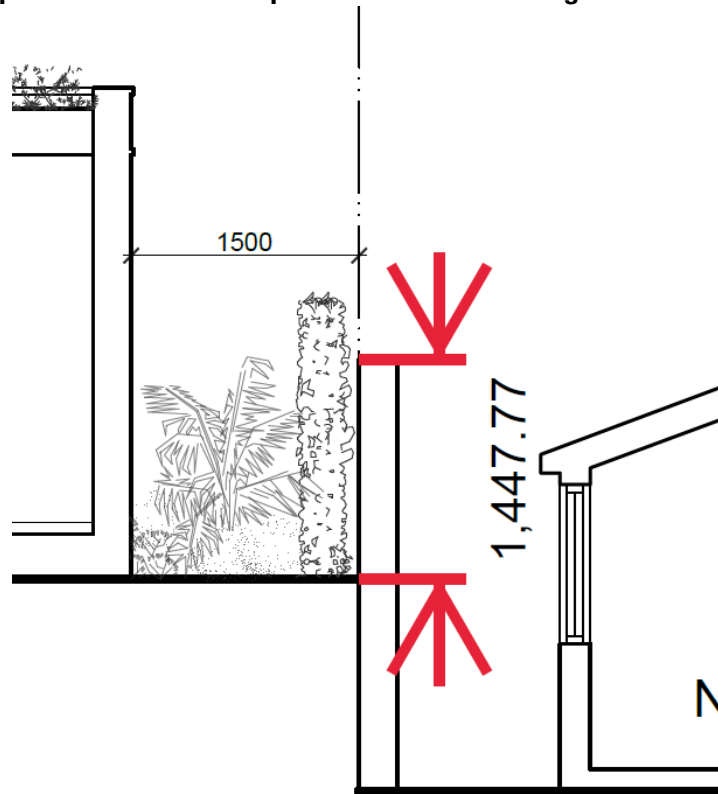
The NPPF states in paragraph 43 that *"The right information is crucial to good decision-making, particularly where formal assessments are required"*.

Whilst the objector notes the CGI shown in the Design and Access Statement (page 17) has not been updated, the primary concern is with the lack of adequate level / height information provided, and the use of misleading perspective images. The issues surrounding these are set out in the following bullet points and example images (measured using Adobe).

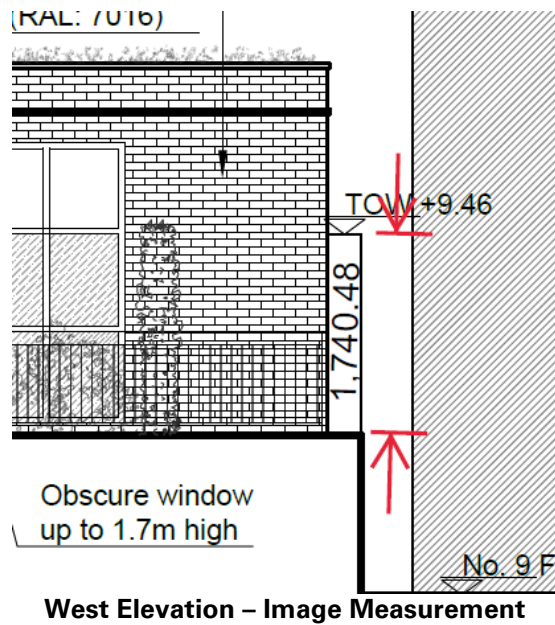
1. Submitted document titled 'Proposed Section EE Proposed Section FF' uses an image of a woman and child to attempt to demonstrate a tall wall with no overlooking. When measured the woman is approximately 1.5m tall (4ft 11in). This is a misleading use of perspective which creates confusion on the scale of the development and views in to No.9. The reality based on the height shown is that there will be an significantly increased ability for users of the private and public spaces to overlook the front and rear of No.9. This will lead to a loss of privacy to the front and rear amenity spaces, as well as the bedroom, kitchen and bathroom windows.
2. For 'Proposed West Elevation Proposed Rear Elevation' the rear elevation includes the location of the windows on No.9 Ferry Road, however the West Elevation opts not to show this and instead greys out the entire property. This was previously shown as part of refused application 22/1757/FUL. This alteration makes awareness of the window proximity difficult and reduces the ability to make a reasonable assessment of impact.
3. When measured the wall heights vary significantly, the variance is:
 - a. 'Proposed Section EE Proposed Section FF' shows a side elevation wall height of 1.68m (lower for the facing wall)
 - b. 'Proposed Section CC' shows a wall height of 1.44m
 - c. 'Proposed West Elevation Proposed Rear Elevation' shows a west elevation wall height of 1.74m. The rear elevation height is unable to be measured as no ground level is shown.



Proposed Section EE Proposed Section FF – Image Measurement



Proposed Section CC – Image Measurement



Overall, it is considered that the submitted documents provide an inadequate level of information to fully assess the impacts on No.9 Ferry Road. Notwithstanding this, the remainder of this letter makes a number of assumptions about the impacts and concludes that there is harm caused, regardless of heights proposed.

Heritage Impacts

The proposal seeks to align the frontage of proposed Unit 1 with that of No.9 Ferry Road. Images of the existing setting that will be altered with the proposed juxtaposing extension is shown below.



View from front of terrace towards Proposed Development.



View from front of terrace towards Proposed Development – Illustrative Massing

The Residential Development Standards SPD (2010) states that “*Development which would result in the significant reduction of an existing important space or gap between neighbouring houses, is not normally acceptable. This is particularly important for conservation areas and historic buildings where such infilling would result in the blocking of existing views of the sky or landscape behind pairs of semi-detached or detached houses within a suburban area. In conjunction with existing extensions to neighbouring buildings this can have a terracing effect on the street.*”

The submitted application includes a Heritage Impact Assessment (HIA), which is intended to confirm ‘how the proposed development will affect the setting and significance of the heritage assets’. The quality and level of assessment within the report is inadequate.

The HIA does not mention the “*Statement of Significance*” in the Conservation Area Appraisal, which includes the following:

“... Primarily a historic town centre, the piecemeal and organic growth of the area has resulted in a richly varied and much altered townscape, and the character of much of the area is defined by this diversity and a richness of building typologies.”

As will be demonstrated below, Lebanon Court and Sion Court are very much unique building typologies in the conservation area, and the garages at the rear of these purpose-built blocks of flats were integral to their design (and illustrative of the rise of the private motorcar in the interwar years).

Para 3.6 notes that Lebanon Court and Sion Court were described as a “Magnificent modern building” in an advertisement in the West London Observer of 12 June 1936. The HIA fails to identify that the Conservation Area Appraisal places these blocks into its own sub-area, described as follows:

“Lebanon Court and Sion Court

Lebanon Court and Sion Court are purpose built 1920s developments of mansion flats which flank the Lebanon Park and Commercial Centre character areas. Given its residential purpose, it will form a sub-area of the Lebanon Park character area for the purposes of this appraisal. The blocks form a fortress like estate, occupying the corner of London Road and half of Sion Road, greater in height, scale, and massing than nearby developments, and blocking views towards other nearby development. Both blocks are four storeys of red brick walls with little modulation to a large, tiled mansard roof with robust stacks. Windows have been replaced with unsympathetic uPVC with overly reflective panes but retain their historic form and glazing bar patterns. Entrances are identical, with large timber double doors framed by a broken pediment. The appearance of the bulk is somewhat mitigated at street level by their setback from the road and manicured hedges above a low brick wall, but there is otherwise a lack of landscaping”

This is important because these blocks are identified as a distinctive character area of its own, and it is clear that the Conservation Area Appraisal does not ascribe Lebanon Court and Sion Court as a detracting part of the conservation area. Of the garages, para 3.6 of the HIA states:

“It is clear that the full run of c.14 garages on the eastern boundary of the site, that we see today, was added after 1936. A further detached run of six garages was also added, at right angles, after 1936 (Figure 12). These later garages are thought to be of post-war construction [emphasis added].”

The caption of Figure 1 of the HIA (the extract of the 1936 OS map) makes the following note: *“The map edition was revised 1934-1935, so it is possible that the general outline of an emerging building, under construction at that time, was depicted. Lebanon Court was named on the map, and seems to have been more fully developed.”*

This makes it clear that, in fact, the map cannot be relied on as accurately depicting the original buildings at Sion Court. When looking at the ‘more fully developed’ Lebanon Court, the garages at the rear are plainly evident and it is unclear why the author would have thought the similar garages at the rear of Sion Court would have been added post-war. The garages would have been built as part of the original blocks, and they were certainly present by the 1944 aerial photo below, and better recorded on the clearer 1947 aerial photo.

The garages are illustrative of the rise of the private motorcar in the interwar years and their modest, low-key design is integral to the original blocks. While they are now somewhat dilapidated, that is due to neglect and a failure to maintain them, rather than inherent design flaws. It is obvious that the interwar blocks of flats were not designed with secondary ‘mews’ accommodation at the rear, aside from the single porter’s or caretaker’s flat that makes up the two storey component of the garages.



An extract of a 1944 aerial photo showing the garages in situ. © Historic England raf_106g_la_29_rs_4115



An extract of a 1947 aerial photo showing the garages in situ. © Historic England raf_106g_uk_1271_v_5273

The result is that the HIA mistakenly treats the garages as later adjuncts to the 'Magnificent modern building' rather than integral to the design of the development, which forms its own distinct sub-area in the conservation area.

Chapter 4 of the document reviews the impacts on all assets and considers 1 paragraph to be an adequate assessment of all impacts and simply states "*The GPA3 exercise in Appendix 2 confirms that the proposed new development will, similarly, have no effect on the significance of any nearby heritage assets.*" Within this GPA3 assessment it is stated that "*The proposed development is closest to the locally listed buildings at 13 and 14 Sion Road, and 19 Lebanon Park*" – This is factually incorrect as the proposal is directly adjacent to No.9 Ferry Road. As such, it is considered the submission has not adequately considered the impacts on the property.

The GPA3 assessment states "*views within and around Sion Court will remain much the same as at present*". But that is completely wrong. Views around Sion Court would see the removal of the garaging that was an integral part of the design of the block and replaced by an entirely uncharacteristic 'mews' development at the back of the block.

The GPA3 assessment states "*Materials and design can be the subject of later approval by way of condition.*" This is not an outline application and 'design' cannot be "*the subject of later approval by way of condition*".

The GPA3 assessment states "*The built surroundings of the heritage assets will be very little changed, even at an abstract level.*" This statement is incompatible with the fact that the proposed development would effectively

extend the terrace at 9 Ferry Road northwards in a wholly uncharacteristic way, and in the process partially obscure its gable end.

Similarly, the GPA3 assessment states “*No key views of any heritage assets are affected*”. As has already been confirmed in this letter the Conservation Area Appraisal confirms the views of the buildings are ‘picturesque’ and ‘attractive’. It cannot be questioned that views from within Ferry Road will be altered by the proposed building, which has no logical reason for alignment with the heritage asset. The development would have the unfortunate impact of extending the terrace at Ferry Road northwards in a way that it was never intended to historically. It can further be noted that, because of the level differences, the proposed development would not read as single storey, but instead the top of the adjacent single storey building would be roughly halfway up the first floor window of 9 Ferry Road.

Overall the proposal is considered to cause harm to the terrace of buildings along ferry road by adding a juxtaposing building with awkward heights and materials on the end of the existing properties in an uncharacteristic form of backland development.

Amenity impacts

The Proposed Development seeks to align the ground floor rear and front amenity space for Unit 1 with the boundary of No.9 Ferry Road. The proposal additionally seeks to locate 6no. compost bins in close proximity to the boundary of No.9.

The submitted plans are considered to be misleading by showing the ground floor of No.9 Ferry Road, rather than the first floor or No.9 which is in-line and has visuals from the bedrooms to both proposed amenity spaces. Images of views from both bedroom windows are provided below.

The Residential Development Standards SPD (2010) states that “*New dwellings or residential development which create an unacceptable sense of enclosure or appear overbearing when seen from neighbouring gardens or rooms or from the street will not be permitted. This could be due to the height, footprint or proximity of the proposals to the surrounding area.*”



Image: View from rear window (left) and front window (right)

In respect of the proposals, the scheme is considered to have several impacts that cannot be mitigated by the current layout. These are listed as follows:

1. Without any screening the Proposed Development would result in the location of 2no. amenity spaces located within circa 2m of bedroom windows. Whilst there is an ability to access these spaces at present, this would be an infrequent use compared to the potential of it being used as an amenity space. As a result, there is a significant negative impact on the existing privacy.
2. The use of either space for amenity would likely result in an intensification of use and lead to impacts associated with noise. The impact of the use of the area with regards to use and noise has not been assessed by the applicant.
3. The proposed ground floor plans and elevations shows no consistency in screening. Any suggested 'landscaping' would be a private owner's decision and could be removed at any time, thus creating enhanced impacts.
4. The addition of permanent 'hard' screening would result increased enclosure for the resident of No.9. This would apply to both the ground floor amenity space, and the views from the bedroom windows, which would be further enclosed by the any tall screening.

In addition to impacts from the amenity space, the proposal includes 6no. compost bins, circa 4m from the front bedroom window. The submitted application includes no details on how this will be used or managed, nor how it will appear. As a result, there are significant concerns that these bins could be used inappropriately and become a source of odour / pests that would impact the existing resident's amenity both from window proximity and the use of the front garden amenity space. A compost bin management plan should be submitted for further review.

Overall, it is considered that the overdevelopment of the site results in unacceptable impacts from privacy, noise and enclosure, with potential additional odour issues. On this basis the application should be refused.

Separation Distance

The Proposed Development is to be located adjacent to the side and retaining wall of No.9 Ferry Road, leaving a small gap between properties.

Richmond Local Plan Policy DM DC 1 'Design Quality' states that development must *"contribute positively, to its surroundings based on a thorough understanding of the site and its context."*

The Residential Development Standards SPD (2010) states that *"Development which would result in the significant reduction of an existing important space or gap between neighbouring houses, is not normally acceptable. This is particularly important for conservation areas and historic buildings where such infilling would result in the blocking of existing views of the sky or landscape behind pairs of semi-detached or detached houses within a suburban area. In conjunction with existing extensions to neighbouring buildings this can have a terracing effect on the street."*

Whilst the proposal would not result in a structural impact on No.9's side elevation during the build, the proposal to directly abut the boundary would create a gap of circa 0.7m between the properties. This would create increased challenges for the maintenance of the space that is already significantly restricted at ground floor level.

Given the impacts of the proposed development's location, it is not considered to constitute a high-quality design and will negatively impact the resident at No.9's ability to maintain their property. As a result of this, the application should be refused.

Structural and ownership impacts

Whilst the proposed development is not seeking a basement, it is noted that the structural works will result in significant strain on the retaining wall adjacent to No.9 Ferry Road.

Richmond's Planning Guidance confirms that *"a Structural Impact Assessment or Report must be submitted for basement works on listed buildings and buildings of townscape merit."* In the case of this application, it is requested that commentary is provided to confirm how the proposed development's construction would avoid risk associated with developing adjacent to a retaining wall of a Locally Listed Building.

It is further noted that the submitted plans and documents are unclear on the ownership of the retaining wall (noting an unclear redline on the Site Location Plan). Whilst it is acknowledged ownership is a civil matter, this raises questions about adequate notice being served. As part of the application, we seek confirmation as to the applicant's assumed ownership and the rights to undertake works to the wall.

Summary

The letter objects to the development being proposed by planning application 24/1662/FUL. The reasons in which the application should be refused are:

1. The Proposed Development will have an unacceptable heritage impact on Buildings of Townscape Merit by adding an incongruent extension to the end of the terrace.
2. The location of the proposed amenity spaces is circa 2m from existing bedroom windows, with no screening being proposed. Furthermore, any screening will create an enhanced sense of enclosure. The location of compost bins is also challenged as this could result in unacceptable odour and pest impacts.
3. The proposed location of the development on the boundary of the property is poorly considered and will result in access to the resident's side-elevation being significantly restricted.

4. The proposal seeks to build on a retaining wall and has provided no consideration of the likely structural impacts that could cause harm to the Building of Townscape Merit.

The reason for all the above issues is that the applicant is seeking to overdevelop the site with more units that are suitable for the location. By reducing the number of units, the applicant would be able to create an appropriate offset from No.9 and in turn remove key reasons for objection.

If you have any queries on any of the information stated above, please contact James Smith at this office on 07982167816, or via jamesmith@ridge.co.uk.

Yours sincerely



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