

Appeal Decision

Site visit made on 25 October 2016

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 09 November 2016

Appeal Ref: APP/X5990/W/16/3154991

130A Ashmore Road, City of Westminster, London W9 3DQ

- 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 Lee Adamson against the decision of City of Westminster Council.
 - The application Ref 16/02235/FULL, dated 11 March 2016, was refused by notice dated 16 June 2016.
 - The development proposed is a single-storey rear and side infill extension at lower ground floor level.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey rear and side infill extension at lower ground floor level at 130A Ashmore Road, City of Westminster, London W9 3DQ in accordance with the terms of the application, Ref 16/02235/FULL, dated 11 March 2016, subject to the conditions in the schedule to this decision below.

Procedural matter

2. I have used the description of development given in the decision notice rather than the one from the application form as this more succinctly and accurately captures the scope of the proposed development.

Main Issues

3. The main issues in this appeal are the effects of the proposed development on the character and appearance of its host property and its surroundings.

Reasons

4. The appeal dwelling occupies the lower floors of a property within a long terrace. To the rear of these there are narrow back gardens of modest proportions, and in the appeal dwelling's case this is bounded to either side by walls of London stock brick of just below two metres in height, but with timber fencing atop these. At upper floors the terrace has a strong rhythm imparted by the inverse-pitched 'butterfly roofs' and the paired closet wings that project from the principal rear building line of the terrace.
 5. The appeal scheme comprises a single-storey rear extension that would wrap around the appeal dwelling's element of the paired closet wing. Faced with a combination of seamless glazing and London stock brick, the proposed
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extension would be flat-roofed with a height of just over 2.5m and a depth from the rear wall of the appeal building's closet wing of just under four metres.

6. The proposed development would be of a limited and subservient scale in the context of the much larger scale of the rear elevation of its host dwelling. It would be constructed, to a considerable degree, from frameless glazing that would be lightweight in appearance, and whilst a contrast with the solidity of the appeal building's existing rear walls would clearly read as a subsequent and contemporary addition.
7. For these reasons, I consider that the proposal would neither interfere with the architectural rhythm of the terrace, which is most obviously expressed at upper floor levels, nor the building's footprint and plan form, nor would it result in a harmful visual truncation of the closet wing. Moreover, due to the proposal's limited height combined with its contemporary detailing the perceived horizontal emphasis of its rear windows would not appear as a harmful contrast to the fenestration pattern within the host building's upper levels. Consequently, I can perceive no materially harmful effects flowing from the proposal to the character and appearance of the host property or its immediate surroundings in these regards.
8. Whilst the proposed development would extend above the level of the existing garden walls, it would only do so to a limited degree. Furthermore, on one side it would do so with glazed elements to a substantial degree which would impart a lightweight appearance, and on the other with London stock brick, to a limited depth from the existing rear elevation of the closet wing. Consequently, whilst the proposal may be visible from surrounding properties, and potentially from Shirland Road, due to its modest scale and use of materials, I consider that it would not be a visually jarring, dominant or incongruous element. As a consequence, in these regards I can perceive no significantly harmful effects would be caused by the proposed development to the character and appearance of the host building or its surroundings.
9. Whilst I note the Council's concerns with aspects of the materials palette, including the colour of some of the elements, I am satisfied that an appropriately worded condition could be attached to address these concerns. I also note the concerns with regard to the detailing of the roof and guttering, but am mindful of the appellant's case that drainage of the proposed extension's roof would be handled by internal means, and indeed this approach would be in line with criteria (A) (6) of Policy DES5 of the *City of Westminster Unitary Development Plan* ('the UDP').
10. For these reasons, the appeal scheme would not be harmful to the character or appearance of its host building or its surroundings, and thus I can perceive no conflict with Policy S28 of *Westminster's City Plan: Strategic Policies*; or Policies DES1 and DES5 of the UDP. Taken together, and amongst other matters, these policies seek to ensure that proposals for extensions do not visually dominate existing buildings and maintain the character, urban grain, scale and hierarchy of their surroundings.

Other Matter

11. I note the Council's comments with regard to the light penetration into existing parts of the appeal dwelling as a result of the proposed development, which

could have effects on the living conditions of its occupiers. However, I am mindful that the proposed extension would provide additional space with much more generous levels of fenestration, and thus availability of daylight. Consequently, I am not persuaded that restrictions on the availability of light to some of existing parts of the appeal dwelling would be to such a material level of harm that would weigh substantially against the scheme in the overall planning balance.

Conditions

12. I have assessed the list of suggested conditions supplied by the Council against the tests given in paragraph 206 of the National Planning Policy Framework ('the Framework'). This states that conditions should only be imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects.
13. In the interests of certainty, I have attached a condition, although with modified wording to that suggested by the Council, which specifies the approved plans. I have amalgamated and simplified the Council's suggested conditions in regards to the materials to be employed in the facing of the proposed development. However, I consider it neither necessary nor reasonable to insist on matching materials given that the proposed materials palette is integral to the design of the extension. I have, however, in the light of the Council's concerns about the colours of some elements of the proposed facing, considered it necessary to require submission and approval of details of the materials and finishes to be employed. This is necessarily a pre-commencement condition to ensure that the proposed development is as sensitive as possible to the character and appearance of its host dwelling.
14. Given the density of residential occupancy around the appeal dwelling it is necessary to attach conditions relating to the hours of demolition, excavation piling and construction. However, as specific legislation exists in the Control of Pollution Act 1971 in regard to section 61 prior consent for noisy work outside of the suggested hours I consider that it would be unnecessary to attach this part of the Council's suggested condition.

Conclusion

15. As I have detected that no significant harm would be caused by the development to the character and appearance of its host dwelling or the wider surroundings, I can perceive no conflict with the development plan insofar as the policies that have been brought to my attention are concerned. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 03 00100 Proposed Plan 130a Ashmore Road LOWER GROUND FLOOR EAST 1:100; 01 B PROPOSED PLAN 130a ASHMORE ROAD LOWER GROUND FLOOR; 01C PROPOSED ROOF PLAN 130a ASHMORE ROAD LOWER GROUND FLOOR; 02B PROPOSED PLAN 130a ASHMORE ROAD LOWER GROUND FLOOR WEST 1:100.
- 3) With the exception of piling, excavation and demolition, construction works shall take place only between 0800 and 1800 on Mondays to Fridays, and between 0800 and 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 4) Piling, excavation and demolition works shall take place only between 0800 and 1800 Monday to Friday and shall not take place at any time on Saturdays, Sundays or on Bank or Public Holidays.
- 5) No development shall commence until samples of the materials and details of the finishes to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.