
Appeal Decision

Site visit made on 4 April 2017

by G Rollings BA(Hons) MA(UD) MRTPI

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

Decision date: 3rd May 2017

Appeal Ref: APP/L5810/W/16/3157192

10 The Broadway, Barnes, London, SW13 0NY

- 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 Cormac Dolan (Redtree Ventures) against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/1977/FUL, dated 18 May 2016, was refused by notice dated 14 July 2016.
 - The development proposed is described as "insertion of a window into rear elevation".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal plans indicate that the proposal incorporates the installation of three rear-facing windows serving the ground floor of the building, which appear on the upper part of the wall when viewed from the laneway. Louvres would be attached to these windows, below which would be two partially sunken windows serving the basement, which would adjoin lightwells accommodated within the site boundary, excavated below ground level.
3. The Council has advised that there are elements of this appeal proposal, shown on the appeal plans, which did not form part of the plans that formed the basis of its refusal. The application plans show two windows serving the ground floor, with affixed louvres, and two basement windows, set above ground level and without lightwells. They do not show the appeal plans' three-window ground-floor layout, or the basement lightwells, nor basement windows projecting below ground level.
4. The differences between the application plans and the appeal plans are significant. In considering whether to accept the revisions in my assessment of this appeal, I have taken into account the "Wheatcroft Principles"¹, considering whether the alterations are of a degree whereby, if I were to allow the appeal, it would deprive interested parties of the necessary consultation. Although the revisions would seem, on the face of it, to be minor in scale, they materially alter the nature of the proposal, within a conservation area, and allowing them to be considered without additional consultation would therefore potentially prejudice the interests of interested parties.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37] about the talks site

5. Following its refusal, the Council approved a subsequent application (Council ref: 16/4733/FUL), with a lightwell configuration similar to the appeal plans before me. However, this does not mean that the acceptable parts of that proposal should be retrospectively applied to the refused proposal that is the subject of this appeal. Taking all this into account, I consider that the revisions on the appeal plans are of a degree that allowing the appeal would potentially prejudice the interests of the relevant parties, including surrounding occupiers. As such, I have not considered these revisions within my decision, and have used only the application plans annotated on the Council's decision notice.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the Mortlake Conservation Area.

Reasons

7. The appeal site accommodates a two-storey building abutting the rear boundary of the site, which adjoins a private laneway accessed from First Avenue. From the laneway, the appeal building appears as a one-and-a-half-storey structure, owing to its partially sunken basement. The application plans indicate that there would be two windows with louvres installed in the ground floor, appearing from the rear on the upper part of the wall, with two basement windows below. The 'existing plans' show no windows in the rear elevation, but at the time of my visit, there were three windows installed in the ground floor.
8. The proposed windows would appear large in the rear elevation, in contrast with the smaller windows in many of the surrounding properties, many of which have a heritage appearance. Their size and raised position would cause them to appear unduly prominent, notwithstanding the restricted nature of the laneway. Additionally, as a result of their proportions and positioning within the wall, they would have a horizontal aspect, in contrast with the strong verticality inherent in the layout of openings and other buildings facing onto the laneway. As such, and despite their proposed timber construction, they would appear incongruous and obtrusive in their surroundings.
9. I appreciate that the Council's subsequent approval, which I mentioned above, is a material consideration in my decision. However, the layout of the windows in that instance, and what I saw on site, is substantially different to that in the proposal before me, and do not give rise to the same levels of concern.
10. I therefore conclude that the proposed development would have a harmful impact on the character and appearance of the site and the Conservation Area. It would fail to preserve or enhance the Conservation Area's character or appearance. The potential harm caused to its wider significance as a heritage asset would be less than substantial, as defined in paragraph 134 of the *National Planning Policy Framework*. However, in this case, I do not consider that there are any public benefits that would outweigh this harm.
11. The proposal would conflict with the Council's *Local Development Framework Core Strategy* (2009) Policy CP7, and *Local Development Framework Development Management Plan* (2011) Policies DM DC 1, DM HD 1 and DM HD 3. Together, these policies require development to be appropriate within its context and to preserve the character and appearance of

conservation areas, amongst other factors. I have also had regard to the Council's adopted Supplementary Planning Documents within my decision: namely *Buildings of Townscape Merit* (2015) and *House Extensions and External Alterations* (2015).

Conclusion

12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Rollings

INSPECTOR