

Place Division / Development Management

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Mr Ian Lapsley
Gateley Smithers Purslow
Glaston Hall
Spring Lane
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LE15 9BZ
United Kingdom

Letter Printed 16 September 2024

FOR DECISION DATED
16 September 2024

Dear Sir/Madam

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

Application: 24/1647/FUL
Your ref: Ham Gate Avenue, Richmond Par...
Our ref: DC/IZM/24/1647/FUL
Applicant: Mr Paul Richards
Agent: Mr Ian Lapsley

WHEREAS in accordance with the provisions of the Town and Country Planning Act 1990 and the orders made thereunder, you have made an application received on **28 June 2024** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

Ham Gate Richmond Park Richmond

for

Replace existing damaged cast iron gates and fence with like for like cast iron and aluminium gates and fence

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

Yours faithfully

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

Robert Angus
Head of Development Management

SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION 24/1647/FUL

APPLICANT NAME

Mr Paul Richards
Holly Lodge
Richmond Park
Richmond
Surrey
TW10 5HS

AGENT NAME

Mr Ian Lapsley
Glaston Hall
Spring Lane
Glaston
Oakham
LE15 9BZ
United Kingdom

SITE

Ham Gate Richmond Park Richmond

PROPOSAL

Replace existing damaged cast iron gates and fence with like for like cast iron and aluminium gates and fence

SUMMARY OF REASONS AND INFORMATIVES

REASONS

U0188864	Reason for Refusal - Heritage
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INFORMATIVES

U0093879	Decision drawing numbers ~~
U0093878	NPPF REFUSAL- Para. 38-42

DETAILED REASONS AND INFORMATIVES

DETAILED REASONS

U0188864 Reason for Refusal - Heritage

The application, by reason of its lack of adequate information and justification in regard to replacement gates and repair to the wall, fails to demonstrate that the proposals would not adequately protect the designated heritage assets and thus prejudice their character and appearance. The current replacement of authentic fabric with less sympathetic replacement would fail to preserve the special architectural and historic interest and heritage significance on the Richmond Park wall, contrary to Section 16 of the Town Planning (Listed Buildings and Conservation Areas) Act 1990. The harm would also cause less than substantial harm to the setting of the Lodge at Ham Gate (Grade II) and Park Gate House (Grade II), contrary to Section 66 of the Town Planning (Listed Buildings and Conservation Areas) Act 1990. The application is therefore contrary to the Richmond Local Plan (2018) in particular policies LP1 and LP3, to the Publication Local Plan, in particular policies 28 and 29 as supported by the relevant Supplementary Planning Documents/Guidance, in particular, Conservation Areas, Listed Buildings, Ham and Petersham Village Planning Guidance, Ham Common Conservation Area Statement and Study and the Richmond Park Conservation Area Statement and Study.

DETAILED INFORMATIVES

U0093879 Decision drawing numbers ~~

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

Location Plan; 100; 101; received on 28/06/2024;.

U0093878 NPPF REFUSAL- Para. 38-42

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

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

In this instance:

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

END OF SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION
24/1647/FUL

FUL Applications

Making an Appeal – Summary Guidance

Whether to appeal

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

Type of appeal:

Planning Application

Appeal time:

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

Who can appeal?

The applicant or their agent may lodge an appeal.

The right of appeal:

You can appeal against the council's decision:

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

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

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

The appeal process:

Appeals must be made

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

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

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

Written procedure:

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

Hearing procedure:

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

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

Inquiry procedure:

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

Making your views known on someone else's appeal:

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

Costs:

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

Who to contact?

The Planning Inspectorate

Website www.planninginspectorate.gov.uk

Email enquiries@pins.gsi.gov.uk

Telephone 0303 444 5000

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

London Borough of Richmond upon Thames

Website www.richmond.gov.uk/planning

Email planningappeals@richmond.gov.uk

Telephone 020 8891 1411 for advice

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