
Appeal Decision

Site visit made on 20 September 2016

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 September 2016

Appeal Ref: APP/L5810/W/16/3152733

Flat 2, 450 Upper Richmond Road, Barnes, London SW15 5RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Pugh against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/0999/FUL, dated 11 March 2016, was refused by notice dated 25 May 2016.
 - The development proposed is a single storey timber conservatory to rear.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Although the site address details on the planning application form are given as 450 Upper Richmond Road, Barnes, London SW15 5RQ it is clear from the appeal form, the local planning authority's decision notice and my observations on site that a more accurate address is Flat 2, 450 Upper Richmond Road, Barnes, London SW15 5RQ. I have therefore used the more accurate address above.

Main Issues

3. The main issues are the effect of the proposal on:
 - i. the character and appearance of the Building of Townscape Merit (BTM) and the Barnes Common Conservation Area; and
 - ii. the living conditions of the occupants of adjacent residential properties with particular reference to outlook.

Reasons

Character and appearance

4. The appeal property is a rear ground floor flat which is part of a substantial two storey detached residential property with additional living accommodation in the roof space. The property has been divided into seven flats and is situated within a predominantly residential area where there is a variety of building styles, including some of similar design and appearance to the appeal property. The site is within the Barnes Common Conservation Area and is a Building of Townscape Merit (BTM).
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5. Policy CP7 of The Local Development Framework Core Strategy Adopted April 2009 (CS) seeks to maintain and improve the local environment through, among other objectives, requiring all new development to recognise distinctive local character and contribute to creating places of a high architectural and urban design quality. Policy DM DC1 of the Local Development Framework Development Management Plan Adopted November 2011(DMP) supports this general objective and requires new development to be of high architectural and urban design quality based on sustainable design principles. The Council will have regard to a range of matters when assessing the design quality of a proposal, including compatibility with local character including the relationship with existing townscape and frontages, scale, height, massing, proportions and form.
6. Policy DM HD1 relates to conservation areas and states that buildings and other features which make a positive contribution to the character, appearance or significance of the area should be retained. New development should conserve and enhance the character and appearance of the area. Under Policy DM HD3 the Council will seek to ensure and encourage the preservation and enhancement of BTMs and will protect their significance, character and setting through, among other means, requiring alterations and extensions to be based on an accurate understanding of the significance of the heritage asset and respect the architectural character and detailing of the building.
7. The appeal building has an attractive and impressive front elevation facing onto Upper Richmond Road and is highly visible from the public realm. However, the rear elevation is not visible from the public realm and can only be seen from nearby adjacent properties and associated rear private amenity spaces. Nonetheless, as a BTM within the conservation area it is significant from an architectural perspective and its unique character and its contribution to the Conservation Area should be conserved and enhanced in line with the development plan. Features of particular note on this building include the rear projecting gable and its regular arrangement of openings which would be disrupted by the current proposal.
8. The current proposal is for a lean to single storey timber conservatory to the rear of the property which would be almost half the height of the highest part of the original property. Its width would cover most of the projecting gable. The scale of the proposal in relation to the rear of the property and the gable, in particular, is excessive and it would be a dominant feature on the host property.
9. Also, the form and design of the proposal shows little evidence of understanding the significance of the heritage asset and its architectural character and detailing. The lean-to roof design and arrangement of openings on the rear elevation are of particular concern. As such, the proposal would neither preserve or enhance the BTM or protect its significance.
10. As a consequence of the important contribution this building makes towards the historic and architectural interest of the Barnes Common Conservation Area the harm to its character and appearance would not be confined to the building itself, but its immediate surroundings which are recognised for their architectural and historic merit which should also be preserved or enhanced by new development.

11. Given the scale of the proposal within the context of the Conservation Area as a whole, I consider that it would cause less than substantial harm to its character and appearance. In accordance with paragraph 134 of the National Planning Policy Framework (the Framework), I must weigh the harm against the public benefits of the proposal.
12. There may be some benefits from the proposal in terms of improving the living conditions of the residents of the property. However, in my opinion the public benefits would be minimal, and insufficient to outweigh the harm identified. I conclude that the development would fail to accord with national policy.
13. For these reasons, on this issue I conclude that the development would harm the character and appearance of the BTM and the Barnes Common Conservation Area. As such it would conflict with the design and heritage provisions of Policy CP7 of the Local Development Framework Core Strategy Adopted April 2009, Policies DM HD1, DM HD3 and DM DC1 of the DMP, the Local Plan Supplementary Planning Document House Extensions and External Alterations May 2015 (SPD) and the Framework.

Living conditions

14. Policy DM DC5 of DMP states that in considering proposals for development the Council will seek to protect adjoining properties from unreasonable loss of privacy and visual intrusion, among other objectives. This objective is reflected in more detailed guidance provided in the SPD.
15. The rear facing kitchen window and door of Flat 1 is situated between the flank walls of Flat 2 and No 452. As a consequence of its set back relationship with the rear of the building and its close relationship with the flank walls the outlook is already limited and is channelled between the high brick walls of the original properties and the additional single storey brick rear projecting conservatory wall on the side elevation of No 452.
16. Whilst I appreciate that the rear kitchen of Flat 1 currently has a restricted outlook from its window, the proximity and scale of the proposal in relation to the flank wall and the window would exacerbate the existing situation in relation to outlook leading to an undesirable sense of enclosure. Accordingly, it would cause material harm to the living conditions of the occupants of the adjacent ground floor flat in terms of outlook.
17. On this issue I conclude that the development would harm the living conditions of the occupants of an adjacent residential property with particular reference to outlook. Therefore, it would conflict with the amenity requirements of Policy DM DC5 of the DMP, the SPD and the Framework.

Other matters

18. In support of the appeal, I have been referred to some other developments. I observed on site that there is a variety of alterations and extensions to properties in the vicinity of the site, including a rear conservatory to the rear of the adjacent property, No 452 Upper Richmond Road. However, I do not have the full details of the circumstances that led to these proposals being acceptable and so cannot be sure that they represent a direct parallel to the appeal proposal, including with respect to the conservation status of the host buildings and development plan policy. In any case, I have determined the appeal on its own merits.

19. I am aware that the occupants of No 452 have expressed their concerns with particular reference to the effect of the proposal on the daylight entering windows on the side elevation of their property. However, I understand that the large obscure glazed ground floor window in the side elevation serves a room which also gains daylight and sunlight from large bio-folding doors in the rear elevation. As such, any effect from the current proposal is unlikely to be significant in this regard. Also, due to the relationship between the proposal and the first floor side bedroom window in No 452 there is no conflict in terms of light and privacy.

Conclusion

20. For the above reasons and taking account of other matters raised I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR