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## Appeal Decisions

Site visit made on 11 May 2022

**by Richard McCoy BSc MSc DipTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 31 May 2022**

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### **Appeal A Ref: APP/L5810/W/21/3275144**

#### **Leyden House, Thames Bank, Mortlake, London SW14 7QR**

- 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 & Mrs Ronan O'Kelly against the decision of the Council of the London Borough of Richmond-upon-Thames.
  - The application Ref 20/3774/HOT, dated 15 December 2020, was refused by notice dated 24 February 2021.
  - The development proposed is the replacement of 11 no. existing rotten dormer windows with new.
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### **Appeal B Ref: APP/L5810/Y/21/3275145**

#### **Leyden House, Thames Bank, Mortlake, London SW14 7QR**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr & Mrs Ronan O'Kelly against the decision of the Council of the London Borough of Richmond-upon-Thames.
  - The application Ref 20/3775/LBC, dated 15 December 2020, was refused by notice dated 24 February 2021.
  - The works proposed are the replacement of 11 no. existing rotten dormer windows with new.
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## **Decisions**

1. Appeal A: the appeal is allowed and planning permission is granted for the replacement of 11 no. existing rotten dormer windows with new at Leyden House, Thames Bank, Mortlake, London SW14 7QR in accordance with the terms of the application, Ref 20/3774/HOT, dated 15 December 2020, subject to the conditions set out in the attached annex.
2. Appeal B: the appeal is allowed and listed building consent is granted for the replacement of 11 no. existing rotten dormer windows with new at Leyden House, Thames Bank, Mortlake, London SW14 7QR in accordance with the terms of the application Ref 20/3775/LBC, dated 15 December 2020, and the plans submitted with it, subject to the conditions set out in the attached annex.

## **Main Issue**

3. The main issue is the effect of the proposal on the special architectural and historic interest of the listed building and whether it would preserve or enhance the character or appearance of the conservation area.

## Reasons

4. Leyden House is a Grade II listed building. It occupies a prominent position on the south bank of the Thames. Dating from the 18th century, it is a large, detached, five-bay, brick rendered dwelling incorporating a steeply pitched roof with casement dormers behind a parapet. The special interest and significance of the listed building as a designated heritage asset is derived from its historical and aesthetic values, as a large domestic property of the Georgian era. Its age, historic fabric and architectural form and design, including its fenestration, all make important contributions to its special interest and significance.
5. The building is located within the Mortlake Conservation Area which is characterised by its tranquil riverside location comprising a cohesive design of brightly stucco rendered, 2 story dwellings, under mansard or steeply pitched roofs, with dormers.
6. The proposal would replace 11 no. dormer windows located within the attic storey. These are single-glazed, multi-pane, painted, timber, side-hung casement units that are suffering from decay and deterioration. I observed water ingress from several of these windows which, if left unchecked, may adversely affect the historic fabric of the listed building. The proposed replacements would be of a 'slimline type' double-glazed, painted, timber, side-hung casement units.
7. I note from the decisions of a previous Inspector who dismissed appeals for a similar proposal at the site (refs. APP/L5810/W/20/3254055 and APP/L5810/Y/20/3254056) that the existing dormer windows are not original. I agree with that Inspector that their replacement would not result in the loss of historic fabric, and that they are poorly constructed of poor-quality timber with modern glass and ironmongery. However, I also note the conclusion of the previous Inspector that they are an important component of the building's fenestration, reflect the materials, form, design and pattern of the historic dormer windows and contribute in a positive way to the building's historical and architectural integrity and thus its special interest and significance.
8. This proposal differs from that of the previously dismissed appeals insofar as it includes more detail and specific drawings for each window type showing the windows in greater detailing, including the deletion of the trickle vents. Given the modern appearance of the existing dormer windows and their poor state of repair, I consider that the proposed replacements, with their moulded glazing bars containing small paned sealed units, the slim-line design reducing the prominence of spacer bars and the discreet means of ventilation, would improve the appearance of the building.
9. In my judgement, the proposed replacement windows would complement the elegant proportions and detailing of the historic sliding sashes which make up the remainder of the building's fenestration. Furthermore, their height within the building and the side hung nature of the casements would result in the proposal having similar reveals and reflective qualities to that of the existing casements. In appearance, they would not be so dis-similar to the existing as to cause harm to the significance of the listed building.
10. I note the Council's concern that allowing the replacement windows would set a precedent for the replacement of the sliding sash windows at the appeal site.

However, it would be unlikely that the replacement of side hung casements, with detailing that matches the existing windows, could be taken as a precedent for replacing historic single glazed sash windows. Such works would be likely to lead to the loss of historic timber and glass fabric, and necessitate the use of spiral balances, in place of lead weights, to take the additional weight of double-glazed units. In any event, each proposal would be taken on its own merits.

11. In addition, my attention was drawn to other appeal decisions claimed to be similar where previous Inspectors dismissed appeals. However, given the site-specific circumstances of the appeals before me, I do not consider those appeals to be direct comparators.
12. Accordingly, having special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I consider that the proposed works would preserve the special architectural and historic interest of the listed building, and the proposed development would preserve the character and appearance of the conservation area, thereby sustaining the significance of these designated heritage assets. This would accord with National Planning Policy Framework (NPPF) paragraph 197 and Local Plan Policy LP3 which reflects the approach of Section 16(2) of the Act, in respect of listed buildings, and Local Plan Policy LP1 and LP3 which seek to maintain architectural quality which contributes to character and heritage, and preserve the character or appearance of the conservation area.

#### *Conditions*

13. I have considered the conditions suggested by the Council and where necessary I have slightly amended the wording in the interests of clarity and to accord with the tests set out in NPPF paragraph 56. With regard to Appeal A, conditions are necessary in respect of commencement time and carrying out the development in accordance with the approved plans in the interests of providing certainty.
14. With regard to Appeal B, conditions are necessary in respect of commencement time to provide certainty, and external finishes and glazing type in the interests of protecting the special architectural and historic interest of the listed building.

#### **Conclusion**

15. For the reasons given above, I conclude that the proposal would preserve the special architectural and historic interest of the listed building and would preserve the character and appearance of the conservation area. Accordingly, I allow the appeals.

*Richard McCoy*

Inspector

## **Annex**

### **Appeal A**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, P.04, P.05, S.05, Q249-J028-A, Q249-J028-B, Q249-J028-D & Q249-J028-E received on 30.12.2020.

### **Appeal B**

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) Upon completion of the works authorised by this consent, any damage caused to the building in the course of carrying out the works shall be made good within 3 months in accordance with a scheme submitted to, and approved in writing by, the local planning authority.
- 3) The proposed replacement windows should not be fitted other than in double glazed with slimline heritage-type glazing.