



Appeal Decisions

Hearing Held on 14 March 2018

Site visit made on 14 March 2018

by Joanna Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 23 March 2018

Two appeals at Abingdon House, 61 Kew Green, Richmond upon Thames TW9 3AH

- The appeals are made by Stephanie Whitaker against the decisions of the Council of the London Borough of Richmond upon Thames.
 - The development and works proposed are internal alterations to convert existing dwelling into two dwellings.
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Appeal A Ref: APP/L5810/W/17/3182705

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The application Ref 16/1796/FUL, dated 28 April 2016, was refused by notice dated 19 April 2017.
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Appeal B Ref: APP/L5810/Y/17/3182708

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The application Ref 16/1798/LBC, dated 28 April 2016, was refused by notice dated 19 April 2017.
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Appeals A and B:

Decisions

1. The appeals are dismissed.

Preliminary matters and main issue

2. In respect of Appeal A only, the appellant submitted a viability appraisal during the appeal process, which shows that the proposed development would not be able to make a financial contribution for the provision of off-site affordable housing, in accordance with adopted and emerging Development Plan policy, and the Council has confirmed that it does not seek to defend its reason for refusal reference U21776. I see no reason to disagree.
3. The appeal building, Abingdon House (listed building), is part of numbers 59 and 61 Kew Green, which are listed in Grade II. With this in mind, the main issue in Appeals A and B is whether the proposed development and works would preserve the special architectural or historic interest of the listed building or its setting or any features of special interest which it possesses.

Reasons

4. The listed building at 61 Kew Green includes a late C18 3-storey plus basement and attic dwelling with modest front and back gardens that faces Kew Green to roughly south. It also includes a full width ground floor sitting room and a narrow C20 side extension at the front of the attached 59 Kew Green, which is referred to in the representations as the flying freehold (front ground floor at 59). Number 59 Kew Green also includes a number of flats. Although the front part of the attic at the listed building includes a modern flat roofed 'mansard', much of its historic architecture, including its classical form, hierarchy in its floors, use of materials, and detailed composition are important to its historic character and appearance. They also contribute positively to its special architectural interest, and to its significance as a historic dwelling.
5. The listed building is situated within the Kew Green Conservation Area 2, which is important to its setting. The Conservation Area is mainly characterised by many listed and historic mostly residential buildings in streets that edge the historic open space at Kew Green, and its village-like sense of place. The variety in the styles and appearance of the handsome nearby buildings and the general openness and greenery at the Green, and in its leafy streets and back gardens by the River, make a positive contribution to its picturesque appearance. The character and the appearance of the Conservation Area are important to its significance as an area of historic townscape.
6. From the evidence, 59 and 61 were probably built as a single dwelling by the late C18, and became 2 dwellings in the latter half of the C19. They were first listed in 1950. In 1983 the list entry details were amended from 'Nos 59 and 61 (The Imperial Restaurant)' to 'Nos 59 and 61', the building is described as a pair of later C18 houses, and their group value is noted.
7. The appellant says that each house had been a House in Multiple Occupation, and that 61 Kew Green has been converted back to a single dwelling. Five flats were permitted at 59 by the Council in about 1998, but the Council says that there is no planning history for bed-sits or for the restoration of the building to a single family dwelling house at 61. Whether or not consent would have been required, some of the internal finishes in the listed building have been altered, and modern ceilings, wall and floor finishes, and bathrooms that would not have been there historically, have been installed. However, the remaining plan form of the listed building, which it is desirable to preserve, is otherwise broadly consistent with that of a Georgian dwelling.
8. The proposed lower flat would include the basement and part of the ground floor at 61 Kew Green. It would be mainly reached through the back garden by the existing ground floor back door, but the existing basement door and steps up to the front garden would offer an alternative escape route. The proposed upper flat would include most of the ground floor staircase hall at 61, the front ground floor at 59, and the first, second and third floors at 61. It would be reached by the existing steps up to the main front door from Kew Green.
9. Historically, the ground, first and second floors in the dwelling at 61, and most of the front ground floor of 59, would have been used by the family occupiers. Service rooms, including kitchens and store rooms, would have typically been in the basement, and servants' bedrooms would have been in the attic. The hierarchy in the occupiers' status would have been reflected by the scale and architectural detail of the rooms on each floor, with taller more decorative

interiors for the family's reception rooms and bedrooms, and lower plainer rooms for their household staff and service rooms. The family and their staff would have also used separate entrances, with the main ground floor front door being used by the family and their visitors. The vertical staircase hall linking the service quarters to the principal rooms, and the conveniently located doors to the latter rooms are important to the simple historic plan form that enabled the historic house to operate efficiently as a single dwelling.

10. By contrast, whilst the front ground floor at 59 would be reached from the front door, the main ground floor rooms at 61 would be reached from the back. The irregular break between the lower and upper flats, the elaborate and lengthy circulation routes in the lower flat, and the dissonant relationship of the ground floor sitting room to most of the upper flat, would be harmfully out of keeping with the simple and efficient historic plan form of the listed building.
11. The principal front and rear ground floor rooms at 61 would be the sitting room and kitchen/diner in the lower flat, but the low-key poorly-lit basement rooms would include its only bedrooms and bathrooms. As this important part of the lower flat would be in the basement, instead of the service rooms and stores that would have been there historically, the proposal would harmfully erode the historic hierarchy in this part of the building. The kitchen/diner and utility for the upper flat, which would have been mostly in the basement historically, would replace the rear facing first floor master bedroom and en-suite, so the proposal would also erode the historic hierarchy in this upper floor.
12. Because the asset would be divided into 2 dwellings, works to the ceiling to floor zones between the proposed flats, and possibly between some existing and proposed flats and to some walls and under-stair soffits, would also be necessary to satisfy reasonable acoustic and fire separation requirements of the Building Regulations even if relevant waivers were to be granted.
13. As explained at the hearing, little investigative work on the existing fabric has been carried out, but most of the proposed north-south wall that is shown in the ground floor hall on the application plans would probably not be necessary. The existing doors from the ground floor hall to the historic principal rooms in the lower flat, which are located close to one another and to the foot of the staircase, would be fixed shut and the gaps around them would be sealed. Sound attenuating material finished with replicas of the doors would probably be needed on the hall side. The door openings from the hall to the present sitting room and kitchen would remain legible, but the doors would no longer be used. So, the future occupiers' ability to experience the important historic relationship of these principal rooms to the main front door and the staircase hall would be gone.
14. In addition, the proposed west-east wall towards the back of the hall would block the existing views through the listed building to the back garden in its setting. It would harmfully diminish the well-lit character and sense of space in the staircase hall, which is important to the historic plan form and to its utility. The new door opening into the kitchen of the lower flat would provide the only route to the sitting room. The use of part of the kitchen as circulation space would erode the historic spatial character of this former principal room. The new doorway would also disrupt the historic plan form, and whilst it would not be likely to erode historic finishes, there is little evidence that it would not cause a harmful loss of underlying historic fabric.

15. Because the historic dwelling would become 2 flats, the future occupiers and their visitors would only be able to use and experience one or other part of the asset. Thus, the division of the listed building would unacceptably damage its historic unity, character, and authenticity, and the ability of its occupiers to be aware of its significance. Once divided, there would be no certainty that the building would be used as a single dwelling in future. Moreover, the potential future reversibility of the works would not outweigh the harm to the listed building in the meantime.
16. The building has been altered and used in different ways since it was built, which is part of its history, but much of its historic character, plan form and fabric have endured. So, previous damaging works would not be sufficient reason to allow further detriment to its special interest. Also, whilst some works and their future reversibility could potentially be controlled by conditions, they would not make the unacceptable division of the building acceptable.
17. Turning to the setting of the listed building, there would be little change to the historic character and external appearance of the building and its grounds. External works, including refuse and recycling storage facilities, could reasonably be controlled by condition if the scheme were to be otherwise acceptable. Whilst the authenticity of the listed building would be harmfully diminished, from the evidence put to me and from what I saw, the proposed development and works would have almost no physical or functional effect on its external character or external appearance, or on its setting. Thus, almost all of the positive contribution of the listed building to the significance of the Conservation Area as a whole as an area of historic townscape would be conserved, and the character and the appearance of the Conservation Area would be preserved. They would satisfy Policy DM HD 1 of the *London Borough of Richmond upon Thames Development Management Plan (DP)*, which reflects the thrust of the statutory duty with regard to conservation areas.
18. By contrast, in the terms of the *National Planning Policy Framework* (Framework), the proposal would cause 'less than substantial harm' to the significance of the listed building. Framework paragraph 134 explains that where a 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 securing its optimum viable use.
19. The asset would stay in residential use and the additional dwelling would be a welcome public benefit, but there is almost no evidence to show that the present dwelling would no longer be sustainable as a single house. The flats at 59 provide little support because, amongst other things, conservation policy and practice has changed since they were permitted. So, whilst the proposed subdivision would be a private benefit for the appellant, it has not been shown that the proposal would be necessary to achieve the optimum viable use for the conservation of the heritage asset.
20. Moreover, the public benefits including the new flat would not be enough to outweigh the less than substantial harm that the proposal would cause. Furthermore, insufficient clear and convincing justification has been put to me to show that the proposal would be necessary to conserve the heritage asset in a manner appropriate to its significance as a historic dwelling.
21. Therefore, I consider that the proposed development and works would fail to preserve the special architectural interest of the listed building. They would be

contrary to Policy CP7 of the *London Borough of Richmond upon Thames Core Strategy* which aims for buildings of historic interest to be protected from inappropriate development, DP Policy DM DC 1 which seeks high quality design, DP Policy DM HD 2 which reflects the thrust of the statutory duties in respect of listed buildings, and DP Policy DM HO 1 which aims to retain existing housing unless redevelopment improves the long-term sustainability of buildings on the site, and the Framework which aims to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Conclusion

22. For the reasons given above and having regard to all other matters raised, the appeals fail.

Joanna Reid

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Stephanie Whitaker	Appellant
Roger Birtles BA BPI MRTPI	Director, Simply Planning
David Corley BA(Hons) BArch RIBA	David Corley Architect
Kevin Murphy BArch MUBC RIBA IHBC	K M Heritage

FOR THE LOCAL PLANNING AUTHORITY:

Sarah Mako	Planning officer, Council of the London Borough of Richmond upon Thames
Brandan Wilkinson	Principal planning officer, Council of the London Borough of Richmond upon Thames
Mortimer MacSweeney	Conservation officer, Council of the London Borough of Richmond upon Thames

DOCUMENTS PUT IN AT THE HEARING

- 1 *The London Plan* Policy 3.3 and table 3.1
- 2 The London Plan Draft for Public Consultation Policy H1 and Table 4.1
- 3 Two (historic and recent) map extracts
- 4 Map extract with boundary between World Heritage Site and buffer zone
- 5 Capel House, 83 Kew Green, photograph and plans