



Appeal Decisions

Site visit made on 4 April 2023

by C Harding BA(Hons) PGDipTRP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2023

Appeal A Ref: APP/L5810/D/21/3282378

29 Princes Road, Richmond TW10 6DQ

- 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 Oliver Agha against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 21/2396/HOT, dated 1 July 2021, was refused by notice dated 3 September 2021.
 - The development proposed is described as "retrospective application for the erection of an awning in the rear garden".
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Appeal B Ref: APP/L5810/D/21/3286482

29 Princes Road, Richmond TW10 6DQ

- 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 Oliver Agha against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 21/3166/HOT, dated 7 September 2021, was refused by notice dated 3 November 2021.
 - The development proposed is described as "retention of ground floor bi-folding doors, retention of enlarged windows and proposed painting of windows from grey to white".
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As set out above, there are two appeals on this site, and both relate to alterations at the appeal property. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. At the time of my site visit, an awning to the rear of the property was already installed. Ground floor bi-folding doors and grey first-floor aluminium windows were also in place. As I cannot be certain that the works carried fully reflect those shown on the provided plans, and the first-floor rear elevation windows are grey in colour, I have considered the proposals on the basis of the proposed developments as shown on the plans.

5. The appeal property is located within St Matthias Conservation Area ('the CA'). As such, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.

Main Issues

6. In regard to Appeal A, the main issues are; whether the proposed development would preserve or enhance the character or appearance of the CA and non-designated heritage assets ('NDHAs'); and the effect of the proposed development upon the living conditions of the occupiers of neighbouring properties with specific regard to outlook, light and sense of enclosure.
7. The main issue in Appeal B is whether the proposals would preserve or enhance the character or appearance of the CA and NDHAs.

Reasons

Conservation and non-designated heritage assets

8. The significance of this CA insofar as it relates to this appeal, is, in part, derived from the tight urban grain and the compact private outdoor spaces that punctuate it, and the consistency of traditional design and features exhibited by the terraced cottages on Princes Road and surrounding streets. This includes a generally high level of uniformity with regards to the design and colour treatment of windows, even where they have previously been replaced.
9. The appeal property, along with others on Princes Road and Beatrice Road, are also identified as a locally listed Building of Townscape Merit ('BTM') and therefore comprise NDHAs. The significance of the appeal property itself derives, in part, from its value as an example of a traditional terraced cottage forming part of a wider cohesive group of BTMs and includes the positive contribution made by the rear garden.

Appeal A

10. The proposed awning, when not in use, would be contained within a roller motor unit mounted on the rear elevation of the appeal property with side runners and framework situated within the rear garden. However, when in use, the awning would extend over the rear garden by means of the framework.
11. Although there are examples of rear extensions within rear gardens of properties on Princes Road and Beatrice Road, the prevailing character is of closely related compact rear gardens which cumulatively provide visual relief within the otherwise tight urban grain of the cottages which characterise the local area.
12. When contained within its roller housing, and not in use, the awning would not appear as substantial structure within the rear garden of the appeal property. The framework, although functional in appearance, would also appear as a lightweight structure. However, when fully unfolded, the awning would cover the rear garden of the appeal property to a significant extent and would be higher than the existing boundary treatments. When in use, by its nature, and regardless of the quality of materials, it would therefore significantly erode the otherwise open nature of the rear garden, and the positive contribution it makes to the character of the CA and wider group of NDHAs in this respect.

13. I acknowledge that the awning would be retractable, and that the appellant has advised that the existing structure is currently rarely used. However, no proposed specific times or frequency of proposed use are before me, and I cannot therefore be certain that it would not be used more regularly in the future, or indeed always retracted when not in use. As a result, I afford this factor only very minor weight in my considerations.
14. Accordingly, I consider that the proposed development would lead to less than substantial harm to the character of the CA and NDHA. Accordingly, the proposed development would be contrary to Policies LP1, LP3 and LP4 of the Richmond upon Thames Local Plan ('RTLPL') which together, and amongst other criteria, seek to ensure that new development respects, contributes and enhances the local environment and character, preserve the character or appearance of the CA, and preserves the significance and setting of NDHAs, including BTMs. I have also had regard to advice contained within the Buildings of Townscape Merit SPD¹ ('the BTM SPD'), which highlights that unsympathetic alterations to BTMs can harm the visual quality of the building, and erode the character and interest of an area, and the House Extensions and External Alterations SPD² ('the HEEA SPD').

Appeal B

15. The verticality and size of the openings and use of aluminium frames would mean that the proposed first floor windows would be of a modern appearance, and would contrast with the smaller openings and fenestration hierarchy that generally characterises the first-floor windows of front and rear elevations of residential properties within the CA. Furthermore, although there is some variation in materials, existing first-floor windows within the CA are predominantly of a traditional sash-style design, in comparison to the large single panes proposed as part of the scheme.
16. Although located at the rear of the property, the proposed windows would be visible from elsewhere within the CA; most notably from Beatrice Road, as well as to a lesser extent, from Albert Road. In this context, the larger size and overtly modern design of the first-floor windows, even if painted white, means that they would appear as an incongruous addition to the appeal property and wider streetscene.
17. The appellant contends that the rear elevation of the appeal property previously contained white aluminium windows. Whilst this may have been the case, no substantive evidence has been provided with regards to the design and size of these windows, and in any event, they have since been removed. Consequently, I afford this factor very little weight in my considerations.
18. I have been referred to a previous planning permission granted at a neighbouring property which included alterations to windows at the rear of the property. I have been provided with only limited details of this scheme, however the design and materials of the proposed windows in that instance differs from the scheme which is before me, and the situation of that property differs from the appeal property with regard to the extent of its wider visibility

¹ London Borough of Richmond upon Thames – Local Plan Supplementary Planning Document – Buildings of Townscape Merit, May 2015.

² London Borough of Richmond upon Thames – Local Plan Supplementary Planning Document – House Extensions and External Alterations, May 2015.

and is not therefore wholly comparable. Accordingly, this factor is not sufficient to justify the proposal.

19. The proposed bifold doors would also be of a modern design. However, they would be effectively screened by existing boundary treatments and would not be widely visible from elsewhere within the CA. Furthermore, there is a greater variation in terms of other examples of ground floor rear windows and doors evident within the area, and the proposed doors would reflect the hierarchy of fenestration. Accordingly, the proposed bi-fold doors would not lead to harm to the character or appearance of the CA.
20. However, my findings in relation to the proposed bifold doors do not outweigh my findings with respect to the proposed windows. I therefore conclude that the proposed development would fail to preserve or enhance the character or appearance of the CA and the NDHA. Accordingly, the proposed development would be contrary to RTLP Policies LP1, LP3 and LP4 which together, and amongst other criteria, seek to ensure that new development respects, contributes and enhances the local environment and character, preserve the character or appearance of the CA, and preserves the significance and setting of NDHAs, including BTMs.
21. I have also had regard to advice contained within the BTM SPD which highlights that the introduction of unsympathetic windows to BTMs can harm the visual quality of one building and erode the character and interest of an area, as well as advice within the HEA SPD which states that new windows should reflect the style and detail of existing windows and retain character.

Living Conditions

Appeal A

22. The proposed awning, when in use, would slope downwards from the rear elevation of the appeal property and would be higher than the boundary treatments between the neighbouring properties. Accordingly, it would be visible to occupiers of these properties from within rear gardens. There is a minor change in levels between the rear garden of the appeal property and that of 27 Princes Road, which is set at slightly lower level.
23. I acknowledge that the HEEA SPD states that the height of extensions to residential properties should be limited to 2.2m where they exceed more than 3m in depth. However, given the lightweight construction of the proposed development, it would not be wholly comparable to a rear extension in terms of solidity.
24. The proposed development would represent only a minor increase in height in comparison to existing boundary treatments. Furthermore, it would be of lightweight construction, and where higher than existing boundaries treatments, would remain of an open nature. Therefore, it would not appear as an intrusive or overbearing feature such that it would lead to harm to the living conditions of the occupiers of neighbouring properties in terms of outlook or light, or lead to an unacceptable sense of enclosure.
25. The proposed development would not harm the living conditions of occupiers of neighbouring properties with regards to outlook or light. It would therefore accord with RTLP Policy LP8 which states that all development will be required to protect the amenity and living conditions for occupants of existing, adjoining

and neighbouring properties. I have also had regard to advice contained within the HEEA SPD with regards to visual intrusion and sense of enclosure.

Conclusion

26. Although in the case of Appeal A the proposed development would not result in harm to the living conditions of occupiers of neighbouring properties with regard to outlook, light and sense of enclosure, the proposed developments in both appeals would result in less than substantial harm to the significance of the CA.
27. Paragraph 202 of the National Planning Policy Framework ('the Framework') states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It also states that great weight should be given to the conservation of the asset. Moreover, the proposed developments would result in limited harm to NDHAs.
28. No public benefits have been put forward that would outweigh the harm that I have found. Therefore, for the reasons given above, I conclude that both Appeal A and Appeal B should be dismissed.

C Harding

INSPECTOR