



Appeal Decision

Site visit made on 3 November 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2022

Appeal Ref: APP/L5810/W/21/3281420

13-17 White Hart Lane, Barnes, London SW13 0PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by White Hart Property Limited against Richmond Upon Thames London Borough Council.
 - The application Ref 20/1650/FUL, is dated 12 June 2020.
 - The development proposed is construction of a single storey roof extension and part reconfiguration of existing building to provide 5 residential units.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by White Hart Property Limited against Richmond Upon Thames London Borough Council. This application is the subject of a separate Decision.

Preliminary matter

3. While I note the description of development stated in the appeal form, I have used the description from the application form in the header above in the interests of certainty.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character or appearance of Thorne Passage Conservation Area (TPCA); and
 - the effect of the proposed development on the living conditions of the occupiers of the first floor of No 19 White Hart Lane (No 19) with regard to outlook.

Reasons

Character or appearance

5. The Thorne Passage 16 statement states that the TPCA is formed by charming and cohesive groups of small scale closely packed terraced cottages. It goes on to say that the conservation area was extended to include, among other streets, the eastern side of White Hart Lane which continue the tight-knit layout of model worker's housing. Accordingly, the significance of TPCA, insofar

as it relates to the appeal, lies in his historic vernacular architecture, in particular the consistency of scale and layout of its small-scale terraced cottages.

6. The appeal site lies on the corner of White Hart Lane and Thorne Passage, a historic passage, and in close proximity to the junction of White Hart Lane and Mortlake High Street. The existing building is two-storey with dormer windows and an adjoining historic two storey terraced dwelling. While the Appellant considers the existing buildings to be squat in appearance, they are generally in keeping with the terrace of two storey cottages in form and scale as well as materials and in doing so provide a positive contribution to the significance of TPCA.
7. While there are three storey buildings on the opposite side of White Hart Lane, at Chelsea House and at Tideway Wharf on the other side of the junction, these lie within Mortlake Conservation Area (MCA), which, as I observed during my site visit, has a distinct, less modest character with buildings generally being of greater height and massing compared with those in TPCA.
8. Given its close proximity and similarity in height and form to the two-storey terrace adjoining it and to the wider TPCA including Charles Street, the existing buildings have a far closer relationship to the TPCA within which it lies, than to MCA.
9. The proposal would consist of an additional storey above the existing building. While the roof form and materials would echo the existing, the proposal would substantially increase the height of the building, thereby increasing its massing.
10. The building would have a three-storey massing with accommodation in the roof space and dormer windows that would result in the building appearing prominent from the street when compared with the adjoining terrace and wider two storey terraced cottages. In views from both the north and south, the proposal would be viewed in the context of the two-storey terrace as well as the three storey buildings in the MCA. However, given that the site has a closer relationship to the TPCA than MCA, the increased massing would appear discordant against the adjacent two storey terrace and modest housing further along White Hart Lane, thereby eroding the significance of TPCA.
11. In addition, given the largely two storey properties that lie to the south of the site, the increase in height of the existing building would appear unduly dominant when viewed from the rear of the site and the surrounding properties.
12. Part of the gable wall and roof of the existing building is visible above the tall brick wall that lies along Thorne Passage. The proposed roof and upper floor of the proposal would result in the building being more visible from Thorne Passage. Therefore, since the increased massing would be visible above the wall along the path, the erosion of the modest character of TPCA would be apparent from these views, albeit the lower storeys of the proposal would be hidden from view.
13. Although the roof of No 17 White Hart Lane (No 17) would be hipped to provide a transition from the two-storey terrace to the three-storey proposed building,

the increase in height of No 17 would harmfully alter its character as a modest dwelling, thereby diminishing the significance of TPCA.

14. Therefore, while I note that the proposal would be similar in height to other buildings at the junction of White Hart Lane and Mortlake High Street, the proposal would erode the modest character of the TPCA, thereby resulting in harm to its significance.
15. I note the comments of the Inspector for a previous scheme on the site. However, since that scheme consisted of a rear extension it is not directly comparable to this appeal which must be determined on its individual merits.
16. Consequently, the proposed development would harm the character and appearance of TPCA, thereby eroding its significance.
17. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the limited scale of the proposal, the harm would be less than substantial but nevertheless of considerable importance and weight.
18. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The public benefits of the proposal include five new dwellings that would be created in a brownfield location within a town centre. However, given the modest number of dwellings proposed, the benefits in this respect carry limited weight.
19. Given the above, the public benefits in this instance do not outweigh the great weight attached to the harm to the character and appearance and significance of the TPCA.
20. Therefore, the proposal would conflict with Policies LP1 and LP3 of the Richmond upon Thames Local Plan 2018 (LP) which requires, among other things, the high-quality character and the significance of the borough's Conservation Areas to be conserved and enhanced.
21. Since the proposal would not include development in the rear garden of the site, LP Policy LP39 is not directly relevant to this appeal.

Living conditions

22. No 19 has two first floor windows; one on the side elevation of the outrigger and one on the rear elevation of the main building.
23. In addition, No 19 has an extension above the rear outrigger that has introduced a wall perpendicular to and in close proximity to the first floor rear window. The proposal would result in the side elevation of the rear outrigger of No 17 increasing in height. Given the close proximity of the rear window to No 17 together with the existing extension of No 19, the proposal would appear overbearing when viewed from this window. However, from the evidence, this space appears to be dual aspect, with windows facing the street. As such, the proposal would not unduly affect the living conditions of the occupiers in this respect.

24. The window on the side elevation of the rear outrigger appears to be an obscured glazed bathroom window. As such, the proposal would result in limited harm in this particular respect in terms of outlook.
25. The ground floor rear extension of No 19 has roof lights on the pitched roof that would slope towards the proposed building. However, given the distance from the roof lights to the roof extension and that the proposal would not project further towards the rear, as well as the rear patio doors of No 19, the proposal would not result in an undue effect on the outlook of these neighbouring occupiers.
26. Consequently, the proposed development would not harm the living conditions of the neighbouring occupiers with regard to outlook. Therefore, it would not conflict with LP Policy LP8 which seeks, among other things, proposals that are not visually intrusive or have an overbearing effect as result of their height, massing or siting including through creating a sense of enclosure.

Other Matters

27. I note local concerns including regarding pollution, light and privacy. Given the conclusions of the Daylight And Sunlight Assessment, the proposal would not have an undue effect on the living conditions of neighbouring occupiers, including at No 19 and Chelsea House, in terms of daylight and sunlight. Given the distance from the proposal to the surrounding properties, there would also not be an unacceptable impact on the privacy of these neighbouring occupiers.
28. Car parking spaces are not proposed as part of the scheme and a signed and dated Unilateral Undertaking was submitted which secures the proposed dwellings as car-free development. As such, the proposal would not result in pollution in this regard.

Conclusion

29. For the reasons given above, and in the absence of any material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR