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# Appeal Decision

Site visit made on 2 February 2021

**by Philip Willmer BSc Dip Arch RIBA**

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

**Decision date: 24 February 2021**

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**Appeal Ref: APP/L5810/D/20/3262102**

**14 Lillian Road, Barnes, London, SW13 9JG.**

- 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 Mrs Janet Cour-Palais against the decision of the Council of the London Borough of Richmond upon Thames.
  - The application Ref 20/2144/HOT, dated 3 August 2020, was refused by notice dated 1 October 2020.
  - The development proposed is the construction of a replacement boundary treatment and implementation of a privacy screen (Retrospective).
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## Decision

1. The appeal is allowed and planning permission is granted for the construction of a replacement boundary treatment and implementation of a privacy screen at 14 Lillian Road, Barnes, London, SW13 9JG in accordance with the terms of the application, Ref 20/2144/HOT, dated 3 August 2020, and the plans submitted with it.

## Procedural Matters

2. The appeal site is located in the Castelnau Conservation Area. I am required therefore to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Therefore, although not a reason for refusal, I shall nevertheless, as I am required to do, consider this as one of the main issues in this appeal

## Main Issues

3. I consider the main issues in this case are:
  - a) firstly the effect of the proposal on the living conditions for the occupiers of 15 Lillian Road, in terms of its potential to result in an unacceptable sense of enclosure and appear overbearing, and;
  - b) secondly whether the proposal would preserve or enhance the character or appearance of the Castelnau Conservation Area.

## Reasons

4. The appeal property, 14 Lillian Road, is a two-storey mid terrace house, located in the Castelnau Conservation Area. The building extends to the rear of the

plot at ground floor level to link to a two-storey addition at the southern end of the former garden. The roof of the single storey link is used as a roof terrace.

#### *Living conditions*

5. The neighbouring property number 15 has, by reason of a recent planning permission (Ref:17/3804/HOT), built a two-storey detached building, the upper floor of which is in residential use and has windows overlooking both the roof terrace and the rear of number 14.
6. In turn the existing French doors in the rear of the two-storey addition to the rear of number 14 also facilitates the overlooking of the rear of number 15.
7. The appellant proposes removing the existing metal balustrade to the boundary of number 15 at terrace level and replacing it with screen wall in matching local stock brick to a height of about 0.885 metres on to which an opaque glass screen some 0.880 metres high would be fixed.
8. I agree with the Council that the proposed boundary treatment would, to some degree, result in an enhanced sense of enclosure and could appear overbearing to the occupiers of number 15. However, given the tight knit urban grain of the area, the lightweight glass screen, the use of matching stock bricks I am not persuaded that any enhanced sense of enclosure would be so significant as to cause harm or appear overbearing.
9. Consequently, on balance, given the reduced sense of overlooking and loss of privacy for the occupiers of both numbers 14 and 15 that would follow as a result of the proposal I conclude, in respect of the main issue, that the new boundary treatment would not cause material harm to the living conditions of the occupiers of number 15. The proposal would therefore accord with the objectives of Policy LP8 of the London Borough of Richmond upon Thames Local Plan (Adopted 3 July 2018) and the London Borough of Richmond upon Thames Local Plan Supplementary Planning Document - *House Extensions and External Alterations* (Adopted May 2015) as they relate to, amongst other things, the protection of residential living conditions.

#### *Character and appearance of the Castelnau Conservation Area*

10. The proposed boundary treatment has been erected and I could see that it was higher than adjoining boundary treatments. While not visible from the front of the property there is a glimpse of it from Glenthams Road to the rear. However, given the mixed form and style of the dwellings, later extensions and garages and the use of local matching stock bricks I agree with the Council that it appear relatively discrete and is not out of character here.
11. In respect of the second main issue, therefore, and having taken all matters into consideration I conclude that the proposed development would serve to preserve and enhance the character or appearance of the conservation area and thereby would accord with the requirements in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **Conditions**

12. As the screen has been erected I do not consider that the imposition of conditions would be necessary in this case.

## **Conclusions**

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

*Philip Willmer*

INSPECTOR