

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/16/3160604

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. 16/2712/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 ground floor fenestration. The Council refused permission on grounds that the proposal 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 fenestration 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 wide, full height opening in the centre of the rear elevation of the approved extension is designed as a pair of folding doors, each in three sections and subdivided into small panes to reflect the style of windows in the existing building. This framing and subdivision would break up an uncharacteristically wide opening in the brickwork and thereby maintain the character and appearance of the building.
9. The appeal proposal is for the substitution of these folding doors by three large sliding panels with thin aluminium frames and no glazing bars.
10. Generally the form, materials and details of design of the extension would reflect those of the existing building, but the proposed sliding panels would be strikingly different. The very large opening in the brickwork with minimal subdivision by thin aluminium frames would be wholly out of keeping with the existing and extended building. Having particular regard to their size, material of construction and prominence on the rear elevation, the panels would be harmful to the integrity, character and appearance of the 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 size and siting within lightwells, they would not have a comparable effect.
11. I also do not accept the appellant's submission that the sliding panels 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. The integrity of the Building of Townscape Merit contributes to the character and appearance of the Conservation Area. The introduction of the large glazed panels would therefore detract from its character although, being largely screened by garages and a boundary wall, the effect on the appearance of the area would be limited. Overall there would be some harm to both the character and the appearance of the Conservation Area.
14. In summary, the proposed altered fenestration 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 only involving the alteration to the design of an opening in an approved extension, 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