



Appeal Decision

Site visit made on 7 May 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 28th May 2024

Appeal Ref: APP/L5810/W/23/3333217

Flat 1 Marsault Court, 11 Kew Foot Road, Richmond upon Thames, London TW9 2SS

- 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 Katie Wilson against the decision of the Council of the London Borough of Richmond upon Thames.
The application Ref DC/JMA/23/2161/FUL, dated 2 August 2023, was refused by notice dated 1 November 2023.
 - The development proposed is the replacement of 3 x timber sash windows with UPVC windows to ground floor flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice as this is a more succinct description than that in the application form.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Apart from paragraph numbering those parts of the Framework most relevant to this appeal have not been amended. As a result, it has not been necessary to seek comments on the revised Framework. No party's interests have been prejudiced by my taking this approach.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

5. The site comprises a ground floor flat in Marsault Court, an apartment block located within the Kew Foot Road Conservation Area (the CA). The immediate section of the CA is defined by a range of properties that, although varying in precise design, retain an overall historic character and uniformity due to external detailing and materials. This includes a prevalence of timber windows.
6. The proposal seeks to replace 3 timber sash windows at the appeal property with UPVC windows. While one of these would be located behind the vehicular entrance gate, two would be located on the front façade of the building, readily experienced from Kew Foot Road and alongside the other windows of Marsault Court, even with the presence of planting in the front garden space.

7. I observed the windows in the immediate locality to be predominantly constructed from timber. While UPVC is used at certain properties, this appears to be the exception rather than the norm, and is not a defining element of the CA. As such, even acknowledging the appellant's comments regarding the aged nature of the current windows at the appeal property and their need for replacement, the introduction of the proposed UPVC windows would appear overtly modern and fail to reflect the predominant nature and detailing of the immediate surrounds. It would serve to erode the overarching historic feel within the immediate vicinity of the site.
8. I note that Marsault Court itself is a modern building, and acknowledge the reference of the appellant to other UPVC windows within this apartment block and the wider area. Nevertheless, the overall external design and style of Marsault Court is such that it largely reflects and respects immediately surrounding development. While other windows of the building may be UPVC, the prominent street level, front facing position of the windows at the appeal property, immediately adjacent to other ground floor timber windows, is such that the introduction of UPVC, even with a wood grain effect, in this precise location would be particularly stark, diluting the overall historic and traditional feel of this part of the CA.
9. The Kew Foot Road Conservation Area Statement states that a problem and pressure for the CA is the loss of traditional architectural features and materials due to unsympathetic alterations. Based on my observations, I find that the proposal would be such an unsympathetic alteration in the area. My findings are supported by the guidance of the London Borough of Richmond Upon Thames Supplementary Planning Document House Extensions and External Alterations 2015 (the SPD), which states that timber is always preferable as UPVC can never fully replicate the original appearance. While guidance rather than policy, this remains a material consideration.
10. For these reasons, the proposal would be a visually intrusive feature. It would cause visual harm to the site and the contribution it makes to the surrounding character and appearance. As such, it would neither preserve nor enhance the character or appearance of the CA. Its effect would be localised such that it would be 'less than substantial' harm. Nevertheless, the Framework makes it clear that great weight should be given to the conservation of heritage assets.
11. The Framework specifies that where a development will 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. No such public benefits have been put forward that would outweigh the harm identified to the heritage asset.
12. For the reasons given above I find that the development would fail to preserve or enhance the character or appearance of the CA. As such, it would fail to accord with Policies LP1 and LP3 of the London Borough of Richmond upon Thames Local Plan 2018 and the SPD insofar as they seek to ensure good design that maintains and reflects the existing character of the area and conserves the historic environment.

Other Matters

13. The appellant outlines a need for the replacement UPVC windows due to previous security issues and a need to feel safe in the home. In addition,

reference is made to a longer-term cost benefit, and an issue has been raised regarding conflicting advice from the Council. While these points are acknowledged, they do not go to the planning merits of the appeal.

Conclusion

14. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR