

May 2024

Petersham Nurseries, Church Lane,
Petersham, Richmond TW10 7AQ

Heritage Impact Assessment
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1 Introduction

Author

- 1.1 I am Nick Collins BSc (Hons) MSc MRICS IHBC. I hold an honours degree in Land Management, I am a member of the Royal Institution of Chartered Surveyors. I also have a Masters (with Distinction) in Historic Conservation and am a full member of the Institute of Historic Building Conservation.
- 1.2 I am a consultant providing advice and guidance on all aspects of the historic built environment. I have undertaken this work since July 2014. Prior to this I was a Project Director in the heritage team at Alan Baxter Associates.
- 1.3 Between 2004 and 2012 I was an Inspector of Historic Buildings and Areas in the London Region of English Heritage (now Historic England) dealing with a range of projects involving listed buildings and conservation areas in London. Prior to this, I was Conservation Officer with the London Borough of Bromley. I began my professional career at Jones Lang LaSalle as a Chartered Surveyor.
- 1.4 I was appointed by the appellant in respect of this Appeal in November 2023. I have visited and inspected the appeal scheme site and its surroundings. I have carefully assessed the appeal scheme and the reasons for Enforcement.
- 1.5 The evidence that I have personally prepared and provide for this appeal on behalf of the appellant is my professional opinion and has been prepared and is given in accordance with the guidance of my professional institutions. I confirm that the opinions expressed are my true and professional opinions.

2 The site and its context

Heritage Context

2.1 Petersham began as an ancient village along the River Thames between the larger settlements of Shene (now Richmond) and Kingston. Part of the 13th century chancel of St Peter's Church survives within the much extended and altered existing church.

2.2 The Council's Conservation Area Character Appraisal & Management Plan provides a history of the area, summarised below¹.

The 17th and 18th centuries were a golden age for both Petersham and nearby Ham, as they were elevated to the status of a fashionable rural retreat for the rich, aristocratic and influential. IN the 18th century Horace Walpole was a frequent visitor to the area from his home Strawberry Hill across the river, Catherine Hyde, Duchess of Queensbury patronised the playwright John Gay who first rehearsed his Beggar's Opera at Douglas House, and the maritime explorer Captain George Vancouver is said to have written his famous Voyage of Discovery at Glen Cottage on River Lane.

Ham House and estate has strongly influenced the historic development and plan form of both Ham and Petersham. This prestigious location and idyllic riverside setting has resulted in the development of a remarkable number of elegant mansions within these once rural villages, in this period.

Large expanses of parkland and river meadows acted to constrain the growth of the settlements, preserving their distinctive rural character well into the 20th century. Development occurred only gradually during the 19th century. Unlike Richmond, the railways never reached these villages they did not experience a rapid expansion during the Victorian period.

At this time the charms of the area continued to attract leading figures such as Charles Dickens, who wrote and set part of Nicholas Nickleby at Elm Lodge, and the architect George Gilbert Scott of Manor House in Ham, whose son is buried in a tomb designed by him in St Peter's churchyard.

In 1902 the Richmond Petersham and Ham Open Spaces Act was passed by Parliament to safeguard the open land and so preserve the famous view from Richmond Hill.

2.3 Whilst there was development in and around both Ham and Petersham in the 20th century, with development to the west of Ham Street and around Sandy Lane effectively

¹ Character Appraisal & Management Plan: Conservation Areas – Petersham no.6, Ham Common no.7, Ham House no.23 & Parkleys Estate no.67 (July 2008) London Borough of Richmond

linking the two villages for the first time, development to the north of Petersham Road remained in-fill development rather than whole-scale new building.

- 2.4 Petersham Nurseries are located at the rear of Petersham House, entirely enclosed behind high brick walls. Access is via a narrow opening off Petersham Road that also provides access to St Peter's Church and Churchyard as well as pedestrian access to Petersham Meadows beyond.



Figure 1: Ordnance Survey Map 1893

- 2.5 Historic Maps show the presence of substantial glasshouses on the site of the nurseries as far back as 1893, with orchards and further glasshouses to the north. At that time Petersham House was also the Vicarage.
- 2.6 The Nurseries have been commercially operating for at least 65 years and it is recognised that the associated activities that relate to this use - including the café/restaurant, retail, visitors, vehicular deliveries & collections - form part of its established nature and character.

3 The heritage significance of the site and its context

The heritage context of the site

- 3.1 Petersham Nurseries is neither listed nor locally listed however it lies within the Petersham Conservation Area designated in January 1969.
- 3.2 There are a number of statutory listed buildings in the vicinity of the Nurseries. Those that I believe have the potential for either a visual, proximate or associational relationship with the Nurseries include:
 - Parish Church of St Peter – Grade II*
 - Petersham House, 143 Petersham Road (including gates & railings) – Grade II*
 - The Coach House, 141 Petersham Road – Grade II
 - Magnolia House, 143a Petersham Road (and Ice House) – Grade II
 - Rutland Lodge, 145 Petersham Road (including gate & piers) – Grade II*
 - Petersham War Memorial & various monuments in the churchyard of St Peter’s Church-Grade II
- 3.3 Other nearby listed buildings, along the western side of River Lane, include:
 - The Manor House, River Lane – Grade II
 - Glen Cottage, River Lane – Grade II
 - Petersham Lodge, River Lane – Grade II
 - Navigator’s House, River Lane, Grade II
- 3.4 Also along River Lane, The Old Stables and Rosebank (accessed by Church Lane) are identified on the Council’s Local List. These buildings are also identified on the Council’s Conservation Area Map as being ‘Buildings of Townscape Merit’ - as well as Rutland Cottage (there is no visual or associational link between the Old Stables, Rutland Cottage and the Nurseries).
- 3.5 The following map extract, prepared by the Council, identifies listed buildings (dark green), buildings of townscape merit (pale green).



Figure 2: Map Extract from the Council's Conservation Area Map 6 (location of Nurseries marked in red)

Heritage Significance

Assessing heritage significance and setting

- 3.6 The legislation governing listed buildings and conservation areas is the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act').
- 3.7 Section 66(1) of the Act says that 'in considering whether to grant planning permission or development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses'.
- 3.8 Listed buildings are 'designated heritage assets', as defined by the National Planning Policy Framework (NPPF). Locally listed buildings or structures identified as being 'Buildings of Townscape Merit' can be considered as 'non-designated heritage assets'.
- 3.9 'Significance' is defined in the NPPF as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic'. The Historic England "Historic Environment Good Practice Advice in Planning Note 2' puts it slightly differently – as 'the sum of its architectural, historical, artistic or archaeological interest'.
- 3.10 'Conservation Principles, Policies, and Guidance for the sustainable management of the historic environment' (English Heritage, April 2008) describes a number of 'heritage values' that may be present in a 'significant place'. These are evidential, historical, aesthetic and communal value.

3.11 The setting of a heritage asset is defined in the NPPF as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.²

3.12 Within the context of this appeal the relevant heritage assets to be considered are the character and appearance of the Petersham Conservation Area and the setting of the nearby listed & locally listed buildings.

Petersham Conservation Area

3.13 The character and appearance of the conservation area is articulated by the Council in their Conservation Area Character Appraisal & Management Plan. As well as providing a short history of the area, the following extracts give an overview of its character. It notes that *'the well-defined form of the traditional village core [is] still apparent. There is a clear distinction in character between the historic centre of the village and later suburban development...Petersham also has its own very individual character.'* It goes on to say *'Petersham clings to the main Petersham Road connecting Richmond and Kingston, forming the spine of this village. A number of smaller residential roads lead off Petersham Road including Sudbrook Lane, Sandpits Lane, Cedar Hights and River Lane, which winds gently down to the riverside connecting the village to the Thames. Away from the busy traffic of Petersham Road there is a greater sense of tranquillity'.*

3.14 *The view from Richmond Hill gives the impression of Petersham as a distinct almost rural village. Throughout the year the riverscape and tree'd landscape dominate the view of the conservation area from higher ground. The buildings forms tend to appear subservient in this landscape. However, within these views the distinctive settlement form and roofscape of Petersham can be appreciated. Key landmarks, which define this view, include Petersham Lodge, the tower of St Peters Church, Petersham House, the campanile of All Saint's Church and Ham House.*

3.15 Of particular relevance to the part of the Conservation Area within which the Nurseries are located, the Appraisal states:

3.16 *Petersham is dominated and fed by the busy Petersham Road, with the distinctive dog leg of the road sending traffic sharply south at the junction with River Lane. The experience of this village is enlivened by constantly changing views, which reveal themselves in stages as we follow the winding route of Petersham Road.*

3.17 *The historic parish Church of St Peter is set away from Petersham Road within its more secluded churchyard, yet occupies an important position within the village. Glimpsed views of the tower and cupola of the church can be gained from this road. Key buildings, listed Grade II or II* and Buildings of Townscape Merit, including numerous grand 17th*

² <http://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>

and 18th century mansions. The character of this area is dominated by large detached mansions of two to three stories boldly addressing the road and set in individual large well planted grounds with mature trees and generous spaces between buildings. These mansions dominate the street scene and other buildings such as the former stable blocks to Petersham House and more modest cottages or houses within the village adopt a more subordinate role and scale. There is a varied building line to the road, however the large buildings tend to be set back further from the road behind front gardens or driveways. Houses are set behind distinctive continuous high brick walls and elegant cast iron railings and gates. Mansions, and trees in their gardens, remain perceptible over and through these boundaries from the street. However, these boundaries do enclose the narrow Petersham Road and so create a tunnel like environment, where in the pedestrian feels at the mercy of busy traffic...

- 3.18 *...Away from Petersham Road the scale and character of buildings tends to be more modest. The historic properties of River Lane occupy smaller plots and are only one or two stories in height, with of course the exception of the landmark 18th century mansion Petersham Lodge, marking the northern gateway to the village. Limited respite can be found from the busy traffic of Petersham Road down River Lane, Church Lane, and alleyways and footpaths. These routes provide important connections between the village, the Riverside and surrounding open spaces. River Lane is an important link between the village and the river.*
- 3.19 There is no specific reference to Petersham Nurseries in the Petersham Conservation Area Statement and in reality its presence is visually completely hidden behind high brick walls on all sides; however, there is reference to River Lane that leads to the riverbank, described as a quiet retreat from Petersham Road, and the surviving historic alleyways, which further contribute to the distinctive village character of this area, one of which leads to the entrance of Petersham Nurseries. The active presence of nurseries on the site is historic and its continued historic use as nurseries today can be regarded as a positive one within the context of the conservation area. It adds vitality and activity to the area along with the local public houses and schools.

Listed & Locally Listed Buildings

- 3.20 The listed buildings in the vicinity of the nurseries clearly have special architectural and historical interest and thus significance. Of most relevance to this appeal is the setting of the following assets and how setting contributes to that significance.

St Peter's Church – Grade II* (War Memorial and other churchyard monuments – Grade II)

- 3.21 St Peter's Church is a small, mainly brick church dating to 1505, with only the chancel remaining from this date. The nave was rebuilt and enlarged in the 18th century and in

1810 so that the greater length of the church is at right angles to the tower with its octagonal bell cupola and lead ogee dome³.

- 3.22 With regards the church's setting, as the historic parish church the building has, both historically and today, a 'community' role beyond that of, say, a private residence. This makes its visible presence from longer as well as close views a particularly important elements of its significance. The longer views are most apparent across Petersham Meadows and from Richmond Hill where it is one of the identified landmarks in the Conservation Area Character Appraisal.
- 3.23 Whilst close by, Petersham Nurseries does not contribute to the setting of the church – set some distance away, behind a series of high brick walls.
- 3.24 The following image shows the relationship between the Church and the high wall to the garden of Petersham House, on the right.



Figure 3: St Peter's Church, looking south along Church Lane, the walls to Petersham House garden to the right (3pm Thursday 9th May 2024)

Petersham House – Grade II*

- 3.25 Petersham House dates to the late 17th century and in the classical style. The main part of the house is three storeys, five bays wide with two storey wings. It is built in brown brick with red dressings. It has an early 19th century central circular porch. Set back from the main road it sits behind early 19th century Greek Revival cast-iron gates and railings⁴. Historically the house was also the Vicarage to St Peter's Church. The house has a large garden to the north with many mature trees, enclosed by a high brick wall.

³ Historic England LEN: 1065334

⁴ Historic England LEN: 1065336



Figure 3: The relationship between Petersham House and St Peter's Church

- 3.26 The contribution that setting makes to the significance of the house is primarily an appreciation of its fine architectural presence and quality and the sense of its status manifested by the scale of its grounds to the south. This is mostly appreciated from Petersham Road where its relationship with the village – forming part of the group of fine 17th/18th and 19th century houses that line the road - is also apparent. The house can be glimpsed along the lane leading to Petersham Meadows where the mature open garden to the rear is 'assumed' but not visible behind the high brick wall.
- 3.27 Through the house's role as the former Vicarage there is a historical relationship, which is also visual from the church yard, with the Church where the interrelationship between the two is identifiable (also see figure 3). The church and the house cannot be seen in the same context from Petersham Road.
- 3.28 Whilst Petersham Nurseries is located in an outer segment of the extended ownership of Petersham House, the Nurseries have a limited relationship with, and therefore limited impact on the setting of, Petersham House - nestling behind its high brick walls, ensuring that any longer views towards the rear of Petersham House are unimpeded. The presence of large glass houses within a wider estate is historically not unusual or inappropriate and their use as Nurseries is now historic.

141, 143 & Ice House, Petersham Road - Grade II

- 3.29 These three listed buildings all historically had a subsidiary relationship with Petersham House: 141 was an outbuilding; 143 formerly stables and the Ice House providing storage of ice.

- 3.30 Nos. 141 and 143 sit at the corners of the front garden to Petersham House, directly behind the pavement on Petersham Road.



Figures 4 & 5: The Coach House (141 Petersham Road) and Magnolia Cottage (143a Petersham Road) either side of the entrance gates to Petersham House

- 3.31 Whilst clearly each having their own architectural and historical interest, the contribution that setting makes to their significance primarily relates to their relationship with Petersham House, through their historical association, and more widely to the character of the centre of Petersham Village where they are prominent contributors to the historic character of the village along the main road.
- 3.32 Their immediate context is one of oppressively heavy traffic and this, unfortunately, also typifies the modern-day character of the centre of the village and conservation area.



Figure 6: A regular traffic encounter along Petersham Road (9am Friday 10th May 2024) blighting the setting of a number of listed buildings that front Petersham Road as well as the character of the conservation area.

3.33 Petersham Nurseries does not contribute to the setting of these buildings.

Rutland Lodge – Grade II*

3.34 Dating from the late 17th century, although listed in 1950, the house has been much rebuilt behind the front after a fire in 1967. The front elevation is faced with brown brick with red dressings and has 7 bays, the centre being set forward slightly. Two storeys in height, the front door has a large doorcase with fluted Roman Doric pilasters and a rusticated surround. The house is approached from the road through a fine wrought-iron gate with brick piers⁵. The building has been extended to the west with a plain brick two storey wing.



Figure 6: Rutland Lodge

3.35 The house has now been divided into a series of individual dwellings and the gardens also developed with a further two modern properties on the newly formed Rutland Drive. Whilst an element of the original garden remains to the rear of the house the open character has now been much altered.

3.36 The contribution that setting makes to the significance of the listed building is primarily manifested in an appreciation of its grand front elevation and its relationship with the other grand mansions along and close to Petersham Road. Rutland Lodge is particularly prominent in longer views from the south and seen in the context of The Cottage (GII), The Manor House (GII) and Glen Cottage (GII) which all face into the apex of the junction with Petersham Road and River Lane.

3.37 Although Petersham Nurseries shares its western boundary with the edge of the former gardens to Rutland Lodge, in reality it does not contribute to its setting – firstly there is now modern development in closest proximity within the gardens of Rutland Lodge and secondly the nurseries are entirely hidden behind the high brick wall enclosure of both places.

⁵ Historic England LEN: 1065338

- 3.38 The following image illustrates the separation between Rutland Lodge and the Nurseries. This area of garden forms a private garden between the two, with the Nurseries hidden behind a further glass house and high brick wall behind.



Figure 7: Rutland Lodge from the private gardens of Petersham House. The Nurseries entirely hidden behind the high wall to the right.

Locally Listed Buildings

- 3.39 Rosebank is located just on the edge of Petersham Nurseries, at its north western boundary. The Ordnance Survey Map of 1893 shows it historically potentially formed part of the nursery demise, although now it is a separate dwelling.
- 3.40 The house, which would appear to have been much extended since it was represented on the 1893 map, is orientated to the east and sits behind a high brick wall to the north and a thick dense hedge to the south, alongside one of the historic alleyways that crisscross the village.
- 3.41 To the extent that the nurseries historically formed part of the setting of Rosebank, this has been largely severed visually and physically by the thick high hedge that encloses the house and its garden.

Other Nearby Listed Buildings

- 3.42 The other nearby listed and locally listed buildings all have special interest as recognised by their statutory listing or are of local interest within the London Borough of Richmond, however I do not believe that the subject of this appeal will have any impact on that interest, or significance, either due to a lack of visual, proximate or associational connection.

4 The Appeal Scheme & their impact on heritage significance

- 4.1 The breach of planning conditions relates to increased, unauthorised opening hours of the café/restaurant at Petersham Nurseries.
- 4.2 Having undertaken my own assessment I have concluded that the site has historically been a nursery and at least for the time that the area has been designated a Conservation Area. The nurseries operate entirely hidden behind high brick boundary walls where activity has no impact on the setting of surrounding heritage assets.
- 4.3 The restaurant use is contained within the existing glasshouses, and only at one end, furthest from the entrance.

Petersham Conservation Area

- 4.4 The Nurseries' operation forms part of the character of the area and has done so since the conservation area was designated. The extended opening hours for the café/restaurant will not detrimentally alter that character – particularly when the Nurseries are entitled to open for those hours anyway – continuing the process of deliveries of plants, supplies and equipment as well as retail activity.
- 4.5 It was previously recognised and more recently confirmed with traffic data that the evening use of the Nurseries has had a very limited impact on traffic – with most visitors to the Nurseries travelling sustainably – and further confirms that there would be negligible to no impact.
- 4.6 An evening site visit confirmed that due to the limitation on sittings in the restaurant and the implemented Evening Management Plan the impact of cars was exceptionally limited and not enough to alter the character of the conservation area.
- 4.7 Although there are 2 street lamps, the relative lack of lighting along the footpath that links the entrance to the Nurseries with River Lane further illustrated that it was highly unlikely that visitors to the Nurseries would use that access after dark – reducing the potential for any of the identified listed or locally listed buildings on River Lane to be affected by the evening opening hours.



Figure 8: The parking area at 21.44 on Thursday 9th May 2024

- 4.8 The following image is looking down Church Lane at 21.55 showing the lack of impact that the opening had on the character of the area, and particularly the Church.



Figure 9: Looking down Church Lane from Petersham Road 21.55 Thursday 9th May 2024

Listed and Locally Listed Buildings

- 4.9 For the same reasons as stated above, I do not believe that the proposals will have a detrimental impact on the setting of any of the identified listed and locally listed buildings.
- 4.10 Having identified the contribution that setting makes to each relevant asset's significance, and also the contribution that Petersham Nurseries makes within that setting it is clear that the special interest of none of the assets will be harmed by the evening opening of the Nurseries.
- Parish Church of St Peter – Grade II* & Petersham War Memorial & various monuments in the churchyard of St Peter's Church- Grade II
- 4.11 There is no intervisibility or associational relationship between the Nurseries and the Church and Churchyard. The traffic management plan and St Peter's Parking Pledge can ensure that there is no conflict between the use of the church and the Nurseries. The evening opening hours has no impact on the setting of these assets.
- Petersham House, 143 Petersham Road (including gates & railings) – Grade II*
- 4.12 Although the Nurseries are located within the wider ownership of Petersham House, in reality they are set behind high brick walls, completely separated from the house and its garden. The relationship of glasshouses and Petersham House is at least 130 years old and their use in the evenings will not alter this relationship. The evening opening hours has no impact on the setting of Petersham House.
- The Coach House, 141 Petersham Road & Magnolia House, 143a Petersham Road (and Ice House) – Grade II
- 4.13 The Nurseries do not form part of the setting of these listed buildings and therefore the evening opening hours has no impact on their setting or significance.
- Rutland Lodge, 145 Petersham Road (including gate & piers) – Grade II*
- 4.14 There is negligible inter-visibility between the rear of Rutland Lodge and the Nurseries – much of the historic visual connection is much altered by new development in the 20th century. The contained use and evening opening hours will have no impact on the setting of Rutland Lodge.
- Rosebank – Locally Listed
- 4.15 Rosebank has the most direct relationship with the Nurseries however this relationship is historic. There have been large glasshouses in close proximity for at least 130 years and the site has been a commercial nursery for at least 65 years. The contained use of one of the glasshouses for restaurant use for limited evening opening will not alter this historic relationship or detrimentally impact the local interest of the house or its setting.
- 4.16 Therefore, in summary, we believe that the current breach of condition does not cause harm to the significance of nearly listed and locally listed buildings or harm the significance, character and appearance of the conservation area.

- 4.17 This was also the view of the Council's own officers as set out within their enforcement report to the planning committee as set out below⁶:

The amount of building on the Petersham Nurseries site has not altered significantly since the approval of the Certificate of Lawful Use in 1998. As the lawful use of the site is one of retail facilities and a café/restaurant, traffic generation and parking is an established feature at the site, not only in terms of customers and staff, but also with deliveries of plants, supplies and equipment. Furthermore, given the nature of the retail function of a garden centre often the products purchased at the site can be of bulky and/or awkward proportions, and therefore necessitate the use of a vehicle to transport them. It is considered that, up to now, the mixed use of the site has at least preserved the character and appearance of the conservation area, in so far as there has been no overall increase of area or built form on the garden centre site. The other impacts upon the conservation area are linked to the additional vehicular movements and car parking on site. In considering the previous application to retain the mixed use on a permanent basis, and the later one to extend the evening hours of the restaurant element, the Committee considered that the mitigation measures set out in the Green Travel Plan had been successful. The issue with the current proposal to extend the hours of use even further is whether any demonstrable harm would be created by additional vehicular movements and car parking in the area and if there would be any undue visual impact on the character and appearance of this part of the Petersham Conservation Area. As previously reported, in officers' opinion, this is less likely to be a sustainable objection, the visual impact on the character and appearance of the conservation area being difficult to identify.

- 4.18 *The earlier application was not refused on grounds of impact to designated or non-designated heritage assets. As per those decisions, the current breach of condition is not considered to cause harm to the significance of nearby listed and locally listed buildings by virtue of the activity within their setting, or harm to the significance, character and appearance of the Conservation Area or Thames Policy Area.*

⁶ Enforcement Report Ref: 18/0025/EN/BCN

5 Compliance with policy & guidance

- 5.1 This section of the report considers the reasons for the service of the Enforcement Notice in terms of policy and guidance as well as considering why the proposals could be regarded as acceptable.

The National Planning Policy Framework

- 5.2 The revised version of the National Planning Policy Framework (NPPF) was published in December 2023.

Proposals affecting heritage assets

- 5.3 Chapter 16 of the National Planning Policy Framework: 'Conserving and enhancing the historic environment' deals with Heritage Assets describing them as 'an irreplaceable resource' that 'should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'.
- 5.4 Paragraph 200 says that:
- 5.5 '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.'
- 5.6 Paragraph 203 says that
- 5.7 'In determining applications, local planning authorities should take account of:
- 5.8 'a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- 5.9 b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- 5.10 c) the desirability of new development making a positive contribution to local character and distinctiveness.'

Considering potential impacts

- 5.11 Paragraph 205 advises local planning authorities that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater

the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

5.12 Paragraph 207 says:

5.13 'where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

5.14 the nature of the heritage asset prevents all reasonable uses of the site; and

5.15 no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

5.16 conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

5.17 the harm or loss is outweighed by the benefit of bringing the site back into use.'

5.18 Paragraph 208 says that

5.19 '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'.

5.20 The NPPF introduces the requirement that 'Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.' (paragraph 210).

5.21 In terms of enhancing the setting of heritage assets the NPPF states that 'local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. (paragraph 212).

London Borough of Richmond-upon-Thames Local Plan

5.22 The Council's Local Plan was adopted in July 2018.

5.23 Policy LP3 relates to Designated Heritage Assets. Of relevance to this application, this states:

A. The council will require development to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough. Development proposals likely to adversely affect the significance of heritage assets will be assessed against the requirement to seek to avoid harm and the justification for the proposal. The significance (including the settings) of the borough's designated heritage assets, encompassing Conservation Areas, listed buildings, Scheduled Monuments as

well as the Registered Historic Parks and Gardens, will be conserved and enhanced by the following means: Give great weight to the conservation of the heritage asset when considering the impact of a proposed development on the significance of the asset.

B. Resist substantial demolition in conservation areas and any changes that could harm heritage assets, unless it can be demonstrated that:

1. in the case of substantial harm or logging the significance of the heritage assets, it is necessary to achieve substantial public benefits that outweigh that harm or loss;
2. in the case of less than substantial harm to the significance of the heritage asset, that the public benefits, including securing the optimum viable use, outweigh that harm; or
3. the building or part of the building or structure makes no positive contribution to the character or distinctiveness of the area.

C. All proposals in Conservation Areas are required to preserve and, where possible enhance character or the appearance of the Conservation Area.

D. Where there is evidence of intentional damage or deliberate neglect to a designated heritage asset, its current condition will not be taken into account in the decision making process.

E. The council's Conservation Area Statements, and where available Conservation Area Studies, and/or Management Plans, will be used as a basis for assessing development proposals within, or where it would affect the setting of, Conservation Areas, together with other policy guidance, such as Village Planning Guidance SPD's.

5.24 In respect of this appeal, Draft Policy 29 of Richmond's Draft Local Plan is un-changed from the existing adopted Local Plan.

The proposals

National Planning Policy Framework

5.25 In respect of the National Planning Policy Framework this report provides a description of the significance of the heritage assets potentially affected, including any contribution made by their setting as required by paragraph 200.

5.26 In terms of paragraph 206 & 207 it is common ground between the appellant and the Council that the proposals do not cause harm to the significance of nearby listed and locally listed buildings or harm the significance, character or appearance of the Petersham Conservation Area.

5.27 This is also demonstrated through the assessment above – through an understanding of the assets' significance and also from site visits both during the day and also evening.

Richmond Local Plan

- 5.28 With regards to the Council's Local (and Draft) Local Plan policies LP3 (and Draft Policy 29) for the reasons given above the Council and I believe that the proposals will preserve the character and appearance of the conservation area and the setting of listed and locally listed buildings and is therefore compliant with both the Local and Draft Local Plans.

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