



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: 4th October 2021

Appeal Ref: APP/L5810/D/21/3273828

76 Gerard Road, Barnes, London SW13 9QQ

- 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 James Kelly against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 21/0421/HOT, dated 8 February 2021, was refused by notice dated 26 March 2021.
 - The development proposed is Glass Box Enclosure of Existing Second Floor Roof Terrace.
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Decision

1. The appeal is allowed, and planning permission is granted for Glass Box Enclosure of Existing Second Floor Roof Terrace at 76 Gerard Road, Barnes, London SW13 9QQ in accordance with the terms of application Ref 21/0421/HOT dated 8 February 2021, subject to the conditions set out in the schedule attached.

Procedural Matters

2. The revised National Planning Policy Framework (2021) (the Framework) was published on 20 July 2021. I have given the Council and the appellant the opportunity to comment upon the implications of this for their respective cases.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the host building and the area, including whether the development would either preserve or enhance the character or appearance of the Barnes Green Conservation Area (BGCA).

Reasons

4. The appeal site comprises a modern 3 storey building integrating metal framework with solid and glazed units. It is on the corner of Gerard Road and Lonsdale Road within the northern boundary of the BGCA, within which 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. Harm to the significance of a heritage asset requires clear and convincing justification (paragraph 200).

5. The BGCA includes The Green and the routes radiating outwards beyond it. The BGCA is characterised and derives its significance from The Green and the architectural diversity of the collections of mostly well-preserved 18th and 19th century, Victorian, Edwardian, interwar and more modern buildings of a variety of scales and styles. In the vicinity of the appeal site the BGCA derives its significance from the diversity of historic and well-designed modern buildings addressing highways and the river, and the sizeable verdant plots.
6. The appeal site contributes to the character, appearance, and significance of the BGCA by virtue of its generous verdant plot facing two highways and its modern design contributing to the architectural diversity of the area. While its architectural style is different to those buildings surrounding it, No 76 retains a unity with those nearby by virtue of the height, building line and plot layout.
7. The frameless glass enclosure would extend to the height of the existing second floor roof and the approximate width and depth of the first roof upon which it would be situated, so it would not increase height, width, or forward projection. Subject to the imposition of a suitably worded planning condition to secure the final detail of the glass, the structure would have limited tint and glare. As it would be frameless the structure would be mostly transparent when viewed from the street scene, allowing visibility of the sky through it, and maintaining a largely open appearance.
8. The second floor would retain a visual subservience and perception of the vertical reduction in floors upwards, aided by the proposed removal of some existing balustrades and the front element of the brise soleil above the glass which are currently prominent elements of the second floor. I am therefore of the opinion the development would be a well-designed addition that would maintain the architectural intention of the building. The modified building would be in keeping with height, scale, and massing of buildings on Gerard Road, which include projecting front bays, gables, and some front dormers. It would preserve the contribution of the appeal site to the character, appearance, and significance of the BGCA and the surrounding area.
9. For the reasons set out above the development would preserve the significance of, and preserve the character and appearance of the BGCA, in accordance with the objectives of section 72(1) of the LBCAA. It would also preserve and be in keeping with the character and appearance of the host building and the area. I do not find a conflict with paragraphs 199 or 200 of the Framework, so the balancing exercise in paragraphs 202 and 203 does not apply and there is no conflict with them. The development would not conflict with Policies LP1 and LP3 of the Richmond Local Plan (2018) (the RLP). Amongst other things these require development is of a high architectural and design quality that seeks to preserve and enhance the local character and heritage of the Borough, including preserving the character or appearance of Conservation Areas.
10. In the 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, given the advisory nature of its wording and my findings above I do not find a conflict with it. The BGCA Statement (1) (undated) is a brief statement of character identifying problems, pressures, and opportunities for enhancements, so it does not contain specific

policy advice relevant to this proposal. The Barnes Green Study (undated) is more detailed with some policy advice. However, in the absence of a specific reference and in-light of my findings above, I do not find a conflict with it.

Other Matters

11. The Council concludes the proposed development does not result in harmful effects in respect of flood risk and that the proposal is compliant with Policy LP21 of the RLP. Having regard to the nature of the proposal and based upon the evidence before me, I see no reason to disagree.

Conditions

12. I have considered the Council's suggested conditions and where appropriate amended them to more closely align with the Planning Practice Guidance. As well as the standard condition for commencement, for certainty a condition requiring the development is carried out in accordance with the submitted plans is necessary. To ensure the development preserves the character and appearance of the host building and the BGCA it is necessary to impose conditions to require the prior written approval of the new glass and reduced brise soleil, and that other external finishes match the existing building.
13. It would not be necessary to impose a condition in respect of internal fixtures and fittings as these would not prevent the lightweight feel of the structure enduring. To ensure the development incorporates the necessary fire safety measures it is necessary to impose a condition to secure a Fire Safety Statement prior to the installation of the glass. Having regard to the nature, scale and location of the development and the appeal site, and the position of neighbouring properties, a condition in respect of the emission standards of Non-road mobile machinery, would not be necessary or proportionate.

Conclusion

14. I find the development is compliant with the development plan and the Framework. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, the appeal is allowed.

Dan Szymanski

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be began before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans/drawings numbered: 3153_OS01, 3153_EX_P02, 3153_EX03, 3153_EX04, 3153_EX05, 3153_EX06, 3153_PL03, 3153_PL04, 3153_PL05 & 3153_PL06.
- 3) Prior to its installation the details and specification of the proposed glass shall have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall only be carried out and retained thereafter in accordance with the approved details.
- 4) Prior to works to reduce the brise soleil details showing how the glazing will relate to the altered brise soleil shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.
- 5) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing, except where indicated otherwise on the submitted application form, approved drawings, and submitted details.
- 6) Prior to the installation of the glass, a Fire Safety Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details that identify:
 - a. unobstructed outside space for fire appliances to be positioned on, to be shown on a site plan;
 - b. areas for use as an evacuation assembly point, to be shown on a site plan;
 - c. appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures;
 - d. design measures that minimise the risk of fire spread;
 - e. means of escape and an associated evacuation strategy for all building users;
 - f. a robust strategy for evacuation which can be periodically updated and published; and,
 - g. suitable access and equipment for firefighting.

The development shall only be implemented and occupied in accordance with the approved details.

End of Schedule.