



Appeal Decision

Site visit made on 28 February 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022

Appeal Ref: APP/L5810/W/21/3278047

Flat 4, 15 Cambridge Park Court, TWICKENHAM, TW1 2JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Ms Lucia Crimp and Mr Benjamin Marshall against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref DC/DAV/20/3313/FUL/FUL, dated 20 November 2020, was approved on 9 February 2021 and planning permission was granted subject to conditions.
 - The development permitted is for replacement rooflights on side and rear roof slopes, replacement balcony with zinc roof canopy.
 - The condition in dispute is No 4 which states that:
The bottom glazed panel of the rooflight located on the western roofslope as shown on drawing 1902-100 Rev 0 hereby approved shall be fixed shut at all times.
 - The reason given for the condition is:
To safeguard the appearance of the Conservation Area and host Building of Townscape Merit and amenity of nearby occupants.
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Decision

1. The appeal is allowed and the planning permission Ref DC/DAV/20/3313/FUL/FUL for replacement rooflights on side and rear roof slopes, replacement balcony with zinc roof canopy at Flat 4, 15 Cambridge Park, TWICKENHAM, TW1 2JE, granted on 9 February 2021 by Richmond Upon Thames London Borough Council, is varied by deleting condition No 4.

Preliminary Matters

2. Paragraph 56 of the Framework states that planning conditions should only be imposed when they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
3. Planning permission was granted for the proposed works, but condition 4 required that the bottom glazed panel of a rooflight should be fixed shut. This appeal is submitted to remove this condition, which would allow the bottom panel of the rooflight to be openable, which is as it has been installed.

Main Issues

4. Whether the openable lower glazed panel of the rooflight would (1) have an adverse impact to the character and qualities of the host building or Conservation Area (CA), and/or (2) have an impact on neighbour living conditions.

Reasons

Conservation Area/Building character

5. The building, which is used as flats, is within the Cambridge Park Conservation Area, which derives its significance in part from its history and buildings of architectural importance. The building is also regarded as a Building of Townscape Merit.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions. The National Planning Policy Framework (the Framework) also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that 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.
7. The submitted plans show clearly the double glazed panel rooflight which has been installed. From the evidence submitted, it is of the Velux Cabrio variety, where the lower glazed panel opens out from the bottom hinges. This does not result in a form of dormer, but the two glazed panels would be visible to some extent from the surrounding area when opened. However, they are a minor feature and not uncommon within the area where there were numerous openable rooflights visible on other properties. When closed, the rooflight is even more discreet, set into the roof slope and partly obscured by a sizable chimney within the same part of the roof.
8. The difference as a result of the condition would only be that the lower glazed panel would not be openable. However, an openable lower panel would not have any detrimental impact to the character or significance of the CA, especially given its discreet position and in an area where rooflights are not untypical. On this basis, the rooflight as installed also has no adverse impact to the character of this Building of Townscape Merit.
9. Considering the above, the condition No 4 is not reasonable or necessary. The condition is not necessary for the development to be acceptable and in accordance with the Framework, or policies of the Local Plan including LP1 and LP3 which has regard to character, conserving heritage assets and requiring high quality design, amongst other things.

Neighbour Living Conditions

10. The difference as a result of the condition would be that the bottom panel would not be openable, thereby meaning that occupants would not be able to stand so close to the edge of the roof. However, the difference is minimal and the window is not conditioned to be obscure glazed. There would not be any significant increase in overlooking potential as a result of an openable lower rooflight section, with no balcony being formed. As such, the living conditions of neighbouring properties are not benefitted to any discernible degree by this condition.
11. As such, the disputed condition is not necessary for the development to be acceptable in regard to neighbour living conditions or to accord with Local Plan policy LP8, which has regard to amenity and living conditions.

Other Matters

12. The Council has indicated that it was not aware of the type of openable rooflight proposed. The plans show rooflights, but not how they open. However, this does not mean that the plans submitted were misleading on the basis that the opening mechanism was not illustrated. I have therefore considered this appeal based on the details and evidence submitted by the appellant.

Conclusion

13. I shall therefore allow the appeal and vary the original permission by deleting the disputed condition.

Mr S Rennie

INSPECTOR