

Appeal Decision

Site visit made on 28 November 2016

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 03 January 2017

Appeal Ref: APP/X5990/W/16/3156472

48 Leamington Road Villas, London W11 1HT

- 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 Mrs Alyson Mary Catherine Charles against the decision of City of Westminster Council.
 - The application Ref 16/05935/FULL, dated 23 June 2016, was refused by notice dated 2 August 2016.
 - The development proposed is installation of rear garden stairs.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are:
 - The effect of the proposed development on the living conditions of the occupiers of 46 Leamington Road Villas with particular regard to any overlooking or loss of privacy and / or noise and disturbance; and
 - Whether the proposed development would preserve or enhance the character or appearance of the Aldridge Road Villas and Leamington Road Villas Conservation Area.

Reasons

Living conditions

3. The proposed access stair would provide a link between the garden and kitchen of the host property. It would be constructed along the side of the rear outrigger of the dwelling, with a landing area which would span much of the rear wall between the outrigger and the common boundary with the neighbouring 46 Leamington Road Villas. The landing would be situated close to a window in the rear elevation of No 46.
 4. The use of the stairs and landing would inevitably compromise the privacy of the occupants of No 46 through direct overlooking into the window and lower ground floor door from the stair and landing. It has been suggested that a privacy screen could be installed on the landing. However, I do not consider that this would be fully effective in preventing overlooking and would be likely to give rise to harm due to enclosing effects and a reduction in outlook for the occupiers of No 46.
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5. I saw at my site visit that the garden of No 46 is already significantly overlooked by neighbouring properties and I do not consider that the proposed access stair would have a significant additional harmful effect in this regard. Whilst the proposed access stair would be sited near to a window in the rear of No 46, the small size of the landing area would not be adequate to allow someone to sit out. Additionally, I do not consider that the use of the proposed stair would give rise to unacceptable noise and disturbance for the occupiers of No 46.
6. Nevertheless, the appeal proposal would harm the living conditions of the occupiers of 46 Leamington Road Villas due to overlooking and loss of privacy. The appeal proposal conflicts with Westminster's City Plan 2016 (City Plan) Policy S29 which includes that the Council will resist proposals that result in an unacceptable material loss of residential amenity. The proposal also conflicts with City of Westminster Unitary Development Plan 2007 (UDP) saved Policy ENV13 which is concerned with protecting amenities and includes that development should not result in a significant increase in overlooking on adjoining buildings.

Character or appearance of the Aldridge Road Villas and Leamington Road Villas Conservation Area

7. The Aldridge Road Villas and Leamington Road Villas Conservation Area has a predominantly residential character. I saw during my site visit that the area has some uniformity in the appearance of the largely terraced dwellings. The appeal property is a four storey terraced property with basement accommodation. In deciding this appeal I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. During my site visit I observed that there have been some alterations to the rear of the properties in the terrace in terms of fenestration, such as with the installation of French doors and balconies. Whilst the removal of the sash window and its replacement with French doors and the installation of the access stair would give rise to change to the rear façade of the property, I do not find these changes to be overly conspicuous or prominent given the location of the new door opening and stairs between the outriggers of the host dwelling and the neighbouring No 46. Furthermore, given the changes which are evident to the rear elevations of nearby properties I do not consider that the proposal would add unacceptable clutter or detract from the rear elevation of the property.
9. To conclude on this matter, I consider that the appeal proposal would have a neutral effect upon the character and appearance of the Conservation Area, thereby preserving it. The appeal proposal does not conflict in this regard with City Plan Policy S25 which is concerned with the historic environment, including that Westminster's wider historic environment will be conserved and City Plan Policy S28 which is concerned with design. It also does not conflict with the saved UDP Policies DES 1 which is concerned with principles of urban design and conservation, DES 5 which is concerned with alterations and extensions and DES 9 which is concerned with conservation areas. This does not however outweigh my findings in respect of living conditions.

Other matters

10. I have noted the planning history of the appeal property and have considered the references to the National Planning Policy Framework and development plan policies cited by the appellant in reaching my conclusions, but these have not led me to a different decision. The appellant has referred to developments on a number of properties on Leamington Road Villas. In respect of the roof terrace at No 13, I do not have details of the fenestration in the adjoining dwelling and cannot determine whether that scheme would be comparable in respect of the effect upon living conditions of the occupiers of the neighbouring property to that before me. In any event, I have not been convinced that the development should provide an example which should inevitably be followed given the harm found.
11. I have also considered the references to developments at 4, 9, 17, 27, 39 and 42 Leamington Road Villas but have not been provided with sufficient detail to enable me to determine whether the circumstances are similar and whether such development should provide an example which should inevitably be followed given the harm found.

Conclusion

12. For the reasons given above and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR