

Appeal Decision

Site visit made on 12 December 2016

by M Brookes BA MSc MRTPI

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

Decision date: 20 December 2016

Appeal Ref: APP/L5810/D/16/3160607

Red House, Sheen Lane, East Sheen, London, SW14 8LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs C Wilkins against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref. 16/2713/VCR, dated 4 July 2016, was refused by notice dated 30 August 2016.
 - The application sought planning permission for a 'ground and lower floor extension with associated site works and boundary wall alterations' without complying with a condition attached to planning permission Ref. 16/0598/HOT, dated 9 June 2016.
 - The condition in dispute is reference U06493 which states that:
The development hereby permitted shall be carried out in accordance with the following approved plans and documents where applicable: 4523_1_25, 4523_1_26, 4523_1_27 received 14 April 2016 and 4523_3_28_C, 4523_3_29_C received 24 May 2016.
The reason given for the condition is to accord with the terms of the application, for the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is dismissed.

Background

2. The application that is the subject of this appeal sought to amend Condition U06493 to allow the development to be carried out in accordance with revised drawings showing alterations to the size and style of a first floor terrace door. The Council refused permission on grounds that by reason of their inappropriate design and materials the proposed doors would be detrimental to the architectural and historic interest of the host Building of Townscape Merit and the character and appearance of the Conservation Area.
3. The Council also concluded that the proposal would result in a development that is substantially different from the approved scheme and is not considered to be a 'minor material amendment'. This issue is addressed as an 'Other Matter' below.

Main Issue

4. The main issue is the effect of the proposed altered terrace door on the character and appearance of the appeal property and of the Sheen Lane (East Sheen) Conservation Area.

Reasons

5. The Sheen Lane (East Sheen) Conservation Area largely comprises detached and semi-detached houses of a variety of compatible styles with distinct groups of properties of similar designs. There are also properties of more individual design, particularly on prominent sites at road junctions some of which, including the appeal property, are identified as Buildings of Townscape Merit. Although there have been alterations, the original scale and details of design of building elevations in public view within the Conservation Area are largely retained.
6. The integrity of the individual building elevations and the degree of uniformity that results from groups of buildings of similar designs create an area of harmonious character and appearance.
7. The Red House occupies a prominent location adjacent to the junction of Sheen Lane and Richmond Park Road. Its front elevation is most prominent, facing south along Sheen Lane, although its other elevations are also visible over boundary walls from adjacent roads. In common with many buildings in the Conservation Area, the Red House has windows and doors that are predominantly of white painted wood with glazing bars that divide them into small panes.
8. The approved development included the insertion of a door at first floor level in the side elevation of the building facing onto Sheen Lane. The single door which would give access onto an existing terrace would be fully glazed with subdividing glazing bars.
9. The appeal proposal is for the substitution of this door by a wider pair of bi-folding doors with thin aluminium frames and no glazing bars.
10. Generally the form, materials and details of design of the approved extension would reflect those of the existing building, but the proposed folding doors would be of very different character and appearance. They would be striking different to other existing windows in the side elevation which have white painted timber frames and glazing bars forming small panes. As a consequence of their size, material of construction and prominence on the side elevation, the doors would be harmful to the integrity, character and appearance of the existing and extended building. In reaching that conclusion I have taken into account that the Council has approved doors of similar form at lower ground floor level but, because of their siting within lightwells, they would not have a comparable effect.
11. I also do not accept the appellant's submission that the doors are acceptable because they would be temporary features that could be changed in future. The harm is no less acceptable because it might be temporary and in any case there is no guarantee that it would not be permanent.

12. The development would therefore conflict with Policy DM HD3 of the Council's Local Development Framework Development Management Plan (2011) (DMP) that alterations and extensions to Buildings of Townscape Merit should respect the architectural character and detailing of the original building. This policy is reinforced in the Council's Buildings of Townscape Merit Supplementary Planning Document (2015) which states that the removal of original or characteristic features, or the introduction of unsympathetic windows, doors or materials can not only destroy the visual quality of one building but erode the entire character and interest of an area.
13. In this case, the incongruity of the doors would be readily apparent in views from Sheen Lane over the boundary wall and the loss of integrity and uniformity to the fenestration, particularly on a Building Of Townscape Merit, would be harmful to the harmonious character and appearance of the Conservation Area.
14. In summary, the proposed altered terrace door would have an unacceptably harmful effect on the character and appearance of the appeal property and would fail to preserve or enhance the character or appearance of the Conservation Area. It would conflict with Policy CP7 of the Council's Local Development Framework Core Strategy (2009) that existing buildings and areas in the Borough of recognised high quality and historic interest will be protected from inappropriate development. It would also conflict with DMP Policy DM DC1 that development must respect local character and Policy DM HD1 that proposals should preserve or enhance the character and appearance of conservation areas.
15. Whilst the proposal would cause less than substantial harm to the significance of the Conservation Area, having regard to the importance and weight to be attached to the desirability of preserving or enhancing its character and appearance, that harm would not be outweighed by any public benefits arising from the development.

Other Matter

16. Notwithstanding my conclusions on the merits of the appeal proposal, having regard to it involving only an alteration to the design and a small increase in the size of an approved opening, I am satisfied that the proposal is not substantially different to the approved development. It can therefore be considered to be a minor material amendment and determined on that basis.

Conclusion

17. For the reasons set out above and having regard to all matters raised the appeal is dismissed.

M Brookes

INSPECTOR