

Application reference: 20/3775/LBC MORTLAKE, BARNES COMMON WARD

Date application received	Date made valid	Target report date	8 Week date
30.12.2020	30.12.2020	24.02.2021	24.02.2021

Site:

Leyden House , Thames Bank, Mortlake, London

Proposal:

Replacement timber frame slim-lite double glazed windows on upper floors.

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

APPLICANT NAME

Mr and Mrs Ronan O'Kelly
Leyden House
Thames Bank
Mortlake
London
SW14 7QR

AGENT NAME

Duncan O'Kelly
Garden House Studio
Eartham
Chichester
PO18 0LS

DC Site Notice: printed on 31.12.2020 and posted on 08.01.2021 and due to expire on 29.01.2021

Consultations:

Internal/External:

Consultee

21D Urban D

Expiry Date

21.01.2021

Neighbours:

-

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

Development Management

Status: GTD Application:02/T1139
Date:09/08/2002 Cedar - Raise Canopy To Same Level All Around To Approximately 5m

Development Management

Status: GTD Application:94/T0968/PO
Date:19/04/1994 Thin Deodar Cedar By 10 And Remove Deadwood

Development Management

Status: WNA Application:98/0023
Date:09/01/1998 Reinstatement Of A Box Sash Window At First Floor Level To The West Elevation.

Development Management

Status: GTD Application:98/0024
Date:25/03/1998 Reinstatement Of A Box Sash Window At First Floor Level To The West Elevation.

Development Management

Status: GTD Application:98/1031
Date:22/09/1998 Part Demolition Of Pool House And Re-build And Extend.

Development Management

Status: GTD Application:98/1032
Date:22/09/1998 Part Demolition Of Pool House And Re-build And Extend.

Development Management

Status: GTD Date:06/07/1998	Application:98/1033 Erection Of A Greenhouse At Side/rear Of Property.
<u>Development Management</u> Status: GTD Date:08/07/1998	Application:98/1034 Erection Of A Greenhouse At Side/rear Of Property.
<u>Development Management</u> Status: GTD Date:21/08/1978	Application:77/1307 Erection of a double detached garage and provision of a vehicular access.
<u>Development Management</u> Status: GTD Date:11/03/1980	Application:79/1687 Erection of a 1.4 m (4ft 9ins) high wall and gates on back edge of the footpath.
<u>Development Management</u> Status: GTD Date:16/02/1988	Application:87/1249/LB Replacement of existing front boundary wall with new wall incorporating a pair of access stairs with iron railings. (Plan No. 016/LDH/14A amended on 20th November 1987 plus additional drawing of part of wall received on 11th November 1987).
<u>Development Management</u> Status: GTD Date:16/02/1988	Application:87/1284 Replacement of existing front boundary wall with new wall incorporating a pair of access stairs with iron railings. (Plan No. 016/LDH/14A amended on 20th November 1987 plus additional drawing of part of wall received on 11th November 1987).
<u>Development Management</u> Status: GTD Date:25/01/1968	Application:67/1971 Extension of existing car park for additional 53 cars.
<u>Development Management</u> Status: GTD Date:23/12/1969	Application:69/1252 Erection of a brick built garage.
<u>Development Management</u> Status: GTD Date:08/12/1975	Application:74/1320 Erection of a single detached garage.
<u>Development Management</u> Status: PDE Date:	Application:07/T0462/TPO T1 - Cedar (Cedrus spp.) - Snapped out branch - Lower to the ground and cut back to main stem.
<u>Development Management</u> Status: GTD Date:09/11/2007	Application:07/3083/HOT Proposed construction of boundary wall maximum 2.9m to 3.6m high between Leyden House and The Old Stables.
<u>Development Management</u> Status: GTD Date:20/12/2007	Application:07/3816/LBC Proposed construction of boundary wall maximum of 3.6m high between Leyden House and The Old Stables.
<u>Development Management</u> Status: GTD Date:21/05/2008	Application:08/T0175/TCA T1; Prunus - Remove
<u>Development Management</u> Status: REF Date:22/06/2010	Application:10/T0239/TPO T1 - Cedar - Deadwood, Crown thin by removing crossing and rubbing branches and laterally reduce east side of the crown to balance and shape
<u>Development Management</u> Status: GTD Date:22/05/2018	Application:18/T0227/TPO T1 - Cedar of Lebanon - Clean out crown of all dead, dying and diseased branches and thin crown by 30% (concentrating on crossing and rubbing branches)
<u>Development Management</u> Status: REF Date:15/04/2020	Application:20/0590/HOT Replacement of 10 no. dormer windows with double glazed timber windows.
<u>Development Management</u> Status: NONDET Date:02/11/2020	Application:20/0591/LBC Replacement of 10 no. rotten dormer windows with new energy efficient

double glazed timber windows

Development Management

Status: PDE

Application:20/3774/HOT

Date:

Replacement timber frame slim-lite double glazed windows on upper floors.

Development Management

Status: PDE

Application:20/3775/LBC

Date:

Replacement timber frame slim-lite double glazed windows on upper floors.

Appeal

Validation Date: 06.08.2020

Replacement of 10 no. dormer windows with double glazed timber windows

Reference: 20/0190/AP/REF

Appeal

Validation Date: 06.08.2020

Replacement of 10 no. rotten dormer windows with new energy efficient double glazed timber windows

Reference: 20/0191/AP/NON

Building Control

Deposit Date: 18.05.1998

Installation of window in flank wall

Reference: 98/0830/BN

Building Control

Deposit Date: 12.11.1998

Part demolition & rebuilding of outbuilding

Reference: 98/1899/BN

Building Control

Deposit Date: 10.11.2015

Installed Clearview: Vision 500 with competency Install a biomass dry fuel room heater stove or cooker Installed Liner: Liner

Reference: 16/HET00040/HETAS

Building Control

Deposit Date: 25.08.2020

Install an unvented hot water storage vessel Install a gas-fired boiler

Reference: 20/FEN03098/GASAFE

Application Number	20/3775/LBC
Address	Leyden House, Thames Bank, Mortlake, London, SW14 7QR
Proposal	Replacement timber frame slim-lite double-glazed windows on upper floors.
Contact Officer	Kerry McLaughlin
Legal Agreement	No

1. INTRODUCTION

This application is of a nature where the Council's Constitution delegates the authority to make the decision to Officers rather than it being determined by the Planning Committee.

Before preparing this summary report the planning officer has considered any relevant previous planning applications in relation to the development and considered any comments made by those interested in the application such as consultees with specialist knowledge and nearby residents.

By indicating that the development proposal complies with relevant Local Plan Policies, the planning officer is taking into account the information submitted with the application, any previous relevant applications, any comments received in connection with the application and any other case specific considerations which are material to the decision.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The proposal site is a three-storey, detached dwelling, located on the south side of Thames Bank. The property has 5No. dormer to the second-floor level.

The application site is subject to the following planning constraints:

Archaeological Priority (English Heritage)	Site: Mortlake and Barnes -
Area Benefiting Flood Defence - Environment Agency	Areas Benefiting from Defences
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Conservation Area	CA33 Mortlake
Flood Defence - Environment Agency	
Flood Defence - Environment Agency - Buffered By LBR 20metre	
Floodzone 2	Fluvial / Tidal Models
Floodzone 3	Fluvial / Tidal Models
Listed Building	Grade: II Site: Leyden House Thames Bank Mortlake London SW14 7QR
Listed Building.	LEYDEN HOUSE - Grade: II - Location of listed building or structure is identified here by Historic England.
SFRA Zone 3a High Probability	Flood Zone 3
Strategic Flood Risk Assessment Zone 2 Medium Probability	
Thames Policy Area	Thames Policy Area

TPO	REF: T0046 - T5 Bay - Laurus nobilis
TPO	REF: T0046 - T6 Cedar of Lebanon - Cedrus libani
TPO Wood Group Area	REF: T0880 - A1 All floors -
Village	Mortlake Village
Village Character Area	Mortlake - Character Area 1 & Conservation Area 33 Mortlake Village Planning Guidance Page 17 CHARAREA03/01/01

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The comprehensive list of planning history can be found above however the most relevant planning history is as follows:

Ref	Proposal	Decision	Appeal Decision
20/3774/HOT	Replacement timber frame slim-lite double-glazed windows on upper floors	Pending Consideration	
20/0590/HOT	Replacement of 10 no. dormer windows with double-glazed timber windows.	Refused Permission	Appeal Dismissed
20/0591/LBC	Replacement of 10 no. rotten dormer windows with new energy efficient double-glazed timber windows	Non-Determined	Appeal Dismissed

4. CONSULTATIONS CARRIED OUT

The list of neighbours notified of this application are listed above.

No letters of representation were received.

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2019)

The key chapters applying to the site are:

- 4. Decision-making
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

These policies can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

London Plan (2016)

The main policies applying to the site are:

- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology

These policies can be found at: <https://www.london.gov.uk/what-we-do/planning/london-plan>

Richmond Local Plan (2018)

The main planning considerations applying to the site and the associated Local Plan policies are:

Issue	Local Plan Policy	Compliance	
Local Character and Design Quality	LP1	Yes	No
Impact on Designated Heritage Assets	LP3	Yes	No

These policies can be found at

https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf

Supplementary Planning Documents

Planning Information for Listed Buildings (2005)

These policies can be found at:

https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance

Other Local Strategies or Publications

Other strategies or publications material to the proposal are:

CA33 Mortlake Conservation Area Statement

CA33 Mortlake Conservation Area Study

Determining applications in a Conservation Area

In considering whether to grant planning permission with respect to any buildings or other land in a conservation area, Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this context, "preserving", means doing no harm.

To give effect to that duty, decisions of the court have confirmed that for development proposed to be carried out in a conservation area, a decision-maker should accord "considerable importance and weight" to the desirability of preserving or enhancing the character or appearance of the conservation area, when weighing this factor in the balance with other material considerations which have not been given this special statutory status. This creates a strong presumption against granting planning permission where harm to the character or appearance of a conservation area is identified. The presumption can be rebutted by material considerations powerful enough to do so.

In applications where the decision-maker is satisfied that there will be no harm to the character or appearance of a conservation area, the statutory presumption against granting planning permission described above falls away. In such cases the development should be permitted or refused in accordance with the policies of the development plan and other material considerations.

Determining applications affecting a Listed Building

Sections 16(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that, when considering whether to grant listed building consent for any works, or whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. In this context, "preserving", means doing no harm.

To give effect to this duty decisions of the court have confirmed that a decision-maker should accord "considerable importance and weight" to the desirability of preserving the listed building or its setting when weighing this factor in the balance with other material considerations which have not been given this special statutory status. However, this does not mean that the weight that the decision-maker must give to the desirability of preserving the building or its setting is uniform. It will depend on, among other things, the extent of the assessed harm and the heritage value of the asset in question. This creates a strong presumption against granting planning permission where harm to a listed building or its setting is identified. The presumption can be rebutted by material considerations powerful enough to do so.

6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i Design and impact on heritage assets

Issue I - Design and impact on heritage assets

Policy LP1 of the Local Plan 2018 seeks to maintain and, where possible, enhance the high architectural and urban design quality which contributes to the character and heritage of the area. Proposals should demonstrate an understanding of the site and its context when considering the design including layout, siting and access and the compatibility of the works to the neighbouring uses.

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. There is a requirement to seek to avoid harm or justify for loss and demolition will be resisted. The significance of the asset is taken into consideration when assessing works proposed to a designated heritage asset.

Leyden House is a Grade II listed building within the Mortlake Conservation Area. The list entry describes the building as follows; 2. C18. Brick rendered. Steeply pitched roof with casement dormers behind parapet. Two storeys, 5 bays wide, the central (entrance) bay with canted, 2-storey bar. Band course to canted bar between ground and first floor and above first floor windows. Entrance doorway semi-circular headed.

This current application follows on from applications 20/0590/HOT & 20/0591/LBC which were refused and dismissed at appeal. Reasons included lack of sufficient and appropriate detail to ensure preservation of the Grade II listed building within a CA.

The Inspector of the earlier appeal noted that 'I accept that the existing dormer windows are not original or historic and that their replacement would not result in the loss of historic fabric. Nevertheless, they are an important component of the building's fenestration and appear to reflect the materials, form, design and pattern of the historic dormer windows. In these respects, they contribute in a positive way to the property's historical and architectural integrity and thus its special interest and significance.'

The current application has included more detail and specific drawings for each type of window. However, the new application is for slimline-type double glazing, rather than single glazing to match the existing. There is no specific mention in the inspector's report that double glazing would be acceptable, only that there might be a solution to replacing with more effective windows to address the current problems of failing modern fenestration.

The present single glazing is appropriate to the age and character of the house and makes a positive contribution to the integrity of the windows and thus to the significance of the building. The proposed double-glazed units would instead represent a substantial and inappropriately contemporary element within the windows themselves, which are all within the body of the house and therefore the most sensitive elements of the fenestration.

It is of particular note, that the slimline double glazing units proposed here would appear visually very different to a single-pane of glass in terms of reflectivity of light and double register effect, which in turn would draw the eye to the unsympathetic change. As acknowledged by the Inspector, the dormer windows 'contribute in a positive way to the property's historical and architectural integrity and thus its special interest and significance' as such any insensitive alteration would thus be considered to fail to preserve or enhance the appearance and character of the listed building. Whilst the proposals are sited at roof level, when seen in conjunction with the windows on the lower floors would further exacerbate the incongruity. Further, such insensitive alteration is likely to put pressure on the Council accepting further alterations to the windows on the lower floors. As such, satisfactory justification has not been presented under this application for replacement double-glazed windows on this prominent Listed Building. The proposal therefore fails to address the previous concerns.

Taking into account the previous outcome, inspector's decision, the current submission, the condition and age of the current windows and replacement mansard, and Historic England's advice document https://historicengland.org.uk/images-books/publications/traditional-windows-care-repair_upgrading/heag039-traditional-windows-revfeb17/ and pages 54 and 55, on the exceptional circumstances where slimline-type double glazing may be acceptable.

Double glazing is generally unacceptable in a listed building, except in exceptional circumstances. In special circumstances where glazing requires additional properties, the council would suggest that acoustic glazing

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be used as an alternative to simple single glazing as it is preferable in appearance to double glazing, including slimline, but has similar properties. Acoustic glazing has been used in a number of listed buildings in the borough where it is a viable alternative to double glazing in particular circumstances where the character and fabric of the listed building will not be overly compromised.

Recognising the individual circumstances of this case, the applicant was asked to consider the alternative use of acoustic glazing which is comprised of a sandwich of two panes of glass with film inter-layer. As this affords both sound and acoustic properties, and with better fitting joinery and draft strips etc. in the new windows, the appearance is improved as there are no double panes to cause double reflections, a thicker section with visible spacer and the need for gas filling. However, the applicant declined to amend the scheme as suggested nor has the applicant demonstrated alternatives have been explored in this instance.

It is therefore concluded that whilst the submitted joinery details for each type of casement window are now of a better quality than previously refused, a more sympathetic alternative form of glazing needs to be explored.

The applicant has submitted that the proposal will increase the energy efficiency of the house and will reduce its thermal footprint. The applicant states reglazing in single glazing would be an irresponsible retrograde step. In the absence of any technical/statistical evidence to demonstrate that this proposal would make a material difference to the overall thermal performance of the building when compared to other measures, such as secondary glazing, the Council is not satisfied this is a satisfactory justification to outweigh the harm identified above. In any case, the perceived energy efficiency afforded by the replacement windows to the dormers is considered to be limited and such benefits would be largely confined to the occupiers of the dwelling, therefore in the absence of public benefits the proposal is contrary to paragraphs 193 and 196 of the NPPF. This is further supported in the 'Similar Dismissed Appeals' table below. There may be other alternative options which would increase energy efficiency without harm, while being more suited to the particular circumstances, however such options do not appear to have been explored.

Paragraph 193 of the NPPF states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196 of the NPPF states 'Where a development proposal 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'. In this instance, whilst the proposal would lead to less than substantial harm to the character and appearance of the Listed Building, there is no public benefit arising from the proposal as such it is contrary to the NPPF.

Similar Dismissed Appeals

Appendix	Appeal Number/Proposal	Reference	Key Issues	Inspector Comments
A	<p>APP/K5600/W/17/3173359, APPK5600/Y/17/3173364, APP/K5600/Y/17/3173362, APP/K5600/Y/17/3173369</p> <p>Replacement glazing with narrow 'slimlite' glazing which comprises of 2 panes of 4mm thick glass sheets with a 4mm gas filled cavity.</p>		<p>The effect of the proposed works upon the Grade II listed building and any features of special architectural or historic interest which it possesses.</p>	<p>"I consider that the 'slimlite' glazing proposed here would appear visually very different to a single pane of glass in terms of its reflectivity of light and double register effect, which in turn would draw the eye to the unsympathetic change."</p> <p>"The replacement of the glazing would cause harm to the special architectural and historic interest of the listed terrace."</p> <p>The proposal would result in less than substantial harm and as such, paragraph 134 states that harm should be weighed against public benefits. The appellant considers that the effect would be outweighed by the reduced energy use, giving rise to public benefits. However, the inspector found "the impact of replacement windows in a single apartment would be limited and such</p>

			<p>benefits would largely be confined to the occupant”</p> <p>“Double glazing would represent a permanent change to the historic windows whereas secondary glazing would not normally interfere with any historic fabric”</p> <p>“There may be other alternative options which would increase energy efficiency without harm, while being more suited to the particular circumstances”</p>
B	<p>APP/C1625/Y/16/3160343 Removal of rotten softwood windows, to be replaced with hardwood, double-glazed, slimline units.</p>	<p>The main issue is whether the proposed replacement windows would preserve a Grade II listed building and any features of special architectural or historic interest that it possesses, and linked to that whether the proposal would preserve or enhance the character or appearance of the Dursley Conservation Area.</p>	<p>“The replacement of windows with double glazed ones would have a harmfully modern appearance”</p> <p>“The double register would be noticeably apparent. The windows would be clearly identified as non-traditional modern fixtures to the building, at odds with its historic character and appearance”</p> <p>The proposal would result in less than substantial harm and as such, paragraph 134 states that harm should be weighed against public benefits. The appellant considers double glazed units would reduce noise disturbance and provide security and health benefits. The windows would also improve the properties energy efficiency. However, the inspector states, “the provision of double-glazed units would have limited public benefit in the form of energy efficiency”, “the limited public benefit does not outweigh the harm”</p>
C	<p>APP/Z0116/Y/16/3157031 Renew the top floor (roof) windows.</p> <p>APP/Z0116/Y/16/3157026 Replace present windows.</p>	<p>The main issue is whether the proposed works would preserve the listed building or any feature of special architectural or historic interest which it possesses.</p>	<p>“The replacement windows would fall far short of the accurate historic detailing required to preserve the historic significance of the listed building”</p> <p>“Efforts to tackle climate change through more efficient use of energy are vitally important, but I am not persuaded that this proposal would make a significant difference to the overall thermal performance of the building when compared to other measures, such as secondary glazing and the use of shutters, draught-proofing and thermal curtains”</p>

The proposals would, for the reasons above fail to preserve the special architectural and historic interest of the listed building. In addition, given that public views afforded of the proposed works would, , it is concluded that the proposed works would fail to preserve or enhance the character and appearance of the conservation area.

The replacement double-glazing windows would fail to preserve the historic character of the Grade II Listed Building. The proposal is therefore contrary to Policies LP1 and LP3 of the Local Plan and relevant SPD’s.

7. LOCAL FINANCE CONSIDERATIONS AND OTHER MATTERS

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and Richmond CIL are therefore material considerations.

On initial assessment this development is not considered liable for the Mayoral or Richmond CIL however this is subject to confirmation by the CIL Administration Team.

8. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the application process. In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in Chapter 16 of the NPPF.

For the reasons set out above, it is considered that the adverse impacts of allowing this planning application would significantly outweigh the benefits, when assessed against the policies in NPPF (2019) and Development Plan, when taken as a whole.

Refuse planning permission for the following reasons

The proposals by reason of combined inappropriate siting, design and use of double glazed units would result in an unsympathetic and incongruous form of alteration that fails to preserve or enhance the historical and architectural integrity of the host Grade II Listed Building to the detriment of the setting, character and appearance of the conservation area. In the absence of any public benefits to outweigh the harm to the designated heritage asset, the proposals are therefore contrary to, in particular, Policies LP1 and LP3 of the Local Plan and following SPD/SPG's; House Extensions and External Alterations and Conservation Area 33 - Mortlake Study & Statement and the NPPF.

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 online (which are not on the file) YES NO

This application has representations on file YES NO

Case Officer (Initials): KM

Dated: 24.02.2021

I agree the recommendation:

Team Leader/Head of Development Management/Principal Planner

Dated:WWC24.02.2021

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

Head of Development Management:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

The following table will populate as a quick check by running the template once items have been entered into Uniform

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

INFORMATIVES

U0049361	Decision Drawing Numbers
U0049362	NPPF REFUSAL- Para. 38-42

ENC

Appendix A
Appendix B
Appendix C