



Appeal Decision

Site Visit made on 18 October 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2021

Appeal Ref: APP/L5810/W/21/3268678

6 Cumberland Road, Barnes, London SW13 9LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Oliver Milton against the decision of the Council of the London Borough of Richmond Upon Thames.
- The application Ref 20/3379/VRC, dated 26 November 2020, was refused by notice dated 21 January 2021.
- The application sought planning permission for demolition of existing semi-detached dwelling and replacement with a 2 storey semi-detached dwelling with basement and accommodation in the roof and associated parking, hard and soft landscaping, cycle and refuse stores without complying with a condition attached to planning permission Ref: 20/0714/FUL dated 20 July 2020.
- The condition in dispute is U0085062 which states that:

The development hereby permitted shall be carried out in accordance with the following approved plans and documents, where applicable:

Approved Plans:

Drawing showing Location Plan dated 27/02/2020 received 10.03.2020

Drawing: MB-SURB-CR_RP_001 Rev 01 showing Existing Roof Plan dated 29/09/2019 received 10.03.2020

Drawing: MB-SURV-CR-FE-001 Rev 01 showing Existing Front Elevation dated 27/09/2019 received 10.03.2020

Drawing: MB-SURV-CR-FF-001 Rev 1 showing Existing First Floor dated 27/09/2019 received 10.03.2020

Drawing: MB-SURV-CR-GF-001 Rev 01 showing Existing Ground Floor dated 27/09/2019 received 10.03.2020

Drawing: MB-SURV-CR-LP-001 Rev 01 showing Existing Loft Plan dated 27/09/2019 received 10.03.2020

Drawing: MB-SURV-CR-RE-001 Rev 01 showing Existing Rear Elevation dated 28/09/2019 received 10.03.2020

Drawing: MB-SURV-CR-RSE-001 Rev 01 showing Existing Right Side Elevation dated 28/09/2019 received 10.03.2020

Drawing: MB-SURV-CA-SA-001 Rev 01 showing Section A-A dated 29/09/2019 received 10.03.2020

Drawing: MB-SURV-CR-TS-001 Rev 01 showing Existing Topographical Survey dated 29/09/2019 received 10.03.2020

Appendix A Collection of Figures and Appendix C Proposed Surface Runoff Improvement Measures (SUDS) received 10.03.2020

Sustainability Report Lifecycle CO2 Analysis by Dynamic Energy Assessors dated 04.02.2020 received 10.03.2020

Construction and Logistics Management Plan dated February 2020 received 10.03.2020

Development Viability Assessment by Are3ray Development Consultancy dated March 2020 received 10.03.2020

Energy Statement Ref: PR_027 by Dynamic Energy Assessors dated 04.03.2020 received 10.03.2020

Flood Risk Assessment and Sustainable Urban Drainage Systems by UK Flood Risk Consultants Ref: QFRA 1626 Rev a dated 28.02.2020 received 10.03.2020

SAP Design Stage Assumptions by Dynamic Energy Assessors received 10.03.2020

Sustainable Construction Checklist received 17.03.2020

Transport Statement dated March 2020 received 17.03.2020

Water Efficiency Calculator for New Dwellings dated 16/03/2020 received 17.03.2020

Drawing: 027_PL_100 Rev E showing Proposed Basement and Ground Floor Plan dated 22.05.2020 received 22.05.2020

Drawing: 027_PL_101 Rev C showing Proposed First and Second Floor Plan dated 22.05.2020 received 22.05.2020

Drawing: 027_PL_102 Rev C showing Proposed Roof Plan dated 22.05.2020 received 22.05.2020

Drawing: 027_PL_103 Rev D showing Proposed North and South Elevation dated 22.05.2020 received 22.05.2020

Drawing: 027_PL_104 Rev C showing Proposed West Elevation and Section dated 22.05.2020 received 22.05.2020

Report: Retaining Wall Analysis received 10.06.2020

Drawing: 20178.101 showing Temporary Works dated May 2020 received 10.06.2020

Drawing: 20178/102 showing basement foundation layout dated June 2020 received 10.06.2020

Method Statement for Construction of Retaining Wall Ref: 20178 received 10.06.2020

Letter from Structural Engineer dated 08.06.2020 received 10.06.2020

Drawing: 027_PL_110 showing Refuse and Cycle Details dated Feb 2020 received 10.07.2020.

- The reason given for the condition is: *To accord with the terms of the application, for the avoidance of doubt and in the interests of proper planning.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, a revised version of the National Planning Policy Framework (the Framework) was published. The main parties were given the opportunity to comment on the relevance of this to the appeal. I have had regard to any comments received and the revised Framework in my decision.

Background and main issue

3. Planning permission 20/0714/FUL allows, in summary, the demolition of the previous dwelling on the site and its replacement with a new semi-detached dwelling and associated works. Construction of the new dwelling was well underway at the time of my site visit. Condition U0085062 on the permission specifies the approved plans for the development. The appellant wishes to change the design of the approved development, and hence carry it out in accordance with new plans instead of those listed under condition U0085062. The new plans include revisions to the fenestration and materials of the new dwelling.
4. The main issue is the effect of the development proposed on the character and appearance of the host building and the wider area.

Reasons

5. The appeal property is one half of a semi-detached pair of two storey dwellings (Nos 6 and 8) which front onto the south side of Cumberland Road in a predominantly residential area of Barnes. The property is set back from the road with a driveway and a garden to the front.
6. This side of Cumberland Road is characterised by two storey semi-detached dwellings which display a strong sense of uniformity. This is partly due to the similar plot widths and spacings between properties, aligning eaves and ridge heights, bay windows and first floor bow windows, and commonality of external materials. There is some differentiation in the street scene due in part to the mixture of gable ends and hips, front dormer extensions, roof lights, integral garages and the number of first floor windows. Nevertheless, the presence of a single bay window at first floor level alongside one or two smaller bow windows is a unifying feature of these properties, which contributes to a harmonious and ordered character to the area which, in my view, it is reasonable to accord appropriate protection to.
7. The main area of contention between the parties relates to the alterations proposed to the front elevation of the new dwelling, which comprise the formation of a first floor bay window above the ground floor bay on the right hand side of the property, the insertion of a central window above the front door and the removal of two first floor bow windows.
8. The proposed additional bay window would result in two first floor bay windows to the front elevation of the approved dwelling. During my site visit I observed that this is not a feature of the other half of the semi-detached pair or other properties along this side of Cumberland Road. In that context the additional bay window would be uncharacteristic of the area and would have a jarring effect both on the uniformity of the semi-detached pair and on the wider street scene.
9. The position and size of the proposed central window above the front door would not be harmful. However, its design including lack of detailing would be in stark contrast to the more decorative first floor bow windows prevalent along this side of the road. I therefore find that the proposed central first floor window and the loss of the bow windows would also be harmful to the cohesiveness of the semi-detached pair and the street scene and would further dilute the quality of the scheme.
10. Having regard to the Development Plan and Barnes Village Planning Guidance Supplementary Planning Document, the appellant contends that the treatment of bay windows carries no greater distinction with regard to its contribution to the street scene and other elements of the individual dwellings that have been altered over time. Nevertheless, I have found that the single first floor bay windows and bow windows are an important aspect of the character of these properties. The approved scheme respected the character of the semi-detached pair and the surrounding area by incorporating a single first floor bay window and first floor bow windows, which the appeal proposals would depart from.
11. I accept that the uniformity of Nos 6 and 8 has been eroded to some extent by the previously approved scheme. However, I consider that the appeal proposals would further unbalance the appearance of the semi-detached pair. It is my

view, therefore, that the revised plans would result in a dwelling which would appear visually discordant in the street scene.

12. I therefore conclude that varying condition U0085062 of the original planning permission to include the revised plans would have an unacceptably harmful effect on the character and appearance of the host building and the wider area. It would conflict with Policies LP1 and LP39 of the Richmond upon Thames Local Plan (2018), which, amongst other things, seek to ensure that new development is of a quality which respects, contributes to and enhances the local environment and character of an area, including its relationship to existing townscape.

Other Matters

13. Whilst I appreciate that the proposal would improve the internal configuration of the dwelling, this would principally be a private benefit which would not outweigh the harm to the character and appearance of the host building and its surroundings as identified above.

Conclusion

14. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be dismissed.

Mark Ollerenshaw

INSPECTOR