



Application reference: 24/1658/LBC
SOUTH RICHMOND WARD

Date application received	Date made valid	Target report date	8 Week date
01.07.2024	01.07.2024	26.08.2024	26.08.2024 EOT: 13.09.2024

Site:

6 Waterloo Place, Richmond, TW9 1EB,

Proposal:

New timber sash windows, double glazed (heritage double glazing).

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

APPLICANT NAME

Francesca Panzarasa
6 Waterloo Place
Richmond
Richmond Upon Thames
TW9 1EB
United Kingdom

AGENT NAME

DC Site Notice: printed on 03.07.2024 and posted on 12.07.2024 and due to expire on 02.08.2024

Consultations:

Internal/External:

Consultee

21D Urban D

Expiry Date

24.07.2024

Neighbours: N/A

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

Development Management

Status: REF Application:23/2807/LBC
Date:20/03/2024 Replacement front windows

Development Management

Status: PDE Application:24/1658/LBC
Date: New timber sash windows, double glazed (heritage double glazing).

Building Control

Deposit Date: 23.11.2010 Circuit alteration or addition in a kitchen/special location
Reference: 11/ELE00075/ELECSA

Building Control

Deposit Date: 23.11.2010 Circuit alteration or addition in a kitchen/special location
Reference: 11/ELE00092/ELECSA

Building Control

Deposit Date: 23.11.2010 Installed a Gas Boiler
Reference: 11/FEN01665/GASAFE

Building Control

Deposit Date: 11.02.2020 Install a gas-fired boiler
Reference: 20/FEN01373/GASAFE

Building Control

Deposit Date: 09.08.2023 Install a replacement consumer unit
Reference: 23/NIC01981/NICEIC

Application Number	24/1658/LBC
Address	6 Waterloo Place, Richmond, TW9 1EB
Proposal	New timber sash windows, double glazed (heritage double glazing).
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 visited the application site, 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, observations during the site visit, 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 application site forms a central part of a terrace row of Grade II Listed Buildings which sit off a pedestrian path adjacent to Richmond's high street. The property is 2 storeys in height with 2 front elevation windows – 1 at ground floor and 1 at first floor.

The application site is situated within Richmond Village and is designated as:

- Archaeology
- Area susceptible to groundwater flood
- Article 4 Direction restricting B1 to C3 change of use
- Article 4 Direction restricting basement development
- Central Richmond Conservation Area
- Key Office Area
- Grade II Listed Building
- Main Centre Buffer Zone
- Risk of surface water flooding
- Take away management zone
- Throughflow Catchment Area
- Richmond & Richmond Hill Village Planning Guidance

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

New timber sash windows, double glazed (heritage double glazing).

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

23/2807/LBC – replacement front windows. Refused for the following reason:

- **Design/Heritage** - In the absence of sufficient justification for the proposed replacement of the existing windows, and by reason of the unsympathetic appearance of the proposed double glazed replacement windows, the proposal would result in harm to the significance of the Grade II Listed building and will erode its positive contribution to the significance of the conservation area. The proposal therefore conflicts with the Statutory Duties of the 1990 Act as the proposals would fail to preserve the special interest of the listed building or the character or appearance of the conservation area. The proposals would fail to be in accordance with, in particular, paras 205 & 208 of the NPPF (2023), Local Plan (2018) policies LP1 & LP3, Publication Local Plan policies 28 & 29 and Supplementary Planning Guidance: 'Listed Buildings', as supported by the Central Richmond Conservation Area

Statement.

4. CONSULTATIONS CARRIED OUT

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

No letters of representation were received.

Amendments

The application was amended by way of revising the drawings to reduce the glazing to 16mm in accordance with the Conservation Officer comments. Given the lack of initial representations and that the proposal continues to proposed replacement windows, re-consultation was not considered necessary.

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2023)

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/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf

London Plan (2021)

The main policies applying to the site are:

- D4 Delivering good design
- D12 Fire Safety
- HC1 Heritage conservation and growth

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
Impact on Designated Heritage Assets	LP3	Yes

These policies can be found at

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

Richmond Publication Local Plan (Regulation 19 version)

The Richmond Publication Version Local Plan (Regulation 19 version) was published on 9 June 2023 for public consultation which ended on 24 July 2023.

The Publication Version Local Plan, together with all the representations received during the representation period, the plan and its supporting documents were submitted to the Secretary of State for examination on 19 January 2024. The submission documents do not form part of the statutory development plan for the Borough, however, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the Publication Plan.

The Publication Version Local Plan, including its evidence base, are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below where it is relevant to the application.

Note that it was agreed by Full Council on 27 April, when the Publication Plan was approved, that no weight will be given to Policy 4 in relation to the increased carbon offset rate, and therefore the existing rate of £95 will continue to be used; in addition, no weight will be given to Policy 39 in relation to the 20% biodiversity net gain requirement; all other aspects and requirements of these policies will apply.

Where relevant to the application under consideration, this is addressed in more detail in the assessment below.

Issue	Publication Local Plan Policy	Compliance	
Local character and design quality	28	Yes	
Designated heritage assets	29	Yes	

Supplementary Planning Documents

Design Quality

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:

Central Richmond Conservation Area Statement

Supplementary Planning Guidance: Listed Buildings.

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

Design and Heritage

Background

The application site is a Grade II Listed property, as is the row of properties in which it is situated and is within the Central Richmond Conservation Area. As such, great weight shall be given to the heritage assets in accordance with policy LP3 and the NPPF.

6 Waterloo Place forms part of a Grade II listed terrace of two-storey stock brick cottages situated in a small lane off The Quadrant, in the centre of Richmond. The buildings date from the early 19th century and are typical of their period of construction. They form an important illustration of the character of Richmond prior to later development in the late 19th and early 20th century where large buildings came to dominate the main commercial streets. The cottages are also situated within the Central Richmond Conservation Area (CA17), the character and appearance of which derives from the variety of architectural forms, materials and styles of buildings and the historic arrangement of spaces around two key thoroughfares. 6 Waterloo Place contributes positively to the significance of the conservation area as a characterful terrace representing an earlier phase of development within the town centre.

Proposal

The proposal seeks the replacement of the 2 existing front elevation windows with timber sash windows with heritage double glazing.

The current application is supported by more detailed assessment and photographs of the existing windows, with two different professional opinions that the windows are suffering from wet rot and are beyond repair. Replacement is therefore justified.

In regard to the proposed replacement windows, it is acknowledged that the officer report for refused application 23/2807/LBC stated that 'replacement would need to be like-for-like, i.e. single glazed.'

Following this, Historic England has released new guidance regarding adapting historic buildings for energy and carbon efficiency. It acknowledges that in some circumstances, such as where windows are not of particular historic interest, then well detailed slim line glazing can be acceptable as replacements in listed buildings.

The proposal now seeks to use heritage double glazing, also known as slim line double glazing. At request from the Council, the applicant amended the proposal such that the double glazing is 16mm in thickness which maintains the traditional character of the windows.

The applicant also confirmed that all seals and spacer bars are to be white.

Paragraph 205 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 208 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, the proposal is considered to preserve the special interest of the listed building.

Therefore, the works are considered to be in accordance with the Statutory Duties of the 1990 Act as the proposals will preserve the special interest of the listed building and would preserve the character and appearance of the conservation area. It is also in accordance with para 205 of the NPPF. The proposals will not cause harm to the heritage assets and thus the policy tests of the NPPF do not apply. Proposals are also in accordance with local policies LP1 and LP3.

Fire Safety

Policy D12 of the London Plan requires a fire safety statement be submitted as part of all applications to demonstrate compliance with the criteria set out in Part 1 of this policy and to demonstrate that fire safety has been considered at an early stage.

The application includes confirmation that the windows will meet FENSA requirements.

This is considered to satisfy the intent of Policy D12 and so no further objection is raised to the proposal in this regard.

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.

Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. For the reasons set out above, this application falls to be determined in accordance with the test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

Grant permission with conditions

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 YES NO

Case Officer (Initials):SG..... Dated:04/09/2024.....

I agree the recommendation:

~~Team Leader/Head of Development Management/Senior Planner~~

Dated:GE.....04/09/2024.....