

Application reference: 20/2144/HOT
BARNES WARD

Date application received	Date made valid	Target report date	8 Week date
03.08.2020	07.08.2020	02.10.2020	02.10.2020

Site:

14 Lillian Road, Barnes, London, SW13 9JG

Proposal:

Replacement boundary treatment with privacy screen (retrospective)

Status: Pending Decision (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

Mrs Janet Cour-Palais
14, Lillian Road
Barnes
London
SW13 9JG

AGENT NAME

Miss Claire Parker
Cassidy + Ashton Group Ltd.
First Floor
189-193 Earls Court Road
London
SW5 9AN
UK

DC Site Notice: printed on 07.08.2020 and posted on 14.08.2020 and due to expire on 04.09.2020

Consultations:

Internal/External:
Consultee

Expiry Date

Neighbours:

17 Lillian Road, Barnes, London, SW13 9JG -
68 Glenthams Road, Barnes, London, SW13 9JJ, - 07.08.2020
18 Lillian Road, London, Sw139jg -
70 Glenthams Road, Barnes, London, SW13 9JJ, - 07.08.2020
69 Lillian Road, Barnes, London, SW13 9JF, - 07.08.2020
15 Lillian Road, Barnes, London, SW13 9JG, - 07.08.2020
13 Lillian Road, Barnes, London, SW13 9JG, -
16 Lillian Road, Barnes, London, SW13 9JG -
12 Lillian Road, Barnes, London, SW13 9JG -

History: Development Management, Appeals, Building Control, Enforcements:

Development Management

Status: REF Application: 68/1282
Date: 31/07/1968 Erection of first floor addition over existing garages to form store.

Development Management

Status: PDE Application: 20/2144/HOT
Date: Replacement boundary treatment with privacy screen (retrospective)

Building Control

Deposit Date: 09.08.2002 FENSA Notification of Replacement Glazing comprising 4 Windows and 1

Doors. Installed by BAC Limited. FENSA Member No 17929. Installation ID 57979. Invoice No 968

Reference: 02/5178/FENSA

Building Control

Deposit Date: 13.11.2004 FENSA Notification of Replacement Glazing comprising 0 Windows and 1 Doors. Installed by BAC Windows & Doors Ltd. FENSA Member No 26671. Installation ID 2217427. Invoice No 3304401

Reference: 04/7552/FENSA

Building Control

Deposit Date: 13.11.2004 FENSA Notification of Replacement Glazing comprising 0 Windows and 1 Doors. Installed by BAC Windows & Doors Ltd. FENSA Member No 26671. Installation ID 2217427. Invoice No 3304401

Reference: 04/7873/FENSA

Building Control

Deposit Date: 29.09.2005 Drainage (non return valve) and new manhole

Reference: 05/2036/BN

Building Control

Deposit Date: 06.02.2009 1 Door

Reference: 09/FEN00240/FENSA

Building Control

Deposit Date: 25.10.2012 2 Doors

Reference: 13/FEN00719/FENSA

Building Control

Deposit Date: 21.11.2014 Install replacement windows in a dwelling

Reference: 15/FEN00542/FENSA

Building Control

Deposit Date: 22.06.2017 Install replacement window in a dwelling

Reference: 17/FEN01277/FENSA

Enforcement

Opened Date: 23.01.2020 Enforcement Enquiry

Reference: 20/0022/EN/UBW

Proposal	Replacement boundary treatment with privacy screen (retrospective).
Site description / key designations	The subject site consists of a two-storey, mid-terraced dwelling house on the southern side of Lillian Road. The subject site as well as adjoining properties exhibit an outbuilding structure at the rear of the properties, facing Glenthams Road. Relevant site designations: <ul style="list-style-type: none"> • Area Benefiting from Flood Defence – Environment Agency • Article 4 Direction – Basement development • Conservation Area – Castelnau CA25 • Floodzone 2/3/3a • Character Area 2 of the Barnes Village Planning Guidance.
Planning history	68/1282 – Erection of first floor addition over existing garages to form store. Refused.
Policies	The proposal has been considered having regard to the policies within the Council's Local Plan, in particular: Local Plan: <ul style="list-style-type: none"> • LP1 Local character and Design quality • LP3 Designated Heritage Assets • LP8 Amenity and Living Conditions • LP21 Flood Risk Supplementary Planning Documents / Guidance: <ul style="list-style-type: none"> • Conservation Area SPD and Castelnau Statement • Richmond and Richmond Hill Village Planning Guidance.
Material representations	The application has been subject to five planning from third parties, four in support and one objection. The following issues have been raised: <ul style="list-style-type: none"> • Provides privacy and prevents overlooking • Design is unobtrusive and discreet • Loss of light • Visually overbearing/intrusive. <p>These considerations are discussed in detail in the main body of this report.</p>
Amendments	None.
Professional comments	The application site has been assessed in relation to the following issues: <ul style="list-style-type: none"> • Design / visual amenity • Impact on Heritage Assets • Neighbour amenity • Flood risk Design/visual amenity <i>Policy LP1 of the Local Plan seeks to maintain and, where possible, enhance the high architectural and urban design quality which contributes to the character and heritage of the area. This policy requires new development to be of a high architectural and urban design quality to be compatible with the local character.</i> <i>Policy LP3 of the Local Plan 2018 covers Designated Heritage Asset and states that proposals should conserve and take opportunity to make positive contribution to the historic environment such as retaining and preserving the original structure, layout, architectural features and materials or reinstatement of heritage assets. Appropriate materials and techniques should be used. The significance of the asset is taken into consideration when assessing works proposed to a designated heritage asset.</i> The application seeks retrospective planning permission for the replacement boundary wall treatment at first floor level between properties 14 and 15 Lillian Road. The screening/wall was erected to provide privacy to the occupants of no.14 in response

to the construction of a two storey garage/outbuilding on the adjoining site at no.15.

The boundary treatment is higher than all adjoining boundary treatments in the immediate vicinity. The wall and screening is not visible from the front elevation, however is partially visible from Glenthams Road at the rear. When viewed from Glenthams Road there is a mixed built form character including dwellings, garages and extensions of various size and materials. The predominant material is London stockbrick. The built form within the site and also those adjoining is of a similar scale and therefore the additional wall height does not appear out of character in this regard.

The screen has been constructed predominantly with stock brick to match the existing dwelling and outbuilding/garage. The obscure glazed screen is a more modern treatment and unusual in its first floor placement but overall is relatively discreet. Within the wider context of Glenthams Road, the use of obscure glass is not considered detrimental to the existing character. The surrounding area is characterised by both brickwork and timber fences and so no visual issues are anticipated in this regard. The scheme can therefore be considered tolerable in regard to LP1 and LP3.

Neighbour amenity

Policy LP8 requires all development to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties. This includes ensuring adequate light is achieved, preserving privacy and ensuring proposals are not visually intrusive.

The increase in boundary wall treatment will equate to an increase from approximately 2.5m stock brick boundary wall to 3.5m stock brick wall with an additional 0.9m of obscure glass.

There is a tight knit urban grain in the area with this and neighbouring properties being on relatively narrow plots with small amenity areas. The development is on the boundary with no. 15, the most affected property. Planning permission was granted on appeal in 2018 for no 15 to extend. This permission has been implemented and the plans on file show a small ground level amenity space. Within the main dwellinghouse at no 15 is a ground level single aspect habitable room. The increase in height of the boundary treatment results in an unacceptable sense of enclosure and is considered overbearing to the detriment of the amenity of these occupiers as experienced both from their ground level rear habitable room and amenity area. The rear gardens in the terraced row are of limited depth and the created wall will be for the entire depth of the boundary.

It is noted that the justification for the construction of the scheme is to protect the privacy of the occupants in response to the construction of a two-storey garage/outbuilding on the neighbouring property at no.15. No harm to neighbouring privacy to warrant a condition was identified by the Inspector in considering that development (ref 17/3804/HOT). Whilst the applicants reasoning is acknowledged, this is not considered sufficient to outweigh the harm identified. The outlined justification in Councils opinion does not justify the impact the increased wall will have on the adjoining occupants.

The scheme fails to protect the residential amenity of the neighbouring occupants at no.14 and therefore does not comply with LP8.

Flood risk

Policy LP 16 of the Local Plan states 'The Council will require the protection of existing trees and the provision of new trees, shrubs and other vegetation of landscape significance that complement existing, or create new, high quality green areas, which deliver amenity and biodiversity benefits.

The proposal will not result in an increase to flood risk. The scheme complies with LP21.

Other Matters

It is noted that works have commenced and been completed on site as such Enforcement action is recommended to remove the structure.

Refuse and Enforce

	<p>Enforcement Action</p> <p>1) Issue an Enforcement Notice</p> <p>For the reasons set out in this report and owing to the fact that the unauthorised boundary wall and additional screening is already present on the existing dwelling, it is considered expedient to take enforcement action. The Head of Legal Services is to be instructed to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 as amended, and to authorise in the event of non-compliance, to prosecute under Section 179 or other appropriate power and/or take direct action under section 178 in order to secure the cessation of the breach of planning control.</p> <p>THE BREACH OF PLANNING CONTROL ALLEGED</p> <p>Without planning permission the boundary wall has been increased at first floor level between the properties of no.14 and no.15 Lillian Road.</p> <p>REASONS FOR ISSUING THIS NOTICE</p> <p>a. The unauthorised increased boundary wall and screening by virtue of its combined siting, height and depth, results in an overbearing, unneighbourly and visually intrusive form of development and fails to safeguard residential amenities of nearby occupants, in particular causing an unacceptable sense of enclosure for the occupiers of No.14 Lillian Road. The scheme fails to comply with, in particular, Policy LP 8 of the Local Plan (2018) and the House Extensions and External Alterations Supplementary Planning Guidance.</p> <p>WHAT YOU ARE REQUIRED TO DO</p> <p>i. Revert the boundary treatment on this property to its condition prior to the breach of planning control; and</p> <p>ii. Remove from the property all materials, rubble, and debris resulting from compliance with step (i) above</p> <p>Compliance due date: within 3 months of this notice taking effect.</p>
Recommendation	Refuse.

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES / ~~NO~~

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable YES* NO
 (*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement YES* NO
 (*If yes, complete Development Condition Monitoring in Uniform)

This application has representations on file YES NO

Case Officer (Initials):AM.....

Dated:01/10/2020.....

I agree the recommendation:

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management / South Area Team Manager has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

South Area Team Manager: 

Dated:01.10.2020.....