



Appeal Decision

Site visit made on 16 June 2023

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2023

Appeal Ref: APP/L5810/Y/22/3307227

3 Pembroke Villas, The Green, Richmond TW9 1QF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the refusal of details of works required by a condition of a listed building consent.
 - The appeal is made by Mr Jeffrey Cheuk against the decision of the London Borough of Richmond Upon Thames.
 - The application 21/3874/DD02, dated 6 May 2022 sought approval of details pursuant to condition No. U0118426 of a listed building consent Ref 21/3874/LBC, granted 26 January 2022.
 - The application was refused by notice dated 22 August 2022.
 - The works proposed are change of a window opening to a door opening. Installation of a security grille across a window. Addition of lead cladding to copings. General repair and maintenance including re-rendering, repointing and re-decoration.
 - The details for which approval is sought are: Prior to the commencement of the relevant works hereby approved, a full schedule of repairs including details of lime mortar mix shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall not be carried out other than in accordance with the approved details.
 - Reason: To protect the historic and architectural character and appearance of the listed building.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The appeal concerns works to Number 3 Pembroke Villas (No. 3), a Grade II Listed Building (List Entry Number 1065319) that forms part of a group listing of five pairs of semi-detached houses dating from the mid-19th Century, Pembroke Villas.
3. The submitted appeal form is for an appeal against the original Listed building Consent application granted for works to the dwelling with planning conditions attached. Nevertheless, the Council refused a discharge of condition application for the schedule of repairs based on the submitted details, more precisely in relation to the mortar mix for part of the works. It is clear that the appeal has been made in relation to the latter refusal and I have dealt with the appeal on this basis. From what I viewed on site, the works have been undertaken and are complete.

Main Issues

4. The main issues are whether the works preserve the Grade II listed building or any features of special architectural or historic interest that it possesses; and

whether the character or appearance of Richmond Green Conservation Area (CA) is preserved or enhanced.

Reasons

5. Pembroke Villas front directly onto the north-west side of the verdant open space of Richmond Green. The houses in the group are built from yellow brick with stucco dressings under a slate gabled roof brought forward as a pediment. No. 3 is two windows wide with moulded stucco window surrounds with central adjoining window-bays and the outer window bays are slightly recessed and central windows tripartite. As a collection of houses, they are fine examples of symmetrical mid-19th Century Italianate style houses.
6. The shared characteristics including materials, design and scale ensures that as a group the listed building makes a visually striking impact on this side of Richmond Green. I consider that the significance and special interest of the listed building mainly derives from the high quality of its architectural detailing, its age and historic fabric and materials.
7. It is also located within the Richmond Green Conservation Area with the open landscaped space of Richmond Green, that underpins its centre, surrounded on all sides by imposing built development. The significance of the CA mainly derives from the relationship of the level and open grassland with the houses that surround it. The open space with its verdant character and wide uninterrupted views across it, provides a grand setting for those houses.
8. I am mindful of my statutory duties in respect of the listed building and section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act (the Act) that requires I pay special attention to the desirability of preserving and enhancing the listed building. In addition, as the site is located within the Richmond Green CA, Section 72(1) of the Act requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
9. It appears, based on the evidence before me, that water damage has occurred at No. 3 within localised areas of brickwork and mortar requiring repair due to overflowing rainwater hoppers. In addition, it also appears that the pointing within the joints of the party wall with Number 4 Pembroke Villas (No. 4) were failing in places due to water erosion and causing deterioration to the garden wall.
10. Both the external walls of the dwelling and the party boundary wall are formed of traditional brickwork and mortar. Both brickwork and mortar naturally absorb rain water. Historic England's guidance note entitled '*Repointing Brick and Stone Walls*', states that '*When rainwater hits a building some of it may be absorbed by the stone or brick and the mortar, and some is drawn into the wall via any small cracks between the masonry units and the mortar. To prevent problems occurring, this moisture needs to be able to escape back to the atmosphere once it stops raining. The most effective route for this is through permeable mortar joints. However, if the joints are not able to release moisture, as would occur if hard cement mortar is used, then all moisture movement is concentrated in the bricks or stones, which increases the chance of frost damage or damage due to the crystallisation of soluble salts*'. Furthermore, the Council's own guidance entitled '*Planning Information for Historic Buildings Maintenance & Repair*', emphasises the importance of the

correct use of mortar mixes and repair techniques. I apply significant weight to the advice within these documents.

11. I note the approved plans stipulate lime mortar is to be used for the repointing. I also note historically cement could have been used as a composition of mortar for a house of this period and that the recent repointing has been identified as a sand/cement mix. Nevertheless, without a precise chemical analysis of the original mortar composition, I cannot be certain that cement was used in that original mortar. Moreover, even though the localised areas have suffered water damage in the past, and the proposed mix has a small percentage of cement within it, there is little to indicate that the proposed mortar mix would be more permeable than the existing brickwork. Therefore, the inclusion of cement in the mortar mix increases the chance that damage to the adjoining brickwork would occur in the future. In addition, the schedule of repairs specifies a 1 part 3.5 NHL hydraulic lime to 3 parts sharp sand mortar mix for other areas of brickwork and there is little to indicate why that is not appropriate to be used in these areas.
12. The mortar has been artificially tinted with black coloured brick dye to enable it to visually blend with the pre-existing mortar colour. Despite this, given my findings above, repointing with the specified mortar mix has the potential to cause harm to the building's historic fabric which may in turn affect the building's long-term special interest and significance.
13. Considering all of the above, it has not been demonstrated that the proposed mortar mix preserves the special interest and significance of the listed building. Therefore, the expectations of the Act are not met.
14. Given the nature of the works and that the appearance of the new mortar pointing visually blends with the pre-existing mortar, it has little impact on the character or appearance of the CA. Therefore, the works preserve the character or appearance of the CA and the expectations of the Act in this respect would be met.
15. Bearing in mind the scale and nature of the works, I judge that the degree of the harm to the significance of the listed building as a designated heritage asset would be less than substantial. Paragraph 202 of the National Planning Policy Framework (the Framework) requires the less than substantial harm be weighed against the public benefits of the proposal, including where appropriate, securing the optimum viable use.
16. The appellant sets out that watertightness measures to resolve the water ingress would preserve the building. I am also acutely aware of the need to avoid water ingress into a historic building. Sustaining the maintenance and repair of a listed building can reasonably be considered as a public benefit. However, it has not been demonstrated that alternative measures are not available which may resolve the water damage without the potentially harmful effects to the building's special interest and significance. As such, I consider that little weight can be given to that benefit. Moreover, I have been given no indication that its viable use as a dwelling is seriously threatened.
17. Given the above, I conclude that the public benefits identified would be insufficient to outweigh the great weight to be given to the harm to the listed building. As such, the proposal would not comply with paragraph 202 of the Framework. In addition, there is no clear and convincing justification for the

harm to the significance of the listed building. Consequentially, the proposal would not comply with paragraph 199 of the Framework and the development plan policies insofar as these are relevant.

Other Matters

18. Contention between the parties arises over the level of the works that can be apportioned to fall within this schedule of repairs condition. The description of the original proposal is not precise in relation to the details of 'rendering', 'repointing' or 'repair and maintenance'. However, upon inspection of the submitted plans, no part of the original scheme identified colour toning to the buttresses of the party wall, or a render skirt. In addition, no such details are included within the Heritage Statement. No assessment has been considered within the Council's delegated report. I do not find these works can reasonably be considered as part of the original works that have been applied for. Therefore, they do not form part of the condition discharge appeal before me.
19. The appellant raises concern regarding the Council's service. In the first instance any complaints should be referred to the Council and is not within my scope to comment upon.

Conclusion

20. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Alison Scott

INSPECTOR

