



Appeal Decision

Site visit made on 7 September 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2021

Appeal Ref: APP/L5810/D/21/3273431

112 Madrid Road, Barnes, London SW13 9PG

- 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 Antony Peaker against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 21/0238/HOT, dated 25 January 2021, was refused by notice dated 11 March 2021.
 - The development proposed is described as Addition of a room above existing garage. Room for hobbies, gym.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Accompanying the appeal are amended drawings showing further architectural detail than those set out on the plans submitted with the application. These include the use of red stock bricks on corners and window surrounds, which are details offered by the appellant in the Appeal Statement. I have had regard to these in the determination of this appeal.
3. On 2 March 2021 the London Plan (2021) was published, replacing the London Plan (2016) and the revised National Planning Policy Framework (2021) (the Framework) was published on 20 July 2021. I have given the Council and Appellant the opportunity to comment upon the implications of these for their respective cases.
4. The Council's second reason for refusal alleges a likely adverse effect upon trees to the detriment of the character and appearance of the Conservation Area. Therefore, I have considered this matter as part of my assessment upon character and appearance, rather than as a separate main issue.

Main Issue

5. The main issue is the effect of the proposed development upon the character and appearance of the area, including upon the setting of the Castlenau Conservation Area (CCA) and whether the proposed development would either preserve or enhance the character or appearance of the Madrid Road Conservation Area (MRCA).

Reasons

6. The appeal site comprises a single storey flat roof garage building with its vehicular entrance fronting Washington Road perpendicular to Madrid Road which the semi-detached host dwelling fronts. The appeal site is within the MRCA where there is a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCAA) to pay special attention to the desirability of preserving or enhancing its character or appearance. Paragraph 199 of the Framework requires when considering the impact upon the significance of a designated heritage asset great weight should be given to the asset's conservation.
7. The garage also lies outside but adjacent to the CCA, where there is no statutory test under the LBCAA. However, paragraph 200 of the Framework confirms that harm to the significance of a heritage asset can include from a development within its setting. It also confirms any harm to the significance of a heritage asset requires clear and convincing justification.
8. The MRCA derives its significance from the coherent planned early 20th century semi-detached dwellings of a generally consistent layout. They exhibit an arts and crafts influence with forward facing gables, similar materials, and mock Tudor features. To the rear many have undergone extensions and alterations reducing the consistency of the building line. However, the plots retain the distinctive layout with large and generally well-vegetated rear gardens with occasional outbuildings, contributing positively to the character and appearance of the MRCA. The absence of reference to them in the Conservation Area Statement does not prevent features being of value to the MRCA.
9. The contribution of the appeal site is as one such semi-detached dwelling with a generous verdant rear garden with a single storey garage building to the rear of the plot. While of limited visual merit, the garage makes a neutral contribution to the character and appearance of the MRCA. It is appreciable from the appeal site, some neighbouring and nearby dwellings, as well as part of Washington Road.
10. The CCA primarily derives its significance and is characterised by large Victorian and Edwardian houses and other distinctive buildings on the approaches towards Hammersmith Bridge. In the vicinity of the appeal site many are set towards the front of the plot, with generous and often verdant rear gardens. The appeal site building has an influence upon the setting of the CCA and the way in which it is experienced, due to its close proximity and its limited scale, affording visibility of some of the rear plots and facades of the buildings. Therefore, it makes a limited contribution to the setting.
11. The proposed two storey height and pitched roof means the garage would no longer appear as a subservient rear of plot building. This would be out of keeping with and harmful to the character, appearance, and pattern of development at and in the vicinity of the appeal site in the MRCA. Even though there have been some extensions and additions to the rear of the appeal site and neighbouring properties, most are designed such that they are in keeping with the pattern of development and have a largely neutral effect upon the MRCA. By obstructing the view of parts of the rear of dwellings on Madrid Road including the original architecture and the relatively open deep and pleasant verdant rear spaces, the development would be harmful to the character, appearance, and significance of the MRCA.

12. The two storey building would retain a relatively short width and depth, it would have a new window not aligned with the vehicular entrance, and the roof eaves would be flush to the walls. While noting the prevalence of two storey buildings and mixed character of some buildings outside the MRCA, and the use of yellow stock brickwork or pebbledash and red bricks, and the amended roof pitch and materials, I do not consider the development would represent an overall improvement to the appearance of the building or area. The development would be incongruently narrow relative to its height, not well-designed, not sympathetic to, and significantly harmful to the character and appearance of the MRCA, CCA and the area. While some modifications might be achievable through planning conditions, given the inherently harmful effect of the development, the modifications would not sufficiently overcome the harm.
13. The development would not significantly increase the footprint of the building and the external stairs would have small footings. It is a significant distance from trees and larger shrubs within the garden and nearby. Given the space within the garden there would be adequate space to ensure such vegetation could be adequately protected, which could be secured by a suitably worded planning condition incorporating some elements in the Councils suggested condition. However, this would not overcome the other concerns above.
14. Buildings on the corner of Castlenau and Washington Road adjoin the pavement but reflect the historic plot layout in that part of the CCA. While lower than No 2 the forward position from it means when viewed from parts of Washington Road, the development would compete with and obstruct visibility of that more modern but well-designed building, and some verdant rear plots in the CCA, which make an overall positive contribution to the area. Therefore, the development would have an adverse effect upon the setting of the CCA.
15. I do not have the full details, circumstances, and the range of planning considerations before me in respect of Nos 1, 1a, 2 Washington Road and No 103 Madrid Road, therefore I cannot make a fully reasoned comparison with the appeal proposal. However, from what I saw Nos 1a, 2 and No 103 are dwellings set back from the highway within their plots behind sympathetic front boundaries and are developments of a different scale and design to that proposed. The extension and conversion to living space at No 1 is attached to that dwelling, displaying horizontal and vertical window alignments in keeping with the host dwelling. Therefore, none of the examples referred to are directly comparable to, and do not justify allowing this appeal proposal.
16. For the reasons set out above the development would neither preserve or enhance the character or appearance of the MRCA, in conflict with the aims of section 72(1) of the LBCAA. It would also be harmful to the character and appearance of the area and the setting of the CCA. Therefore, the development would be in conflict with Policies LP1 and LP3 of the Richmond Local Plan (2018) (the RLP). In combination and amongst other things these require that development is of a high architectural and design quality that seeks to preserve and enhance the high quality character and heritage of the Borough, including specifically preserving the character or appearance of Conservation Areas.
17. In the first reason for refusal the Council refers to a conflict with the advice in its House Extensions and External Alterations Supplementary Planning

Document (2015). In the absence of a specific reference and given the advisory nature of its wording I do not find a specific conflict with it. The Council also refers to the MRCA Statement (76) and CCA Statement (25). As succinct statements of character that also identify problems/pressures and opportunities for enhancements, they do not contain specific policy advice relevant to this proposal, therefore, I have not concluded against these documents. The development would not prejudice the health or longevity of nearby trees or larger shrubs, so the development would not conflict with the aims of Policy LP16 of the RLP in respect of this matter.

Heritage Balance

18. The harm I have identified to the character and appearance of the MRCA and the setting of CCA would equate to less than substantial harm. Paragraph 202 of the Framework requires where a proposal would lead to less than substantial harm to a designated asset, the harm should be weighed against the public benefits. However, less than substantial harm should not be equated with a less than substantial planning objection.
19. The development would result in an increase in accommodation at the host property. There would be a small temporary economic benefit during construction, and once occupied there might be some small benefit to the local economy. Overall, the benefits are small benefits attracting a small amount of weight in favour of the scheme. If I were to agree the development would not conflict with policies in respect of matters such as the living conditions of neighbouring occupiers, materials, energy efficiency and construction, and flood risk, these would all be neutral matters attracting neutral weight. Compliance with policies in respect of trees and landscape features is also a neutral matter.
20. Consequently, when giving considerable importance and weight to the special regard I must have to the desirability of preserving or enhancing the character or appearance of the MRCA and setting of the CCA, I find that the significant harm that would arise from the appeal scheme would not be outweighed by its cumulative public benefits. Accordingly, there would also be a conflict with paragraph 200 of the Framework as the harm to the significance of designated heritage assets would not have a clear and convincing justification.

Conclusion

21. For the reasons set out above, the development would conflict with the development plan and the Framework read as a whole, and the aims of section 72(1) of the LBCAA. There are no material considerations advanced that indicate the decision should be made other than in accordance with the development plan or the Framework. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR