The Planning Inspectorate

# Appeal Decision

Hearing Held on 30 October 2019
Site visit made on 30 October 2019

**by M Allen BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 January 2020**

**Appeal Ref: APP/L5810/W/19/3230226**
**1-4 Liffords Place, Barnes High Street, Barnes, London SW13 9LR**

- 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 Simon March, Fairdale Property Trading Ltd. against the decision of the Council of the London Borough of Richmond-upon-Thames.
- The application Ref 18/1730/FUL, dated 22 May 2018, was refused by notice dated 29 January 2019.
- The development proposed is the demolition of the existing building on the site, Construction of new building containing B1 office space, B8 storage space, nine residential flats and a car park for 13 cars.

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The Council's decision notice sets out three reasons for refusal, the first relating to the mix and size of units proposed within the scheme. The Council's appeal statement subsequently sets out that, following the submission of viability information, it considers that this matter has been addressed and as such withdraws this reason for refusal. This was confirmed at the hearing and I have no reason to disagree with this stance. The main issues I identify below therefore reflect the remaining contested matters.

## Main Issues

3. The main issues raised in this case are the effect of the proposal on:

    - the character and appearance of the area, bearing in mind the site's location within the Barnes Green Conservation Area; and
    - the living conditions of neighbouring occupiers, with particular regard to outlook.

## Reasons

*Character and appearance*

4. The site lies within the Barnes Green Conservation Area (the CA). The significance of this designated heritage asset lies, in part, due to the generally traditional building designs and styles, as well as shop fronts, within Barnes

High Street. Whilst there are a number of backland sites within the CA, with buildings visible behind those located along the street frontage, the frontage buildings are generally of a greater scale which reinforces the enclosure of the street.

5. The appeal site is an irregularly shaped parcel of land lying to the rear of buildings which front Barnes High Street. There are currently a number of buildings within the site, which are both single and two-storey in height. These currently have little visual effect from Barnes High Street, due to their limited height and positioning within the site.

6. The appeal scheme proposes the erection of a "U-shaped" building, predominantly three-storey in height. Whilst there are generally two and three storey buildings along the street, to part of the immediate frontage of the appeal site there are single storey buildings. This results in an openness to this part of the street, with the existing buildings within the appeal site having little visual presence due to their low heights, in comparison to other buildings on backland sites within the area.

7. Due to the single storey height of the frontage buildings, the introduction of a three-storey building within the appeal site would be a highly visible and conspicuous feature from Barnes High Street. Moreover, whilst not taller than other nearby buildings which front the street, its overall height would result in the building appearing as a discordant element in views from the street, as well as in views along the length of the access lane. I acknowledge that the end elevation that would be most visible from these public vantage points would include a mansard element. However, above this would be a flat roof which, in my view, would serve to accentuate the overall height and bulk of the building. The majority of buildings within the area incorporate pitched roofs and the flat roof of the proposal would be at odds with this prevailing characteristic.

8. In terms of scale, the proposed building would be larger than most of those that surround it and as a result would not assimilate suitably with neighbouring buildings. The appellant has contended that the building is of a "human" scale and would replicate an outrigger from the rear of properties. However, the combined height, width and length of the building would result in a development that is at odds with the scale of nearby buildings and thereby would be an inharmonious element within the built form of the area. I note that the footprint of the proposal closely follows that of the existing buildings on site, however it is the increase in height, combined with the length and width that result in the excessive scale. It was also highlighted at the hearing that the layout of surrounding buildings exhibits a fine grain; the erection of a building with the scale and massing as that which is proposed would not be reflective of this.

9. I note that the scheme proposes a design with a "modern idiom" which the appellant highlights, seeks to break down the bulk and massing of the design by incorporating different tones of brickwork, metal cladding, projections and recesses. I recognise that modern design can, in principle, be welcome within conservation areas, however, I find that in this instance the elevation treatment of the proposed building would be overly detailed and embellished. I acknowledge that the appellant contends that the design would reflect the historic nature of the appeal site, however I find that it would be a cluttered and unsympathetic elevation treatment that fails to pay sufficient regard to the

generally simple and traditional detailing and elevational treatments that are present within the surrounding area. My concern in this respect is reinforced by the undue variety in window shapes and sizes that is present within the elevations, which is uncharacteristic of the largely regular window patterns present on nearby buildings. Thus, the scheme would fail to integrate acceptably with the features of the surrounding area and would be an incongruous addition to the streetscene, as well as to the townscape.

10. I acknowledge that at the hearing reference was made to a possible reduced palette of materials and that this could be control by planning condition. Nevertheless, this would do little to address my concern in respect of the unsympathetic elevation appearance and it not paying sufficient regard to traditional detailing.

11. My attention has been drawn to examples of other large buildings within the vicinity of the appeal site. However, I noted that these generally occupy locations adjacent to roads where they contribute directly to the views of the streetscene or they are located outside of the CA. I am also conscious that there are other backland sites within the area however from my observations, buildings that were visible on such sites were generally designed to reflect the prevalent design themes of nearby buildings.

12. A number of Buildings of Townscape Merit (BTMs) adjoin the site to the north, fronting Barnes High Street, as well as being present to the south east along Stanton Road. However, the BTMs along Barnes High Street are predominantly appreciated in views directly to the front of them, within which the appeal scheme would not be visible. Furthermore, the BTMs along Stanton Road are sufficiently separated from the appeal site by intervening buildings. As such, the scheme would not adversely affect their settings or the way in which they are appreciated. This does not however overcome the harm that I have identified above.

13. Therefore, I find that the scheme would have a harmful effect on the character and appearance of the area, which would include harming the significance of the Barnes Green Conservation Area as a designated heritage asset. Thus, the scheme would conflict with policies LP1, LP2, LP3 and LP39 of the London Borough of Richmond Upon Thames Local Plan (2018) (the Local Plan). Together, and amongst other things, these policies seek to ensure that development is compatible with local character including its relationship to the existing townscape, that the height of buildings makes a positive contribution towards local character, that the historic environment of the Borough is conserved and that backland development reflects the character of the surrounding area.

14. Policy LP 16 has been cited by the Council in its reason for refusal. However, this policy refers to Trees, Woodlands and Landscape. No specific harm has been identified in regard to this policy. This does not diminish the harm that I have identified in respect of the policies above.

15. In failing to preserve the character and appearance of the conservation area, I find that the scheme would result in less than substantial harm to a designated heritage asset. As required by paragraph 196 of the Framework, I have had regard to any public benefits of the proposed development. However, any such benefit is not sufficient to outweigh the harm that I have identified.

*Living conditions*

16. There are several residential properties surrounding the appeal site and the Council highlighted concern in respect of the effect on the living conditions of the occupiers of a number of these.

17. 17-18 Barnes High Street comprise a pair of three-storey buildings, with three storey outriggers to the rear. There are windows on the rear elevation that face the appeal site. The Council state that there will be windows serving habitable rooms approximately 7.5 metres (m) and 8m, from the proposed three-storey building. However, whilst the views from the rear of these properties would be towards the proposal, they would be over the proposed single storey element of the development, and towards the three-storey end elevation that would taper away from the existing properties. Although the development would be an obvious addition to the outlook from these existing properties, views would remain over the single-storey element to the internal courtyard of the proposal beyond.

18. 23 Barnes High Street lies adjacent to the access lane that would serve the development. The Council state that the upper floor windows would be 8m from the proposed building, but that this would be at an oblique angle. I observed that at first floor level an access door and obscurely glazed bathroom window would be closest to the building proposed, but as these do not provide an outlook at present, the scheme would not have an adverse effect in this regard. At second floor level a bedroom window would face the proposal. However, given the height, together with the oblique angle at which the building would be viewed, there would be no overbearing effect or significant visual intrusion on the outlook from the room served by this window.

19. 27 Barnes High Street is a public house, with residential accommodation above. At the hearing, photographs were shown showing the current outlook from a number of the windows at this property, and I have subsequently been provided with copies of these. There are two windows at first floor level which directly face the appeal site. One of these windows would have an outlook solely towards the proposed building, whilst the outlook from the other would part include the proposed building as well as part an unobstructed view towards other buildings fronting Barnes High Street. The Council state that the windows are 10m from the proposed building. I acknowledge that the view from these windows would change, through the introduction of new built form within the appeal site. However, the building would not eliminate all views and there would remain views over the single storey buildings at 24 and 25 Barnes High Street. I am also conscious that the rooms served by these windows are at first floor level and, whilst the proposed building would extend to three-storeys in height, the height above first floor level would not be such that there would be any significant overbearing effect.

20. Whilst not mentioned by the Council, I am aware of concerns in respect of the effect of the proposal on the living conditions of the occupiers of 22 Barnes High Street. There are views from a kitchen and dining room at the rear of this property over the appeal site. However, there would be no built form in close proximity to these windows. As such, there would be sufficient separation between them and the proposed building to ensure that there would be no adverse effect on the living conditions of the occupiers of this property.

21. In light of the above, whilst I acknowledge that the introduction of an increased quantum of built form within the site would undoubtedly change the outlook experienced by residents of nearby properties, I find that the scheme would not have such an effect as to result in an unsatisfactory outlook for residents. Thus, the scheme would result in acceptable living conditions for neighbouring occupiers and would accord with Policy LP8 of the Local Plan, insofar as it seeks to ensure development protects the amenity and living conditions of occupants.

22. There has also been concern in respect of overlooking from the proposed balconies, as well as the possible use of flat roof areas as terraces or similar spaces. In the event that I were minded to allow the appeal, I am satisfied that these matters could have been satisfactorily controlled by planning condition.

**Other Matters**

23. I acknowledge that the proposal would provide a contribution towards housing within the Borough, as well as providing commercial space, albeit that there are existing commercial uses at the site. I also note that the development of small sites for housing is to be encouraged, in appropriate circumstances. The scheme would also introduce additional activity within the Barnes High Street. However, weighed against the adverse effects of the proposal, these matters are not sufficient to warrant allowing the appeal.

24. The appellant contends that the existing buildings within the site are harmful to the CA. Still, I consider that the replacement of these with a building which, as I have found above, would be detrimental to the character and appearance of the area, as well as the CA, is not a matter that weighs in favour of the proposal.

25. Following the refusal of permission, but prior to the hearing, the Council stated that the existing building within the site, which it is proposed to demolish, was under consideration for designation as a Building of Townscape Merit. There was discussion around this matter at the hearing and following the close of the hearing it has been confirmed that the building has been formally designated. Notwithstanding this, I have found harm above, sufficient to dismiss the appeal and as such this is not a matter which I need to consider further.

**Conclusion**

26. Whilst I have found that the scheme would not result in an unacceptable effect on the living conditions of the occupiers of neighbouring properties, this does not outweigh the harm that I have identified to the character and appearance of the area, including failing to preserve the character and appearance of the CA.

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

*Martin Allen*

INSPECTOR

## APPEARANCES

FOR THE APPELLANT:

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|---|---|
| Paul Brookes | Architect, Brookes Architects |
| Harvey Van Sickle | Heritage Consultant |
| Simon Barbaum | Town Planner |
| Malcolm Macclean | Daylight Consultant |
| Ian Felgate | Brookes Architects |

FOR THE COUNCIL:

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| Kreena Patel | Senior Planner, The Council of the London Borough of Richmond-upon-Thames |

INTERESTED PERSONS:

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| Ms Helena Cooke | Local Resident |

**DOCUMENTS** (provided following close of hearing)

1 Photographs from within No. 27 Barnes High Street
2 Copy of Policy LP35.