

Appeal Decision

Site visit undertaken on 7 May 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 17 June 2021

Appeal Ref: APP/L5810/D/20/3265513
37 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 Zara Saunders against the decision of the London Borough of Richmond Upon Thames.
 - The application, ref. 20/2264/HOT, dated 12 August 2020, was refused by notice dated 7 October 2020.
 - The development proposed is a first floor side extension and alterations to the existing ground floor for use as habitable space.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Reason for Refusal No.2 on the Council's Decision Notice refers to the proposal causing harm to the living conditions of 'no.3 St Huildas Road.' This is obviously a spelling error in the Decision Notice and I will therefore treat this Reason for Refusal as being related to No.3 St. Hilda's Road which is also detailed in discussion in the Council's Planning Officer's report and the Applicant's Statement of Case (SoC).

Main issue

3. The main issue is the effect of the proposed development upon:
 - The character and appearance of the building and the locality, with particular regard to the Castelnau Conservation Area (CA); and
 - The living conditions of No.3 St. Hilda's Road, with particular regard to sense of enclosure and outlook.

Reasons

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in respect of development affecting conservation areas, states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area.

5. The significance of the CA is illustrated in the applicant's heritage statement¹ and the Council's CA Study documents² where relevant components of the significance in relation to the appeal site relate to the development of narrow streets with tightly knit single bay Victorian terraces. The dwellings themselves have a variety of design elements, but they remain quite functional; however are linked by their high quality materials and finishes. The use of traditional materials such as timber, brick and slate which reinforce authenticity and create a formal picturesque townscape along with vegetated front gardens and street trees giving a spacious, leafy and distinctive character.
6. The appeal site displays a number of positive qualities of significance to the CA, being a high quality end terraced building which has a positive influence upon the character of the street. Unlike the tightly knit and predominantly single bay properties along Lillian Avenue, the appeal site has previously been extended by a bay which replicates the design of the existing dwelling and giving a two bayed appearance to the street. To the side of the dwelling is a single storey garage with gap above which forms a positive break in the built form, making a positive contribution to the open character in and around the gardens of the dwellings.
7. The proposed extension would project into the gap above the existing garage and be set back from the main façade of the dwelling and have a hipped roof which is also set in from the ridge of the roof of the host dwelling. Given the positive characteristics of this particular space above the garage forming a break in the built form of the street; the proposal removes much of the undeveloped space to the side which leads to the perception of a terracing effect with much of the removal of this remaining space which provides a positive break in built form. I acknowledge comments in the applicant's SoC with regards to attempts to reduce the appearance of the extension via setbacks and lowering the roof form, however as the current building has already been extended, it does have an elongated appearance in the street scene being two bays instead of one. The addition of the first floor side extension further elongates the building within the street scene with the extension having an overly complicated roof form which has an awkward juxtaposition and would compete with the form and appearance of the existing building.
8. Whilst a small amount of space between built development would be left over, the extension would almost erode all of the remaining gap causing the perception of a terracing effect where there is almost the continuous element of built form with the almost entire loss of the gap. Whilst I appreciate that the gap has been eroded greatly via the historic two storey extension, the further erosion of the visual gap and break in the built form would cause harm to the character and appearance of the CA in this location.
9. I note that comparisons to the size of this proposed extension are given with No.4 St. Hildas Road which has an extension for the entire rear/side garden which is large and oversized. Whilst I have no commentary from the council

¹ By Cogent Heritage, Dated 12 August 2020, Ref 0158

² Conservation Area Study; Castelnau CA Update Report, By Richmond Upon Thames Council

as to the reasoning behind this extension, the design and construction would appear to me that the extension was built some time ago, perhaps prior to the extension of the CA. Be that as it may, the neighbouring extension is not an example of appropriate development, and does not provide adequate justification for the appeal scheme. The proposal would not allow the visual gap to predominate, with the overall size, height, overly complex design and relationship of the extension to the existing building being problematic and, in my opinion, would cause harm to the architectural authenticity of the existing building and the character and appearance of the CA.

10. Consequently, the proposal would be contrary to the Richmond Upon Thames Local Plan 2018 (LP) Policies LP1 (where at 1. seeks that proposals are compatible with local character, and 2. where considerations include space between buildings relationships to public realm and heritage assets) and LP Policy LP3 (which seeks to conserve and enhance heritage assets).
11. I therefore disagree with the appellant's SoC that no harm would be caused. Although serious, the harm to the CA in this case would be 'less than substantial,' within the meaning of the term in paragraph 196 of the Framework. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
12. I note that the benefits of the scheme would deliver larger residential accommodation, as well as result in short term employment opportunities in the construction of the extension. However, these benefits may also be present in a more appropriately designed or differently configured scheme.
13. That said, I therefore find that the public benefits would not outweigh the harm to the CA. The scheme therefore conflicts with the Framework, which directs, at paragraph 193, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance'.
14. In conclusion on this matter, I consider the proposed development would cause less than substantial harm to the significance of the CA. It has not been shown that public benefits would outweigh this harm and so the proposal would conflict with the development plan and the Framework.

Living conditions

15. No.3 St. Hilda's Road has a small rear garden where the rear boundary abuts the two storey side wall of the appeal building. The northern side boundary abuts the boundary wall with a two storey rear extension of No.4 St. Hilda's Road close to the boundary half way along the northern boundary, followed by the lean-to roof of the single storey garage of the appeal building taking up the remainder of the northern boundary. The rear garden area of No.3 is currently quite poor given its enclosure, with the only sense of outlook and space achieved by a small area to the north and south via the visual gap over the garage and to the south of the garden over No.2 St. Hilda's Road.

16. It is evident that the garden to No.3 St. Hilda's Road is already problematic in terms of living conditions with the current position presenting a poor sense of enclosure and outlook. I note reference to the Daylight and Sunlight Assessment³ which shows that the reduction in levels of daylight is seen as being within the recommendations set out for daylight in the Building Research Establishment (BRE) publication '*Site layout planning for daylight and sunlight.*' Whilst this may be the case for daylight and sunlight, the report is not an appropriate basis to give an assessment of outlook and sense of enclosure. The report however does demonstrate that whilst the reduction in daylight levels is within recommended standards, that the starting conditions are however poor with the rear windows of No.3 St. Hilda's Road already being below the recommended levels of Vertical Sky Component and Average Daylight Factor.
17. Given the poor conditions already being experienced with regards to enclosure and outlook, the proposed first floor of the extension over the garage would provide the perception of a blank and continuous two storey wall along the northern boundary. Whilst there is a small setback, this would not overcome the increased massing, height and bulk of the extension would provide a domineering aspect to the rear garden which would further enclose the rear garden of No.3 St. Hilda's Road, to the detriment of occupants of this dwelling.
18. Whilst I appreciate comments in the applicant's SoC that there have been no objections from No.3 St. Hilda's Road regarding the development, the absence of objection does not mean that the proposal is acceptable to this resident or accordance with the development plan.
19. Consequently, in conclusion on this matter, the proposed extension would lead to material detriment to the living occupiers of No.3 St. Hilda's Road by reason of sense of enclosure and outlook. The proposal would therefore be contrary to LP Policy LP8 which seeks that the amenity and living conditions of new and existing occupiers are protected.

Conclusions

20. For the reasons given above the appeal is dismissed.

J Somers

INSPECTOR

³ By Behan Partnership Ltd, Dated 21 May 2019, Ref 20182753