

Town and Country Planning Act 1990, section 174

Appeal Reference - APP/L5810/C/23/3333609

**Enforcement Appeal Made by Turks
Launches Limited ('the appellant') relating to
the Pontoon and land adjacent to Richmond
Bridge Pier, Richmond Riverside, TW9 1TH
(‘the appeal site’).**

**Public Inquiry to be held between 13th – 15th
January 2026**

**Proof of Evidence of Lauren Way for the
Council of the London Borough of Richmond**

Introduction

1. I, Lauren Way, have been employed as a Principal Conservation and Urban Design Officer for the London Borough of Richmond since January 2022. Prior to this, I held the position of Senior Conservation and Urban Design Officer for the London Borough of Richmond from November 2020. I have also held senior positions in various private sector companies including as Associate Director within the Heritage and Townscape Team at Jones Lang LaSalle Limited (JLL) between February 2017 and November 2020. In total, I have over 16 years' experience working in the Historic Environment sector, where I have assessed the significance and impacts of proposals on heritage assets and landscapes, which included working for English Heritage (now Historic England).

2. I hold a Bachelor of Arts degree in Ancient History and Archaeology, which I obtained from Birmingham University, and a Master of Arts in Historic Environment Conservation, also obtained from Birmingham University. I am a full member of the Institute of Historic Building Conservation (IHBC).

3. The evidence which I have prepared and provide for this appeal in this proof of evidence is true and in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinion.

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1. Scope of Evidence

4. The evidence I will present on behalf of the Council will only relate to impacts on heritage assets in relation to Ground A of the appeal, which states that '*planning permission should be granted for what is alleged in the notice*'. Evidence relating to impacts on Metropolitan Open Land (MOL) and local character will be presented by Marc Wolfe-Cowen (Principal Urban Design Officer) of Richmond Borough Council. Evidence in relation to the planning merits and other grounds of appeal will be presented by Aaron Dawkins (Senior Planning Enforcement Officer) of Richmond Borough Council.

2. Evidence concerning heritage assets

Impact on the Richmond Riverside Conservation Area

Significance of Richmond Riverside Conservation Area

5. The appeal site is situated within the Richmond Riverside Conservation Area, which was re-appraised in 2022. The adopted Conservation Area Appraisal (Appendix 2) sets out the significance of the conservation area and refers to the picturesque quality of the eastern side of the river, and the river forming a consistent element which makes a positive contribution to the character of the conservation area. A key element of the character and appearance of the conservation area are short and long views enjoyed due to the significant amount of public realm and open space along the river. As stated in the 2023 Appraisal, *“there is a significant amount of public realm along the River allowing for its enjoyment and long views across and along the embankment are key to its character and appearance.”* This conclusion was also reached by the Inspector in the previous appeal decision for the site who stated in paragraph 84, *“The quality of views contributes significantly to the character, distinctiveness, and quality of the local and wider area”*.

6. The Richmond Riverside development dominates the view from Richmond Bridge where one can appreciate the fine architecture of the buildings set back from the riverside path, with the open landscaped area, and the river in the foreground as illustrated in figure 19 of Appendix 2. This development dates from the 1980s but includes several listed buildings. In this area, which includes the appeal site, commercial development is set back from the river itself, which forms an important positive aspect of the setting of the river and the appearance of the conservation area. This allows for a succession of views to and from highly distinctive bridges, including Richmond Bridge which is adjacent to the appeal site. All the bridges within Richmond are listed structures and act as local landmarks. There are also many other important listed buildings facing the river in this area, including the Grade I listed Asgill House.

6. The appeal site forms a central point in this distinctive area, and the pontoon can be seen in two of the photographs included in the Appraisal: figures 14 and 25. The public open space next to the pontoon is an important element of this part of the conservation area, allowing an experience of sanctuary and calm, with uninterrupted views of the river and, most importantly, Richmond Bridge which forms the dominant feature. It forms a contrast to the

more enclosed elements of Central Richmond to the north and acts as a well-used public open space to allow appreciation of the wider historic and natural environment. In terms of physical features on the riverside in this part of the conservation area, these are minimal in height and size and largely relate to riverside activities like landing stages or moored small boats. These contribute positively to the riverside character of this part of the area.

Assessment of Impact on the Conservation Area

7. The alteration and use of the pontoon as a restaurant causes less than substantial harm to the character and appearance of the conservation area (a matter conceded by the appellant in its statement of case at para 4.31). This harm would derive from the change in the pontoon from a typical riverside feature, which contributed to the history and use of the river in this part of the conservation area, to “*an imposing and uncharacteristic element*” (as the previous Inspector described it) and the visual impact of the additions to the pontoon to facilitate its use as a restaurant. Several options have been presented by the appellant as alternatives to the current situation and the condition of the pontoon at the time of the enforcement notice. A total of 7 options has been presented which represent varying visual impacts through removal of different features associated with the restaurant use. It is important to note however that given the limitations of the drawings and associated information, it is difficult to ascertain the full extent of impacts of all these options, especially as it is not clear how the restaurant and other parts of the pontoon would operate as part of these options. Options 1 to 4 all feature a range of options for removing some part of the railings and the raised element at the upstream end but all feature fixed umbrellas. These will be assessed together as it is considered that the range of harms deriving from these options is narrow. Options 5 and 6 both remove the umbrellas but retain most of the pontoon for restaurant use including seating areas to the upper deck. These will be assessed together as they are also considered to offer only a modest variation in the level of harm to the heritage assets. Option 7 retains the kitchen at the upstream end of the pontoon however it is not clear how the rest of the pontoon would be used.

8. The condition of the pontoon at the time of service of the enforcement notice represents the most harmful option for the site as the vast majority of the pontoon was enclosed by fixed plastic covers, railings and large blue umbrellas. This is represented in Figures 10-15 of Appendix 2. Figures 10 and 11 show the extensions to the pontoon clearly visible behind the

barge, the pontoon additions appearing to extend the full width of the pontoon. The restaurant extension on the pontoon forms a highly prominent feature on the riverside, greatly reducing visibility to the river from various points on the terraced open space of Richmond Riverside. Figure 11, which is taken from the terrace just up from the Thames Path, shows little visibility of the river in the background to the Jesus College barge and pontoon extension. Similarly, figures 12 and 14 illustrate the extent of visual impact of the restaurant extension onto the pontoon in views from Richmond Bridge towards the open Richmond Riverside space. This contrasts with the visual appearance and impact of the pontoon prior to 2021. This can be clearly appreciated in the images in Appendix 2. Figures 2, 20 and 21 were taken in 2015 and show the barge moored and used as a restaurant, albeit without visually detracting features like umbrellas on its upper deck. Whilst the restaurant is visible in these views, the bridge and the river remain the visually dominant feature. In addition, the restaurant is contained within the barge, reducing its visual impact on the area and in views. Figure 4 is taken from the open space of the Riverside in 2017 when the barge was removed. This gave a full view of the open public space with only small boats moored by the banks, allowing a full appreciation of the bridge and the river. Figure 22 taken from Richmond Bridge in 2016 also shows the barge moored but the pontoon is clearly visible as a river related structure with boats moored around it.

9. The current situation results in a lesser visual impact from the restaurant extension due to the reduction in the number of umbrellas to a total of 4, with a fixed cover linking the set of two umbrellas. The colour of the umbrellas has also been changed to an off-white. The plastic covers have been removed but the railings still fully enclose most of the pontoon and the raised deck. Most of the pontoon remains in use as a restaurant. The visual impact of the current situation is represented in Figures 23 to 31. It is important to note that the drawing provided by the appellant showing the pontoon as it currently exists is incorrect as it shows 3 (not 4) fixed umbrellas with some space between and does not include the fixed cover between the downstream deck over the kitchen and the lower central deck. Due to the proximity of the umbrellas and the central fixed cover, this gives the appearance of a solid large single parasol or roof form, particularly in views from Richmond Bridge looking down at the appeal site.

10. Whilst removal of some of the umbrellas at the upstream end reduces the visual impact very slightly, it does not eliminate it. The restaurant extension on the pontoon remains the dominant feature in views from Richmond Bridge, Richmond Riverside and upstream from Cholmondeley Walk as illustrated in these images, when compared to the Jesus College barge. In views from the riverside, the restaurant extension, including the umbrellas, raised deck, railings and tables and chairs remains a highly prominent feature reducing visibility of the river in the background. In views from Richmond Bridge, due to the scale of the restaurant extension including the railings, raised decks and umbrellas, coupled with the barge, the restaurant dominates the view and forms an incongruous feature that affects the distinctive landscape character of this part of the conservation area (figures 23,24 and 25). It detracts from the picturesque qualities of the view, drawing the eye away from positive features like the open landscaped space and the listed buildings in the background, particularly at high tide. Policy 31 of the Adopted Local Plan seeks to protect the quality of views, vistas, gaps and skylines which contribute to the character, distinctiveness and quality of the local and wider area. Views from Richmond Bridge towards Richmond Riverside as well as a view from the north bank of Richmond Riverside looking towards the bridge are both identified in the Local Plan Policies Map. The appellant has accepted that there will be harm to views contrary to LP31 of the Local Plan. The unauthorised development in its current form would appear out of place, incongruous and dominant in these key views as illustrated in figures 23, 24 and 29 (Appendix 2).

11. This conclusion was also reached by the previous Inspector who considered the current situation of the pontoon albeit without the fixed cover between the two pairs of umbrellas. In his assessment in paragraph 86, he stated, *“The enlargement of the pontoon and the use of the raised areas for restaurant seating, with umbrellas above one, have made it a more prominent feature in views from the Richmond embankment downstream. The nearby views include from the identified local view/vista near the end of Water Lane. Further away, on Cholmondeley Walk, the pontoon is seen in a panoramic view of the river that takes in Richmond Bridge and Corporation Island. By reason of its scale, design and siting, the enlarged pontoon with restaurant paraphernalia is an uncharacteristic intrusion into the open river that is a key component of these important views.”* The reduction in the number of umbrellas does not remove the harm as they remain a highly incongruous feature on the river and are visually

linked to the restaurant use. In addition, the current situation is not well represented in the drawings provided by the appellant as four umbrellas (rather than 3) are all situated close together to give a clear appearance of a solid roof form with the fixed cover in the middle connecting the two pairs, adding significantly to its visual impact.

12. The extent of harm will vary depending on one's location within the conservation area and the contribution that these views make to its character and appearance. However, as set out above, the appeal site is situated within a particularly visually prominent and important open landscaped area within the conservation area and it is highly visible from several vantage points along the Thames Path, on the bridge and along the terraced public space. It is also visible as one moves from one conservation area to another (from Richmond Hill CA to Richmond Riverside, figure 16 of Appendix 2), along the Thames Path, under Richmond Bridge. In addition, the extent of harm would vary depending on the time of year. Figures 17 and 18 show the restaurant in March 2024 while it was temporarily closed and the umbrellas closed. As shown in these images, whilst the visual harm would be slightly reduced the pontoon will still clearly read as an extension to the restaurant rather than a pontoon for the mooring of boats. Similarly, the extent of harm could be greater in the evenings if the current large amount of lighting is retained in the pontoon seating area. Figures 32-38 in Appendix 2 show the restaurant at night with a large extent of lights along the pontoon which add greatly to the visual assertiveness of the restaurant extension making it highly dominant on the river and in the Riverside area. Accordingly, while the less than substantial harm resulting from the appeal site in its current situation can vary at times in the year and in some views, I consider it to be at the higher end of the scale, due to the visual importance of this part of the conservation area and the impact it has on the appreciation of other key features of the area, like the listed Richmond Bridge, which is covered in greater detail below.

Review of alternative options

13. This point is relevant to the various options presented by the appellant. Options 1 to 4 show slightly varying scenarios for the physical alterations to the pontoon, including removal of the upstream built form and some railings. On review of these options, there are slight variations in the extent of harm caused to the character and appearance of the conservation area. This will also depend on the views where they would be appreciated, the time of year and the intensity of the restaurant use on the pontoon. However, these do not remove the

harm identified above or significantly reduce it. Options 1 and 2 propose the same number of fixed umbrellas as the current situation but they do not include the fixed cover between the upstream deck and the lower central deck. In some options, the bulk of the downstream end is proposed to be removed, however most of the pontoon would remain in restaurant use with tables and chairs proposed (about two thirds of the pontoon). The pontoon would therefore still read as largely a restaurant extension with visual clutter and uncharacteristic and incongruous features present for most of its extent. The drawings do not make clear what the upstream end would be used for without the storage space and cold store. In some views, particularly looking north from Richmond Riverside and upstream from Cholmondeley Walk, the extent of harm would be largely the same (if not worse if the umbrellas are to be increased), based on the limited information provided. This is because the physical bulk of the downstream end of the pontoon, railings, tables and chairs and umbrellas would remain the same.

14. Options 5 and 6 remove the fixed umbrellas from the whole of the pontoon, but both options retain a large part of the pontoon for restaurant use, with visual clutter associated with this use including the built form on the downstream end used as the kitchen. This will also include tables and chairs and potentially lighting as per the current situation. In both options the central section of the pontoon would remain in restaurant use, as well as seating areas at the upstream or the downstream end. Again, the level of harm would vary in certain views and according to the time of year and the intensity of the restaurant use on the pontoon. Whilst the visual harm would be reduced to a greater extent in these two options as the fixed umbrellas would be removed, the pontoon will still clearly read as an extension to the restaurant rather than a pontoon for the mooring of boats thereby causing harm to the character and appearance of the conservation area. The pontoon would read as an uncharacteristic and incongruous feature, intensifying the commercial use on the river. Most, if not all, of the pontoon would be retained in restaurant use either below or above deck.

15. This would be particularly visible from Richmond Bridge where the full extent of the pontoon is most appreciated. It is not clear if temporary umbrellas would be erected in the summer months over the tables like those on the top deck of the Jesus College Barge. The railings and erection of tables and chairs as well as the built form at the downstream end would still visually change the appearance of the pontoon to largely a restaurant extension

resulting in a commercial and developed feature on the river. As noted by the Inspector in the previous appeal in paragraph 86, *“the increase in built form and restaurant activity in an area historically associated with river-related uses has eroded the contrast between land-based and river-based activity and serves to limit views of the river. There is also a loss of appreciation of the pontoon as a typical low-lying riverside”*. The built form would be reduced to an extent and some of the railings removed but both options would retain railings around a large extent of the pontoon thereby enclosing it. The extent of less than substantial harm would again vary depending on the seasons, the intensity of the use of the pontoon as a restaurant and the use of the other part of the pontoon which has not been provided in the drawings. However, most of the pontoon would visually remain in restaurant use. This is in direct contrast to the position prior to 2021, where the pontoon was largely open and free from development on top of it other than that associated with its use for the mooring of boats. These options would therefore still result in a bulkier, more visually cluttered and partially enclosed pontoon with restaurant paraphernalia, resulting in a largely commercial and developed feature on the river that will be highly incongruous and out of place in the conservation area.

16. Option 7 appears to retain the bulk of the pontoon extension at the downstream end which houses the kitchen and removes all tables and chairs on the rest of the pontoon. However, it is not clear how the rest of the pontoon would be used. Part of the pontoon would still however be permanently altered for restaurant use thereby altering its use and appearance as a river related structure which would be out of character in the conservation area. The increase in bulk of the downstream end would also form a permanent change in appearance to the pontoon in association with the restaurant use. There was a structure at this end of the pontoon before 2021, but this clearly read as a temporary shed structure associated with its use for the mooring of boats, which could be removed.

17. The retention of the bulk downstream would still change the appearance of the pontoon and introduce some permanent commercial activity onto the pontoon compared with how it was before its alteration (as seen, for example, in figure 1 of Appendix 2). This increase in bulk and the activity associated with the restaurant, albeit potentially only associated with the kitchen, would likely cause a degree of less than substantial harm to the character and appearance of the conservation area at the lower end of the scale, as the pontoon would still

be more visually prominent than prior to the breach and an incongruous commercial feature on the river.

Impact on the Richmond Bridge (Grade I)

Significance of Richmond Bridge and its setting

18. Richmond Bridge is a Grade I listed stone bridge built in 1777 by James Paine and Kenton Couse. Its significance lies in its architectural interest, forming a fine example of an early bridge, surviving in its original 18th century form with high quality and restrained architectural detailing. It is also of historic interest, forming the oldest bridge, surviving in largely its original form, over the Thames River within the Greater London area. The list entry is included in Appendix 4. The most important element of the immediate setting of the bridge is the River Thames which contributes to the appreciation of the bridge's significance as a historic functional river feature. This conclusion was also drawn by the Inspector in the previous appeal who stated in paragraphs 92 and 93 of his decision letter, *"92. The predominant characteristic of the bridge's setting is the river, without which it would have no purpose. The river setting affords relatively unbroken views of and from the bridge, although views from the Twickenham bank downstream are limited by the presence of Corporation Island and the absence of public spaces and riverside walks. The most significant views of the bridge are therefore from the Richmond bank downstream, particularly from Cholmondeley Walk, and from both sides upstream. 93. In these views, the open setting created by the river allows the bridge to be appreciated as a largely isolated structure, gracefully spanning the river much as it did when first built. This is particularly apparent in views from Cholmondeley Walk, where the bridge can be seen against a backdrop dominated by trees and with the river in the foreground. The open setting created by the river therefore makes an important and positive contribution to the overall special interest and significance of the bridge."*

19. The open spaces and riverside paths, particularly Richmond Riverside, which forms a large open landscaped area immediately to the north, also make an important contribution to the significance of the bridge, as they allow many uninterrupted open views towards the bridge which give a full appreciation of its river setting and historic function. Richmond Riverside is also of particular importance as it is where the grandeur and historic importance of the bridge is most greatly appreciated, forming the principal feature in views. This space also allows

longer views where the bridge can be experienced as part of a wider river landscape of listed bridges further down the river.

20. Historically, the bridge has always been the visually dominant feature in views. This can be seen in many historic images of the bridge, such as figures 8 and 9 in Appendix 2. These historic images, as well as Figures 1 and 13 of the Conservation Area Appraisal (Appendix 3), also show that structures and features close to the bridge were historically associated with river-related uses like moored boats and landing stages. This historic immediate setting has remained largely unchanged, particularly in the location of the appeal site, and thus makes an important contribution to its significance. Structures and features remain largely river-related and visually subordinate within views of the bridge. They are experienced as part of the historic river setting of the bridge and thus contribute to an appreciation of its significance.

Assessment of Impact on Richmond Bridge

21. Although its structure as a boat is in keeping with the river, the Jesus College Barge causes less than substantial harm to the setting of the listed bridge through intruding into views of the bridge and introducing a non-river-related commercial use onto the river, close to the bridge. This was agreed by the Inspector in the previous appeal who acknowledged in paragraph 97 of his decision letter that the Jesus College Barge contributes to the effect of limiting the appreciation of the full span of the bridge and its full architectural quality and form, thus eroding the contribution that the setting makes to the special interest of the listed building. Features associated with this use, including umbrellas, are uncharacteristic of the bridge's historic setting where river-related uses and structures have historically dominated. Other commercial development is situated away from the river edge. The barge interrupts views towards the bridge from various points, reducing one's appreciation of its prominence and historic significance. However, the Council's enforcement action is confined to the pontoon, so I have focused on the effects of the works to, and change of use of, the pontoon, as the barge may remain in situ whatever decision is reached in this appeal.

22. In this context the extension of the restaurant use onto the pontoon, as well as the addition of a raised structure on top of most of it and features like the railings enclosing the structure, increase the bulk and mass of the pontoon, making it highly visible in many views towards the bridge. This causes further harm to the appreciation of the bridge in its setting.

The extension of the restaurant onto the pontoon also further erodes the historic setting of the bridge at this point, intensifying the existing commercial use right next to the bridge and on the river, where only modest river-related features have dominated.

23. The bulk and appearance of the structure on top of the pontoon as well as features like the railings and fixed umbrellas add to this harm as they distract from the appreciation of the grandeur and prominence of the listed bridge in views from the riverside. Various options have been presented by the appellant as alternatives to the current situation and the condition of the pontoon at the time of the enforcement notice. I approach these in the same way as in my assessment of the impacts on the Conservation Area, with options 1-4 considered together; options 5 and 6 considered together; and option 7 considered separately.

24. For all the options presented, the harm will be most pertinent in various views from the Thames Bank including those further away from Cholmondey Walk and the terraced area of Richmond Riverside where the barge and the additional structure on top of the pontoon, together, will be highly intrusive due to their close proximity to the bridge. The appearance of the pontoon at the time of the enforcement notice can be seen in figures 10 and 11 of Appendix 2 where the restaurant forms the dominant feature in the view, taking away from the visual importance of the bridge in the background.

25. Figures 23 to 31 of Appendix 2, show the current situation from various viewpoints along the Thames Path and the Riverside as well as on the bridge itself. The number of umbrellas has been reduced to 4 plus the fixed cover between, and the plastic covers have been removed, however this results in only a modest reduction in impact. The restaurant extension on the pontoon remains the dominant feature in the views, drawing the eye away from the listed bridge and its historic river setting. In views looking towards the bridge from the north-west, including that from Cholmondey Walk, the pontoon would be highly visible and forms a significant feature in front of the bridge both at low and high tide, blocking views of at least two of the arches. This conclusion was also drawn by the previous Inspector who also noted in paragraph 94 that in views from Richmond Riverside, *“The alterations to the pontoon have changed it from a relatively low-lying structure to a taller and bulkier structure. In combination with the JCB, it intrudes in views of and from the bridge. The pontoon is now a significant feature in the foreground of views from the bridge toward Richmond Riverside. This diminishes*

the sense of separation from land that is characteristic of views from the bridge and important to the appreciation of its significance”.

26. Earlier images from 2015 and 2017, as well as the historic images of the banks, show views of the bridge that are uninterrupted, and the bridge formed the focal feature of the view. In contrast to then, the additional structure on top of the pontoon and the railings surrounding it would form a physically permanent feature, whereas the Jesus College Barge reads as a moored boat which could be removed. The raised structure, regardless of how many umbrellas are erected on top and the extent of railings which surround it, would appear double the size of the Jesus College barge in terms of floorspace. If permitted, this would permanently alter the setting of the bridge both in historic appearance and character, and in important views from the riverside, where one best appreciates its special architectural and historic interest.

27. The harm deriving from the appeal site to the significance of the listed bridge will vary depending on the intensity of the restaurant use on the pontoon and physical features present (like umbrellas) which will be influenced by the changing seasons. However, it is important to note that the appeal site is in very close proximity to the bridge, being part of its immediate setting on the river which has historically experienced little change. In addition, the appeal site is visible in many key views of the bridge which make a significant contribution to its special interest. Figures 17 and 18 are taken from March 2024 when the restaurant was temporarily closed and the umbrellas closed, reducing the amount of restaurant paraphernalia. In this situation the harm would be reduced temporarily but not removed as the pontoon would still read as a restaurant extension rather than a flat low-lying structure for the mooring of boats. Accordingly, I consider that the harm to the significance of Richmond Bridge resulting from the current situation, both in terms of the physical changes to the pontoon and the extension of the restaurant use onto the pontoon to be at the high end of less than substantial harm. This is due to the proximity of the site to the bridge, being part of its immediate setting on the river which has historically experienced little change, and because the appeal site will greatly impact on many key views of the bridge which make a significant contribution to the special interest of the listed structure. These include views from the Thames Path and the open landscaped spaces of Richmond Riverside which allow full appreciation of its historic river setting and visual prominence.

Review of alternative options

28. Options 1-4 presented by the appellant provide slightly differing scenarios for the physical alterations to the pontoon. These include the removal of the upstream built form and some railings, as well as varying numbers of umbrellas. These are considered to form only slight variations to the level of harm caused to the setting and significance of the listed bridge depending on the intensity of use of the pontoon as a restaurant. They do not remove the harm or significantly reduce it as most of the pontoon would remain in restaurant use with associated paraphernalia, like tables, chairs, lighting and umbrellas. Options 1 and 2 increase the number of umbrellas over the current situation portrayed in the drawings and do not include the fixed cover between the downstream deck and the lower central deck. They could form a more harmful option to the present situation. In some options, the bulk of the pontoon would be removed from the upstream end closest to the listed bridge; however the bulk of the pontoon would remain in restaurant use (at least two thirds). This reduction would result in little change to the visual impact from Cholmondeley Walk where the pontoon extension along with the JCB would still visually divert attention away from the bridge and greatly increase commercial activity on the river. In some options, the impact could be greater than the current situation if the umbrellas are increased. It is not clear what the appellant's intentions are concerning the existing fixed cover between the two pairs of umbrellas which, in northerly views, results in a solid roof form further diminishing the visual prominence of the bridge.

29. As set out in paragraph 14 of this proof, Options 5 and 6 remove the umbrellas from the whole of the pontoon but both options retain a large part of the pontoon for restaurant use with visual clutter associated with this use retained, including the built form on the downstream end, used as the kitchen. I note that in some images from prior to the enforcement breach, there was some form of shed structure at the downstream end of the pontoon. However, this clearly read as a temporary shed-like structure rather than a permanent alteration to increase the height of the pontoon to house the kitchen. This also clearly read as part of the use of the pontoon for river related activities which was in keeping with the historic setting of the bridge and was much smaller than the built form at this end. In both options, the central section of the pontoon would remain in restaurant use, however seating areas would be either moved to the upstream or the downstream end. Most of the

pontoon would be enclosed by railings which would delineate the restaurant use. In immediate views of the bridge, particularly along the Thames Path, the pontoon would still read largely as a restaurant extension with cluttering features associated with this use. The removal of some of the bulk and the umbrellas would reduce its impact in longer views but the pontoon would still largely read as a restaurant extension covering most of the pontoon extent. The extent of visual impact will vary on the intensity of the restaurant use and the season. However, these options would still harm the setting of the bridge due to the intensification of the commercial restaurant use on the river and right next to the bridge and the visual paraphernalia associated with that use albeit to a lesser extent with the removal of the umbrellas. This would both diminish the sense of separation from land as described by the previous Inspector and further erode the historic setting of the bridge at this point which was previously dominated by river related activity.

30. Option 7 appears to retain the bulk of the pontoon extension at the downstream end, which is visible in views from the riverside and along the Thames Path, including from Cholmondeley Walk (as well as from the bridge). It removes all the permanent tables and chairs although the information provided is very limited on how the rest of the pontoon would be used. This option would still retain part of the pontoon for restaurant use which would still increase the level of commercial activity on the river and immediately in front of the bridge. As stated above, the increase in bulk at the downstream end would be visually permanent and increase the bulk of the pontoon thereby increasing its prominence. There was a structure on this part of the pontoon before 2021, however, as noted above, it read as a small removable shed-like structure on top of the pontoon visually associated with its use for the mooring of boats. The retention of the raised deck at this end would form a permanent change to the appearance and character of the pontoon. This coupled with any associated restaurant activity resulting from this option albeit potentially only associated with the kitchen, would likely cause a level of less than substantial harm to the special interest of the listed building as an element of its immediate setting. This will ultimately depend on how the pontoon would operate in part as an extension of the restaurant, the extent and intensity of the restaurant activity as well as the use of the rest of the pontoon.

32. As set out in para 212 of the NPPF, great weight should be given to a heritage asset's conservation, regardless of the extent of harm caused by the proposed development. The more important the asset, the greater the weight that should be given. In this case the development causes harm to the significance of a Grade I listed structure through development within its setting, as well as harm to a conservation area. Unless significant public benefits outweigh the harm to the conservation area and the setting of Richmond Bridge, the development would fail to comply with the statutory duties in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act, paras 212, 213 and 215 of the National Planning Policy Framework and Local Plan Policy 29. An assessment of the identified public benefits against the less than substantial harm to the significance of these heritage assets is set out in the proof of evidence of Mr Aaron Dawkins.

3. Summary

33. I am the Principal Conservation and Urban Design Officer for Richmond London Borough Council. I am giving evidence on the effect of the development enforced against on the significance of heritage assets.

34. The appeal site is situated within the Richmond Riverside Conservation Area, which was re-appraised in 2022. The adopted Conservation Area Appraisal refers to the picturesque quality of the eastern side of the river, and the river forming a consistent element which makes a positive contribution to the character of the conservation area. A key element of the character and appearance of the conservation area are short and long views enjoyed due to the significant amount of public realm and open space along the river. The Richmond Riverside development dominates the view from Richmond Bridge where one can appreciate the fine architecture of the buildings, many of which are listed, set back from the riverside path, with the open landscaped area and the river in the foreground. In this area, which includes the appeal site, commercial development is set back from the river itself, which forms an important positive aspect of the setting of the river and the appearance of the conservation area. This allows for a succession of views to and from highly distinctive bridges, including Richmond Bridge (grade I listed) which is adjacent to the appeal site.

35. The alteration and use of the pontoon as a restaurant causes less than substantial harm to the character and appearance of the conservation area. This harm would derive from the pontoon's change from a typical riverside feature, which contributed to the history and use of the river in this part of the conservation area, to an uncharacteristic structure in use for restaurant purposes. The pontoon as it is now greatly impacts on the experience of the open Richmond Riverside space, in part due to its height and additional bulk, adding to the commercial use of the barge on the river. Various options presented by the appellant seek to reduce the visual harm caused by the restaurant use on the pontoon but, in all options, most or part of the pontoon would be retained for restaurant use thus causing harm to the character of this part of the conservation area. The amount of built form, restaurant paraphernalia and railings on the pontoon will vary the extent of harm caused in visual terms but all proposed options apart from option 7 retain a large part of the pontoon as restaurant use which will be incongruous and out of character. Option 7 still involves permanent changes to the pontoon in association with its use as a restaurant extension with the retention of the

downstream built form which is used as a kitchen. There will still be some appreciation of this part of the pontoon as an extension of the restaurant in views within the conservation area which would be incongruous. It is also not clear how the rest of the pontoon will be used.

36. Richmond Bridge is a Grade I listed stone bridge built in 1777 by James Paine and Kenton Couse. Its significance lies in its architectural and historic interest. The addition of structures on top of most of the pontoon increases the bulk and mass of the restaurant, making it highly visible in many views towards the bridge, thus causing harm to the appreciation of the bridge in its setting. The extent of restaurant paraphernalia on the pontoon including the built form would vary the level of harm caused by the development as per the various options presented by the appellant but all options retain most or part of the pontoon in some form of restaurant use. The extension of the restaurant on to the pontoon, whether most or in part further erodes the historic setting of the bridge at this point, intensifying the existing commercial use right next to the bridge and on the river, where only modest river-related features dominated.

37. The harm to the conservation area and the significance of Richmond Bridge through development within its setting is less than substantial with the greatest level of harm resulting from the condition of the pontoon at the time of issuing the enforcement notice and option 7 offering the least amount of harm.