

Appeal Decision

Site visit made on 22 November 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 14 December 2016

Appeal Ref: APP/X5990/W/16/3148110
246 and 254 Edgware Road, London W2 1DS

- 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 Violet Holdings Ltd against the decision of City of Westminster Council.
 - The application Ref 15/07961/FULL, dated 26 August 2015, was refused by notice dated 1 March 2016.
 - The development is described as retrospective application for the retention of rear extensions constructed to both no.254 and no.246 Edgware Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application form states that the extensions were completed in September 2014 and at my site visit I saw that extensions have been constructed to the rear of both properties. However as I cannot be certain that what has been built on site is fully in accordance with the submitted plans, in reaching my decision I have assessed the development as shown on the submitted plans except insofar as they relate to the managers flat.
3. Though the submitted plans show the managers flat, some of the plans have been annotated to state that the managers flat is the subject of a separate application/appeal and the appellant's statement of case confirms that it does not form part of the application that is the subject of this appeal. I have determined the appeal accordingly.
4. Notwithstanding the description of development set out above, which is taken from the revised planning application form, it is clear from the plans and the accompanying details that the development also comprises the installation of mechanical plant to the rear of 246 Edgware Road. The Council dealt with the application on this basis and so shall I.

Background and Main Issues

5. The appeal site has an extensive planning history including a number of previous planning applications for various developments and a number of appeals. From the evidence it appears that permission has previously been granted for the use of the appeal site as a hotel and for rear extensions (Refs 01/09455/FULL, 03/03316/FULL, 11/12182/FULL). However there is
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some dispute between the main parties as to whether any of the previous permissions have been lawfully implemented.

6. I have been provided with copies of the decision notices and some of the approved plans for application numbers 03/03316/FULL & 11/12182/FULL. I have also been provided with copies of two recent appeal decisions at the appeal site (APP/X5990/W/15/3049390 & APP/X5990/W/15/3133775). I have had regard to these in reaching my decision insofar as they are relevant to the development that is the subject of this appeal.
7. Having regard to the above, the main issues are the effect of the development on:
 - the character and appearance of the host buildings and the surrounding area;
 - the living conditions of the occupiers of neighbouring properties having regard to noise and odour.

Reasons

Character and appearance

8. The appeal site comprises two adjoining and substantially scaled mid terrace properties fronting onto Edgware Road. Though not listed or located in a Conservation Area the front elevation of Nos 246 & 254 Edgware Road together with the front elevations of similarly scaled properties within the remainder of the terrace contain elaborate detailing including Dutch gables in the case of the appeal site and some of its neighbours. This detailing together with the scale and position of the buildings means that the appeal site and the wider terrace contribute significantly to the character and appearance of surrounding area, despite the presence of a variety of building styles and heights nearby.
9. Unlike previously approved extensions at No 246, the flat roofed rear extension that is the subject of this appeal extends above and forward of the ridge of the original pitched roof of the host building. Though set behind and below the top of the Dutch gable to the front elevation, the upper part of the extension is nevertheless visible from Edgware Road and surrounding roads and is an incongruous feature out of character with the host building and other buildings within the terrace. The roof extension has resulted in a loss of unity within the terrace and the loss of the original distinctive roof form of the host building. Though I have had regard to the fact that the surrounding area contains a variety of building styles and heights, to the materials used, to the retention of the façade and to the limited views of the roof extension from some vantage points, this does not overcome the harm that I have identified. I conclude that due to its siting, scale and design the rear extension has a significant adverse effect on the character and appearance of No 246 and on the surrounding area.
10. As stated, notwithstanding the inclusion of the managers flat at No 254 on the submitted plans, it does not form part of the development that is the subject of this appeal. I note that the position of the rear extension at No 254 means that subject to its overall height it may not be prominent or highly visible. I also note the comments of the Inspector dealing with appeal reference APP/X5990/W/15/3049390 that she had no objection in principle to a modest rear extension to each of the building's lower floors but I do not have the details of the extension being considered in that case. In any event I also note

the Inspector's comment that the rear extension is not independent of the roof extension to form the managers flat and as such it was not possible to make a split decision and grant permission for the rear extension.

11. Though I note the appellants' intention to remove the managers flat and to terminate the rear extension with a flat roof, in the absence of any details of how this would be done and what the resultant rear extension would look like, I am not satisfied that it would not adversely affect the character and appearance of the host building or the surrounding area.
12. Taking the above matters into consideration, I conclude that the development adversely affects the character and appearance of the host building and the surrounding area. It is therefore contrary to the development plan and in particular Policy S28 of the Westminster City Plan (CP) and policies DES1, DES5 and DES6 of the City of Westminster Unitary Development Plan (UDP). These policies seek, amongst other things, to ensure that development is of the highest standard of urban design and that extensions, including roof extensions, are sympathetic to and reflect the scale and design of the existing building and its immediate surroundings.

Living conditions

13. Two extract ducts for mechanical plant on the rear elevation of No 246 are shown on the submitted plans and two extract ducts were in place at the time of my visit. A noise survey by KP Acoustics dated August 2015 was submitted with the application. However the report notes that whilst it may be possible to ensure that any noise from mechanical plant does not exceed measured background noise levels at the appeal site, the exact details of the mechanical plant units were not known when the report was written. There are a number of hotel bedroom windows close to the extract ducts and a number of other windows near to the ducts in the rear elevations of nearby buildings, though I am not aware of what uses and rooms are served by these other windows.
14. It is unclear from the evidence submitted what the extract ducts are used for and consequently whether any odour would be emitted from them. It may be the case that any noise and odour generated by the ducts could be mitigated and that this mitigation could be secured by condition were permission to be granted. However in the absence of sufficient evidence regarding the purpose and use of the ducts and the likely noise and odour generated by them, I am not satisfied that their retention would not result in a significant adverse effect on living conditions having regard to noise and odour. The potential harm to living conditions could not therefore be overcome by the imposition of conditions.
15. Taking the above matters into consideration, I conclude that the development is contrary to policies S29, S31 and S32 of the CP and policies ENV5, ENV6 and ENV7 of the UDP. These policies seek, amongst other things, to ensure that development does not result in a material loss of residential amenity, minimises and contains noise and vibration and minimises emissions of air pollution.

Other Matters

16. In reaching my decision I have had regard to the fact that the development provides additional bedrooms in an existing hotel located in an accessible location. The appellant states that it has resulted in an improved range of

hotel rooms and facilities making the hotel a more attractive offer for tourists, adding value to the accommodation and bringing wider economic benefits. I note that the proposal intensifies the use of the site. However I do not consider that any benefits arising from the development outweigh the harm that I have identified and I do not consider that the development constitutes sustainable development.

17. I note that the application was submitted following discussions with the local planning authority. However the appellant states that despite the Council's concerns regarding insufficient information being provided with the application, no additional information was requested by the Council prior to determination. Whilst this may have been the case and if so, whilst I appreciate that this may be frustrating for the appellant, this has not affected my decision.

Conclusion

18. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR