



# Appeal Decision

Site visit made on 16 May 2022

**by M Chalk BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30<sup>th</sup> May 2022**

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**Appeal Ref: APP/L5810/W/21/3288509**

**1 The Broadway, Barnes, London, SW13 0NY**

- 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 Mr Devander Singh against the decision of London Borough of Richmond Upon Thames.
  - The application Ref 21/1262/FUL, dated 8 April 2021, was refused by notice dated 3 August 2021.
  - The development proposed is extractor fan and ducting.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The extractor fan and ducting had already been installed prior to my site visit. I have determined the appeal accordingly.

## Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Mortlake Conservation Area and its effect on non-designated heritage assets.

## Reasons

4. The site falls within the riverside sub-area of the Mortlake Conservation Area (the CA), as identified in the Mortlake, Mortlake Green & Queen's Road Conservation Area Study (the Study). The parade of shops from 1-10 Broadway is identified in the Study as forming a strongly defined edge to the junction helping to define the space along with the shops opposite. In accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
5. In addition, the individual properties within the parade are recognised by the Council as Buildings of Townscape Merit. They are therefore non-designated heritage assets, and in accordance with the National Planning Policy Framework (the Framework) a balanced judgment is required having regard to their significance and the scale of any harm or loss.
6. The extractor ducting is in plain view from First Avenue. Due to its height and plain metal exterior it is a large and prominent feature in this street scene. It is therefore an incongruous feature, not in keeping with the character of this parade of properties or the character or appearance of the CA. The resulting

- harm principally affects a single property, and while it is prominent from certain angles it is not visible from the front of the property. It therefore causes less than substantial harm to the character and appearance of the CA.
7. The Framework states that 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.
  8. The development allows the appellant to operate a restaurant in the premises. There are economic and social benefits from a business operating in this location, including the contribution it makes to the vitality of the shopping front and the service that it provides to the local community. However, it is not clear that no business could operate here without an extractor fan and ducting. These benefits therefore carry limited weight in my determination of this appeal.
  9. My attention has been drawn to the presence of extractor ducting of similar height to another property in the parade. However, that ducting is substantially less prominent in the area as it is fixed to a side wall of a property in the middle of the parade. In addition, the Council have advised that there is no record of permission being granted for this ducting. This also therefore carries limited weight.
  10. I have considered whether an appropriately worded condition could secure screening that would make the visual appearance of the ducting acceptable. However, it is not clear from the evidence before me what this would entail, nor how effective it would be in creating an acceptable appearance. I cannot therefore conclude that acceptable screening could be provided.
  11. The appeal proposal causes harm to the character and appearance of the CA and this group of non-designated heritage assets. There are no material considerations, including the public benefits of the business operating from the appeal premises, that outweigh this harm. The proposed development therefore conflicts with Policies LP1, LP3 and LP4 of the Local Plan. Taken together these policies require that great weight be given to the conservation of a designated heritage asset when considering the impact of a proposed development, and that the significance, character and setting of non-designated heritage assets will be preserved. There is also conflict with the requirements of the Framework relating to designated and non-designated heritage assets.

#### *Other Matters*

12. The Council's decision notice listed reasons for refusal relating to a lack of information on the management of odours and fumes from the restaurant, and the absence of a fire safety certificate. Had I otherwise been minded to allow this appeal these matters could have been addressed by appropriately worded conditions.

#### **Conclusion**

13. For the reasons set out above, the appeal fails.

*M Chalk*

INSPECTOR