
Appeal Decision

Site visit made on 11 August 2016

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 September 2016

Appeal Ref: APP/X5990/D/16/3151961
165A Shirland Road, London W9 2EP

- 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 Jason Vera Torres against the decision of City of Westminster Council.
 - The application Ref 16/00148/FULL, dated 8 January 2016, was refused by notice dated 24 March 2016.
 - The development proposed is erection of side infill conservatory extension to the existing structure at lower ground level.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the existing building and the surrounding area.

Reasons

3. The appeal site comprises a ground floor flat within a terrace of predominantly residential properties. The terrace follows a traditional form, with closet wings set to the rear of the main buildings. In this case, a flat-roofed single storey extension has already been added to the closet wing. The proposal would create a further extension which would infill the space to the side of the closet wing to provide additional living accommodation to the flat. The proposed materials would reflect those of the existing building.
 4. Policy DES1 of the City of Westminster Unitary Development Plan (UDP, January 2007) sets out principles of urban design, and states that development should maintain the character, urban grain, scale and hierarchy of existing buildings. The form of the closet wing is an important element of the overall urban grain created by the terraces. As a general design principle, any extensions to them should therefore be visually subservient to the existing form.
 5. The proposed solid flat roof would meet the height of the existing extension. The development would also extend out to match the rear elevation line of the existing extension. I note that a small section of the courtyard would be retained, with a lightwell above. However, in meeting the height and depth of the previous extension, the proposal would not be subservient to the existing built elements at the rear of the building. The layout of the small courtyard
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area would become much less legible. The development would thus subsume the form of the closet wing, detracting from its characteristic form in relation to the main building. I accept that the garden area is relatively large, but this would not mitigate the effect of the proposal on the existing building.

6. I therefore conclude that the proposal would harm the appearance of the existing building, and detract from the characteristic built form of the surrounding area. It would thus be contrary to UDP Policy DES1, and additionally, UDP Policy DES5, insofar as it requires alterations and extensions to be in scale with the existing building, and to avoid visually dominating it.
7. My attention has been drawn to a planning permission granted at 158 Fernhead Road¹ where the proposed extension wrapped around the closet wing. However, the design in that case allowed the original layout at the rear to remain much more legible. The glazed side element provided a visual contrast to the original building. The mono-pitched roof was set lower than the flat-roofed element, and the end of the glazed section was also set in slightly from the end of the flat-roofed section. These design elements combined to produce a solution that appeared, from the information before me, to be aesthetically more in keeping with the character and form of the original building. I therefore conclude that, due to the difference in the design approach, the example at No 158 does not lend support to the appeal scheme before me.
8. I have been referred to a number of other examples of proposals which appear to be broadly similar to the appeal proposal. However, the information is not sufficiently complete to allow me to be certain of the circumstances under which the proposals were considered by the Council to be acceptable. In any case, I have considered the appeal on its own merits.
9. I note that the proposal would preserve the privacy of neighbours, and would be constructed to modern standards of insulation and energy efficiency. The scheme would retain the garden area and existing trees. I also accept that the appeal site is not classed as a heritage asset. However, these matters have not led me to a different conclusion on the main issue.
10. For the reasons above, and taking all other matters into consideration, I therefore conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR

¹ 14/00171/FULL