
Appeal Decisions

Site visit made on 14 February 2025

by Matthew Nunn BA BPI LLB LLM BCL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2025

Appeal A: APP/L5810/W/24/3350760

Flat B, Riverside House, Water Lane, Richmond, TW9 1TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Lynda Hawkins against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref: 24/0279/FUL, dated 5 February 2024, was refused by notice dated 18 March 2024.
 - The development proposed is described as 'installation of double-glazed wooden-framed sash windows to replace existing single-glazed, wooden-framed sash windows; removal of existing internal secondary glazing.'
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Appeal B: APP/L5810/Y/24/3350762

Flat B, Riverside House, Water Lane, Richmond, TW9 1TJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Lynda Hawkins against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref: 24/0280/LBC, dated 5 February 2024, was refused by notice dated 18 March 2024.
 - The proposed works are described as 'installation of double-glazed wooden-framed sash windows to replace existing single-glazed, wooden-framed sash windows; removal of existing internal secondary glazing'.
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Decisions

1. Appeal A is dismissed. Appeal B is dismissed.

Main Issues

2. The main issues are: (1) whether the proposals would preserve a Grade II listed building, and any special features of architectural or historic interest they possess; and (2) whether the character or appearance of the Richmond Riverside Conservation Area would be preserved or enhanced.

Reasons

3. The appeal property is Grade II listed and fronts on to the River Thames, with a side elevation fronting Water Lane. The listing description notes that the building is three storeys high, dating from the 18th century, and constructed in stock brick. It was originally built as a warehouse, but now comprises a public house and restaurant at ground floor level with residential properties on the upper storeys, and within the converted roof space. Flat B is within part of the

building that is finished in render and has bay and oriel windows, fronting the river.

4. The special interest and significance of the listed building derives primarily from its external appearance, especially its high-quality architectural composition which externally remains largely intact and unaltered. The building's significance also derives from being a surviving element of the Georgian townscape, and its historic interest as a former warehouse. Significance also stems from its prominent role in the locality, fronting the river, as well as its group value with other statutorily listed properties in the vicinity, and the contribution to the character and appearance of the Richmond Riverside Conservation Area, within which the property is located.
5. The Conservation Area Appraisal notes the area was first developed in the Middle Ages as part of the Royal Manor House, subsequently Shene Palace. The open corridor of this part of the river with many trees on both banks, including Corporation Island, creates a scene of national renown. The area is characterised by a mix of development, with buildings of different periods and styles, including residential properties, boathouses and workshops. To the north-east of the appeal site is the White Cross public house, an imposing early-to-mid 19th century building, with a raised ground floor, bay windows and two central porches on the south-east and south-west elevations.
6. Immediately to the south-east of the appeal property is the Richmond Riverside scheme by Quinlan Terry, dating from 1988, and comprising buildings in a classical style, with brick and stucco frontages with formal terraced lawns to the front. This development integrated parts of existing listed buildings including the former Palm Court Hotel and Heron House. The more recent 1980s development surrounding these earlier buildings emulates their grand Georgian and Victorian architectural style. The front lawned area emphasises the river as an open space for public enjoyment. The historic Grade I listed Richmond Bridge, dating from 1777, is a dominant feature in the locality, from which views of the appeal property can be gained. The significance of the Conservation Area derives from the architectural merit of the buildings, the legibility of the buildings as cohesive groups, and the riverside setting. The appeal building, underpinning and reflecting the area's distinctive townscape, makes a valuable contribution to the character and appearance of the Conservation Area as a whole.
7. The proposal is to replace the existing oriel window of Flat B comprising three individual timber framed single glazed sash windows with double glazed timber framed windows, meaning that the internal secondary glazing could be removed. The Council is of the view that the existing sashes are probably not original, but are nonetheless in-keeping with the property, and contemporary with other windows within this elevation. The Council also notes that the wood is 'deteriorated' but not beyond repair. From my external inspection of the building, I concur with those assessments. No information has been submitted by the Appellant to suggest that the existing windows are beyond renovation or repair.
8. I share the Council's concerns that piecemeal replacement of windows with double glazed units would introduce inconsistency and irregularity in the currently regular fenestration of this elevation. Replacing the windows within just one oriel bay would result in an appearance at odds with others, even if

carefully designed. I acknowledge the appellant's point that modern slim-profile integrated glass units, together with traditional materials, may be more sympathetic to the character of older buildings than earlier types of replacement double glazed windows. It is also suggested that the replacements would be 'almost like-for-like', and any difference would be 'imperceptible'. All that said, double glazed windows often have a different appearance compared with traditional single glazed units. For example, the frames and glazing bars may be thicker to support the increased width of the double panes. The glass may have a different reflective quality, compared with the more matt, uneven finish and appearance of a traditionally glazed window. This would erode the character of the building and have a harmful effect on the listed building and Conservation Area.

9. The Conservation Area Appraisal under 'Problems and Pressures' mentions the 'loss of traditional architectural features and materials due to unsympathetic alterations'. I find that the proposal to replace the oriel window in Flat B would result in harm to the listed building and loss of significance. It follows, therefore, that the harm I have identified to the listed building means that the character and appearance of the Conservation Area would not be preserved.

Planning Balance

10. The National Planning Policy Framework ('the Framework') advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation¹. The Framework further advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification². In this case, I find the harm to be less than substantial, but nevertheless of considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use³.
11. In support of the appeals, the Appellant has put forward the benefits of new windows, including that the existing internal secondary glazing could be removed, which is currently visible from the public realm, resulting in a visual improvement. That said, a number of the windows in the appeal building have internal secondary glazing, so this is not an unusual feature. The energy saving qualities, thermal efficiency and insulation values of the windows are also mentioned, which would be in compliance with Policy LP20 (Sustainable Design and Construction) and Policy LP22 (Climate Change Adaption) of the Richmond Upon Thames Local Plan (2018) ('the Local Plan'). Both these policies are concerned with mitigating climate change and improving energy and efficiency.
12. Set against these benefits is the harm to the listed building and Conservation Area. It is also not clear that replacement of the windows is the only available option. I consider harm would arise because of the loss of the existing fabric of the building comprising the windows, and very importantly, the resulting inconsistency of design of the windows, including their glazing, with others on

¹ Paragraph 212 of the Framework

² Paragraph 213 of the Framework

³ Paragraph 215 of the Framework

this prominent elevation facing the river. The appeal property's current use as a residential flat, within a building that appears to be in generally sound condition overall, means that these works would not hold any benefits in securing the optimum viable use of the building. Overall, I do not consider that the matters in support of the appeals constitute the necessary public benefits that would outweigh the identified harm.

13. The Appellant has referred to various examples where windows have been replaced in properties in Conservation Areas in the Borough. I have not been provided with the details of these cases, and in any event, as the Council notes, none relate to listed buildings. Accordingly, these do not provide a justification for this proposal.
14. The relevant legislation requires that, in exercising planning powers in relation to listed buildings, special regard shall be had to preserving the building or its setting, or any features of special architectural or historic interest it possesses⁴. In exercising planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area⁵. Overall, I find that the scheme would fail to preserve the special architectural or historic interest of the Grade II listed building, and would fail to preserve the character and appearance of the Conservation Area in accordance with the relevant legislation.
15. The scheme would conflict with the following policies of the Local Plan: Policy LP1 (Local Character and Design Quality) which seeks to maintain, and where possible, enhance the high quality character and heritage of the borough; and Policy LP3 (Designated Heritage Assets) which requires development to conserve and enhance the significance of the borough's designated heritage assets, including requiring the use of appropriate materials and techniques.
16. For the reasons above, I conclude that both appeals should be dismissed.

Matthew Nunn

INSPECTOR

⁴ S16(2) and S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

⁵ S72(1) Planning (Listed Buildings and Conservation Areas) Act 1990