

Appeal Decision

Site visit made on 9 September 2016

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 03 October 2016

Appeal Ref: APP/X5990/D/16/3154428
53 Avenue Road, London NW8 6HR

- 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 and Mrs Aboukhater against the decision of the City of Westminster Council.
 - The application Ref 16/03215/FULL was refused by notice dated 10 June 2016.
 - The development proposed is the erection of first floor infill extensions and enlargement of existing second floor to create additional accommodation; enlargement of existing ground floor extension (conservatory); single storey side infill extension and internal layout changes.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Westminster's City Plan (CP) was adopted in July 2016, which post dates the Council's decision to refuse planning permission. The Council has confirmed Policies S25 and S28 of the Westminster's City Plan (2013) have been incorporated into the CP and remain unchanged. It has also confirmed that the CP has not replaced Policies DES 1, DES 5, DES 6 and DES 9 of the City of Westminster Unitary Development Plan (UDP).

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building and the local area.

Reasons

4. The appeal property is a detached mainly 2-storey dwelling with a long single storey rear projection that occupies a prominent corner plot at the junction of Avenue Road and Acacia Road. The main building has substantial elevations to both roads and is in the general style of the Arts and Crafts movement. Its roof has steep hipped ends, a projecting 2-storey curved bay at the side and tall chimneystacks, which are evident in the street scene.
 5. The site lies within the St John's Wood Conservation Area (CA), which covers a large area and is mainly residential in character. It contains historic buildings that vary in style, type and size that largely address wide tree-lined streets. These features give the CA a spacious informal feel, which adds to its
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significance as a heritage asset, as does its picturesque appearance and historical development as an area of suburban townscape. The Conservation Area Audit identifies No 53 as an unlisted building of merit. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. With the new built form in place, the size, shape and style of the appeal property would fundamentally change. Although not significantly taller and no further forward than the existing building, the proposal would noticeably add to the scale and bulk of the dwelling at high level. Taller walls, in part, long horizontal rooflines and the rows of second floor windows would all combine to accentuate the considerable mass of the proposal. In views from the adjacent roads, the main building would appear as 3-storeys in a neo-Georgian style with a strong symmetry and hierarchy in fenestration and a low profile roof set back from the building's edge. Relatively short chimneystacks would punctuate the new ridgeline. While distinctive elements of the main house would be lost such as the hipped roofs and tall chimneystacks, there is no obvious reason to conclude that in principle a house of the general scale and design proposed could not be successfully assimilated into the varied built form in the local area.
7. However, like the Council, I have concerns regarding the detailed design. Firstly, the existing conservatory, which is modest in size and nestles into a corner at the rear of the main building, would be enlarged to create a substantial curved glazed feature. In views from Acacia Road, it would draw the eye as an overly large structure with a considerable expanse of glazing that would visually dominate the rear of the main building, especially when seen with the long glazed frontage of the single storey rear projection. That impression would be likely to be reinforced at night with the light spill from the largely uninterrupted glazed frontage of the new conservatory.
8. Secondly, when seen from Acacia Road, there would be a large blank wall just beyond the projecting 2-storey curved bay in the side elevation. This arrangement would undermine the cohesion of the proposed design because the 2-storey curved bay, which is a distinctive feature of the host building, would relate poorly to the scale and proportions of the blank wall above and to one side of it. I also note that the Council is critical of the single storey side extension, the design of which would follow that of the host building. However, this element of the appeal scheme would be modest in size, set back from the main front wall and would not be conspicuous from the road.
9. Nevertheless, I consider that the proposed design that relates to the new conservatory and the side elevation containing the 2-storey curved bay would fail to respond appropriately to the appeal dwelling and would detract from its character and appearance. Consequently, the finished building would be obtrusive in the local street scene and significantly harmful to the character and appearance of the CA even among the varied built form in the area.
10. In reaching this conclusion, I note that the external materials would match the existing building. I also acknowledge that the design and appearance of the existing dwelling would benefit from greater consistency given that various external alterations and extensions to the original dwelling have respected its character and appearance with varying degrees of success. Nevertheless,

there are ways to achieve this outcome other than by extending and altering the property, as proposed.

11. The harm caused by the proposal to the significance of the CA would be less than substantial. In those circumstances, the National Planning Policy Framework (the Framework) states that the harm should be weighed against the public benefits. No public benefits are before me to outweigh the harm that I have identified.
12. On the main issue, I therefore conclude that the proposed development would significantly harm the character and appearance of the host building and the local area. The character and appearance of the CA would fail to be preserved. Accordingly, it conflicts with CP Policies S25 and S28, which aim to conserve Westminster's historic heritage and seek exemplary standards of inclusive and sustainable design. It is also contrary to UDP Policies DES 1, DES 5, DES 6 and DES 9, which broadly aim to conserve the townscape and echo the statutory duty in respect of conservation areas.
13. My attention has been drawn to a number of other recent developments in the local area that include sizeable extensions and replacement dwellings that the appellants consider set a precedent. As none of the examples replicate the particular circumstances in this case it is difficult to draw any meaningful conclusions from them. In any event, I am required to deal with the proposal on its own merits, which I have done. Even if the Council has been inconsistent in dealing with development proposals in the past, it does not justify allowing an unsatisfactory form of development.
14. The proposal would make an efficient use of the site. It would provide additional and upgraded accommodation to a high standard internally and would improve the living conditions of the appellants. The amenity of nearby occupiers would not be harmed as a result of the appeal scheme. However, these considerations do not outweigh the harm that I have identified.

Conclusion

15. For the reasons set out above, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR