



Appeal Decisions

Site visit made on 13 October 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 2 November 2020

Appeal A Ref: APP/L5810/W/20/3254055

Leyden House, Thames Bank, Mortlake, London SW14 7QR

- 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 & Mrs R O'Kelly against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref: 20/0590/HOT, dated 27 February 2020, was refused by notice dated 15 April 2020.
 - The development proposed is replacement of 10 no. rotten dormer windows with new energy efficient double glazed timber windows.
-

Appeal B Ref: APP/L5810/Y/20/3254056

Leyden House, Thames Bank, Mortlake, London SW14 7QR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr & Mrs R O'Kelly against the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref: 20/0591/LBC is dated 27 February 2020.
 - The works proposed are replacement of 10 no. rotten dormer windows with new energy efficient double glazed timber windows.
-

Decisions

1. **Appeal A** – the appeal is dismissed.
2. **Appeal B** – the appeal is dismissed and listed building consent is refused.

Procedural Matters

3. The two appeals concern the same scheme under different, complementary legislation. I have therefore dealt with both appeals together in my reasoning.
4. The application for listed building consent was given a reference number by the Council¹, but was not validated or determined. Therefore, the appeal under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) has been submitted on the basis of the failure of the Council to determine the application within the prescribed timescale. The Council has confirmed that had the application been validated and determined, it would have been recommended for refusal on the same grounds as the application for planning permission. I have therefore determined the appeal under section 20 of the Act on that basis.

¹ Application for Listed Building Consent Ref: 20/0591/LBC.

Main Issue

5. The main issue is whether the proposal would preserve the Grade II listed building known as Leyden House, or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

6. Leyden House occupies a prominent position on the south bank of the Thames. The property, which dates from the 18th century, is Grade II listed and located within the Mortlake Conservation Area (the MCA). It is a large, detached, two-storey, five-bay, brick rendered dwelling incorporating a steeply pitched tiled roof with casement dormers behind a parapet.
7. The archive images submitted with the appeals illustrate that the building has undergone considerable change in the past, particularly during the late 20th century. Of the alterations which took place during the 1960s/1970s, those pertinent to the appeals comprise the remodelling of the roof structure from a mansard to a steeply pitched configuration and the replacement of the historic dormer windows. However, even though the location and number of dormer windows on the property changed at this time, it is evident that, the form and design of the new dormer windows followed the historic pattern of those that they replaced.
8. Given the above, I find that the special interest and significance of the listed building to be primarily derived from its historical illustrative value and aesthetic design value, as a large domestic property of the Georgian era. Its age, historic fabric and architectural form and design, including its fenestration, all make important contributions to its special interest and significance. These aspects also cause the building to contribute positively to the character and appearance of the MCA.

The appeal proposal

9. The existing 10 dormer windows are single-glazed, multi-pane, painted, timber, side-hung casement units. The appeal proposal comprises their replacement with 'Slimlite' double-glazed, painted, timber, side-hung casement units.

The effect of the appeal proposal

10. From the evidence before me and my observations on site, I accept that the existing dormer windows are not original or historic and that their replacement would not result in the loss of historic fabric. Nevertheless, they are an important component of the building's fenestration and appear to reflect the materials, form, design and pattern of the historic dormer windows. In these respects, they contribute in a positive way to the property's historical and architectural integrity and thus its special interest and significance.
11. However, it is also apparent that the existing dormer windows are constructed of poor quality timber, of poor construction and detailing, have modern glass and possess modern ironmongery. In addition, they are suffering from decay and deterioration as well as allowing water ingress which, if left unchecked, may adversely affect the historic fabric of the building. On this basis and

having regard to guidance produced by Historic England², it may be possible to introduce slim-profile double-glazing into the existing dormers without harming the significance of the listed building.

12. However, the submitted plans and supporting information possess discrepancies and are ambiguous in a number of critical aspects. The existing elevation drawing does not accurately show the glazing pattern of the tripartite dormer windows at the rear of the building. Furthermore, the existing and proposed elevation drawings omit the dormer window on the side elevation (N-W) and are of a scale that does not allow an accurate comparison.
13. Moreover, the details of the proposed window unit are deficient and are not consistent between the drawing of a 'typical window', the heritage statement and the appeal statement. This includes differences in the depth of the proposed double-glazing, shown as 12mm in the heritage statement and shown as 14mm on the 'typical window' and in the appeal statement; and differences in the dimensions and profile of the proposed integral glazing bar, shown as 24mm in the appeal statement and shown as 22mm on the 'typical window'.
14. This degree of discrepancy, ambiguity and lack of detail does not allow for a valid and meaningful assessment of the form and appearance of the proposed dormer windows. As such, I cannot be certain whether they would preserve the listed building's special interest and significance.
15. Indeed, from the limited information provided, I have concerns that the incorporation of a centre mullion with what appears to be a thicker casement window frame and an overtly modern trickle vent, would result in dormer windows that would be noticeably different in form, design and pattern to the existing and/or historic dormer windows. In these respects, the proposal would have the potential to adversely alter the form and appearance of the dormer windows and diminish the positive contribution they make to the special interest and significance of this designated heritage asset.
16. I have considered whether, as suggested by the appellants, conditions controlling the detail of the windows could adequately mitigate these issues and concerns were I to allow the appeals. Given the extent of the works to replace 10 dormer windows, combined with the degree of ambiguity, it would be unacceptable to leave such matters to be controlled by conditions, as I cannot be sure that they would be effective and capable of implementation.
17. I am aware of the appellants' pressing desire to replace the existing dormer windows in order to sustain the building, improve its energy efficiency and reduce its thermal footprint. Given the particular circumstances of the building and the existing dormer windows, the potential exists for an acceptable scheme to be devised which would secure their appropriate replacement.
18. However, having had special regard to the listed building's preservation and giving great weight to the designated heritage asset's conservation, I conclude that it has not been satisfactorily demonstrated that the proposal would preserve the Grade II listed building known as Leyden House, or any features of special architectural or historic interest which it possesses. Thus, I cannot be certain that the proposal would meet the requirements of sections 16(2) and 66(1) of the Act. Nor can I be sure that it would not harm the significance of

² Historic England. Traditional Windows: Their Care, Repair and Upgrading HEAG039 2017 (Section 6.1).

this designated heritage asset and thus comply with the provisions within the National Planning Policy Framework (the Framework) which seek to conserve and enhance the historic environment. Nor can I be certain that it would accord with Policies LP1 and LP3 of the London Borough of Richmond Upon Thames Local Plan 2018 (RUTLP) which, amongst other things, require all development to be of high architectural and urban design quality; and to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough.

19. The Council's reason for refusal also cites conflict with relevant supplementary planning documents. The documents 'House Extensions and External Alterations' and 'Conservation Area 33 - Mortlake Study & Statement' are referred to in its delegated report. However, no copy of 'House Extensions and External Alterations' has been provided and it is not clear which part of 'Conservation Area 33 - Mortlake Study & Statement' the Council considers that the proposal conflicts with. Therefore, I have not referred to these documents in my reasoning above.
20. I note that the Council did not request additional information regarding the detail of the proposed dormer windows. I have reached my own conclusion on the evidence before me and therefore this does not detract from my findings in this regard, which is born out of a lack of information and uncertainty over what is proposed.

Other Matters

21. Leyden House is located within the MCA which comprises St Mary's Church and Churchyard, the surrounding residential streets and the many fine 18th century houses along the bank of the Thames. I note that the Council considers that the proposal would preserve the character and appearance of the MCA. Nonetheless, given the prominence of Leyden House in the street scene on the bank of the Thames, particularly from Chiswick Bridge, and the number of dormer windows to be replaced, the proposal would have the potential to have a negative effect on the character and appearance of the MCA.
22. However, for the same reasons outlined above, I conclude that it has not been satisfactorily demonstrated that the proposal would preserve or enhance the character and appearance of the MCA. Hence, I cannot be certain that the proposal would meet the requirements of section 72(1) of the Act. Nor can I be sure that it would not harm the significance of this designated heritage asset and thus comply with the provisions within the Framework referred to above. Nor can I be certain that it would accord with Policy LP3 of the RUTLP referred to above.
23. My attention has been drawn to an appeal decision for the replacement of sash windows and casement windows with 'slimlite' double-glazed units in a listed building. The appeal was allowed with a condition attached to control the detail of the proposed windows³. I recognise that there are similarities between the circumstances of that appeal proposal and the one before me.
24. However, it appears that the level of detail and information provided with that application and appeal, along with the ability to view similar units already installed in the building, enabled the Inspector to make an accurate and

³ Appeal Ref: APP/L5810/Y/15/3004311.

informed judgement about the effects of the proposed windows on the special interest and significance of the heritage asset, which is not the case in the appeals before me. As such, it does not alter my conclusion.

Conclusion – both appeals

25. Therefore, for the reasons given above, I conclude that Appeal A should be dismissed and that Appeal B should be dismissed and listed building consent should be refused.

F Cullen

INSPECTOR