
Appeal Decision

Site visit made on 3 May 2017

by Susan Ashworth BA (Hons) BPI MRTPI

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

Decision date: 30th June 2017

Appeal Ref: APP/H5960/Y/17/3167757
100 Tooting Bec Road, London SW17 8BG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the grant of listed building consent subject to conditions.
- The appeal is made by Mr Edward Checkley against the decision of the Council of the London Borough of Wandsworth.
- Listed building consent Ref 2016/2934 was granted on 12 August 2016 subject to conditions.
- The works proposed are alterations to include the installation of a new doorway to rear addition; the blocking of two existing doorways; refurbishment/replacement of windows and internal alterations.
- The conditions in dispute are Nos 3, 4 and 6 which state that:
- 3. 'Notwithstanding the information submitted as part of this application, all ceilings should be reconstructed in traditional lath and plaster to preserve the special architectural and historic interest of the building'.
- 4. 'Notwithstanding the information submitted as part of this application, the proposed replacement historic windows shown on Drawing No DET-04, should copy the profiles, mouldings and glazing bars of the existing historic windows'.
- 6. 'Notwithstanding the scheme hereby permitted, listed building consent is not given for the replacement of the front door to the original lodge building. This is a historic feature and must be retained and repaired'.

Decision

1. The appeal is allowed and planning permission Ref 2016/2934 for works to include the installation of a new doorway to rear addition; the blocking of two existing doorways; refurbishment/replacement of windows and internal alterations at 100 Tooting Bec Road, London SW17 8BG granted on 12 August 2016 by the Council of the London Borough of Wandsworth is varied by deleting conditions 3 and 4 only.
2. The decision modifies the existing listed building consent and should be read in conjunction with it. The other conditions attached to that consent, including condition no. 6 shall remain.

Background and Main Issue

3. The appeal relates to an early 19th century stucco lodge, which is a Grade II listed building. The building, which is currently vacant and in the process of being refurbished, is the subject of a long and complex planning history. Most recently, the building, which is on the Historic England's Heritage at Risk Register, has been the subject of a Listed Building repairs notice. The building is also an Asset of Community Value.

4. The application that forms the subject of this appeal sought Listed Building Consent for various works to the building, some of which were unauthorised. That permission was subject to a number of conditions, three of which, as set out in the banner heading above, the appellant objects to. The decision notice does not provide specific reasons for these conditions although from what I have read it is clear that they were intended to preserve the special architectural and historic interest of the building.
5. I am also considering another appeal¹ by the same appellant for the replacement of all the windows in the property. That appeal is the subject of a separate decision.
6. The main issue is whether the disputed conditions are reasonable and necessary having regard to the effect of the works on the special architectural and historic interest of the building.

Reasons

7. Section 16(2) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require that special regard is had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses.
8. I understand that the building, known as Gardener's Lodge, originally formed part of a horticultural estate, the remainder of which is no longer in evidence. The building, which was previously used as a garden centre, is an unusual feature in the street scene and serves as a reminder of the area's historic past. The list description notes that the street elevation is a 'modified triumphal arch composition in 3-bays' with a two storey central section flanked by single storey wings. In the centre the windows are set in a 2-storey round arched recess with a key block. Those at the sides are also round headed whilst to the sides and rear windows are flat-headed. The main entrance door is located on the side elevation. A modern single storey rear extension has been added to the building at a later date.
9. There is no assessment of the significance of the building before me. On the basis of the information I have, it seems to me that the building's special interest lies in its history, its age and its architectural form and detailing. It is that interest that the Act seeks to preserve.

Ceiling

10. At the time of my visit, a considerable amount of alteration had already been undertaken to the interior of the building and ceilings had been removed and, in that respect, historic fabric already lost.
11. The disputed condition 3 requires that all ceilings should be reconstructed in lath and plaster. However, there is no information before me as to the original ceiling construction and finish, or an assessment of its significance in terms of the special interest of the building. There is nothing before me to suggest that the ceilings were particularly ornate. The appeal documents indicate that the proposed ceiling would be a breathable solution and I note that the Council has already agreed that the internal walls could be surfaced in a modern breathable plasterwork.

¹ Appeal ref: APP/H5960/Y/17/3169206

12. In that context, and on the basis of the lack of evidence about the original ceiling and its significance, a lath and plaster ceiling would be unnecessary in terms of the need to preserve the special architectural interest of the building. Consequently, without adequate justification, the condition is unreasonable.

Windows

13. The application included the replacement of a number of windows, specifically those identified on the schedule of windows and doors (the schedule) as modern windows, replica windows and those beyond practicable repair. Condition 4 of the decision related to drawing DET-04. That plan shows details of proposed replacement windows listed on the schedule as windows G2 and G16 which are arched headed windows on the front elevation of the building facing Tooting Bec Road, identified as being replica windows rather than original ones. The windows are described in the schedule as being 'mocked up with square section glazing bars' and have fixed windows. What are thought to be the remaining original windows are sash windows with lambs tongue glazing bars.
14. The condition requires that notwithstanding the details shown on the submitted drawing the new windows should 'copy the profiles, mouldings and glazing bars of the existing historic windows'. It is unclear from the evidence before me why the details indicated on drawing DET-04, which indicate sliding sash windows with moulded 17mm glazing bars, were considered by the Council to be unacceptable. In my judgement the proposed windows would represent an improvement on the existing replica windows. Moreover, given that there are a number of historic windows on the building, it is unclear which particular details the condition is seeking to replicate. As such the condition is not precise. For these reasons, without adequate justification, I find the condition to be unreasonable.

Entrance Door

15. Condition 6 clarifies that notwithstanding the works applied for, permission is not granted for the replacement of the existing entrance door. That door, which is situated on the side elevation of the building, is a simply detailed six panel timber door currently in poor condition. The schedule indicates that the door is possibly original.
16. I understand that in 2012 planning permission and listed building consent were granted for the replacement of the door² as part of a wider proposal for the change of use of the building. This consent was not implemented. The Council subsequently reassessed the matter following a conditions survey of the building and reached the conclusion that the door was capable of repair.
17. The starting point in seeking to preserve the building and any features of interest it possesses, is to repair and retain, where possible, original features such as this, which make a positive contribution to the building's significance. The Schedule of Repairs set out in the report by Brooks Building Consultants³ relating to the door, does not strike me as unduly onerous. Moreover, there is no contrary evidence before me to demonstrate that the door is not capable of repair. On that basis the condition is reasonable and necessary to maintain the listed building and its special interest.

² 2012/2460 & 2012/2697

³ Report dated April 2016.

18. I am aware that a replacement door has already been manufactured. However, notwithstanding this, I must determine the appeal on the basis of the information currently before me.

Conclusion

19. I conclude that on the basis of the evidence before me, for the reasons set out above, conditions 3 and 4 are unnecessary and unreasonable. However, condition 6 is reasonable and necessary in the interests of preserving the listed building.
20. On that basis I allow the appeal and vary the original consent by deleting conditions 3 and 4.

S Ashworth

INSPECTOR