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## Appeal Decision

Site visit made on 11 January 2017

**by Thomas Hatfield BA (Hons) MA MRTPI**

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

**Decision date: 6<sup>th</sup> February 2017**

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**Appeal Ref: APP/F5540/D/6/3159249**

**11 Park Place, Acton, London, W3 8JY**

- 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 Al Thomas against the decision of the Council of the London Borough of Hounslow.
  - The application Ref 00856/11/P7, dated 30 June 2016, was refused by notice dated 2 September 2016.
  - The development proposed is described as "Loft conversion with side pitched gable dormer + rear pitched gable dormer + 2 x 1400mm by 700mm velux roof windows. Planning Permission granted for similar, reasonable adjustments made ivo of Nicole, my lovely highly disabled wife's chronic & severe conditions."
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### Decision

1. The appeal is dismissed insofar as it relates to the side pitched gable dormer and rear pitched gable dormer. The appeal is allowed insofar as it relates to 2 x 1400mm by 700mm velux roof windows and planning permission is granted for 2 x 1400mm by 700mm velux roof windows at 11 Park Place, Acton, London, W3 8JY in accordance with the terms of the application, Ref 00856/11/P7, dated 30 June 2016, and the plans submitted with it, so far as relevant to that part of the development hereby permitted, and subject to the following condition:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: HC-00-AT-10-14 Rev. 0, HH-02-AT-04-16 Rev. 0, HH-03-AT-04-16 Rev. 0, HH-04-AT-04-16 Rev. 0 Loft Plan - Exisitng, HH-04-AT-04-16 Rev. 0 Rear & Side Elevation : Existing.

### Procedural Matters

2. The submitted plans show a side and a rear dormer that are significantly smaller than those that have already been constructed. The Council's decision notice also refers to these plans. In these circumstances I must consider the scheme as it has been applied for, rather than the dormers that have been constructed.
  3. There is some dispute as to whether the appeal site is located within the Gunnersbury Park Conservation Area. In this regard, the plan originally provided by the Council was unclear. However, the Council subsequently provided a more detailed plan of the Conservation Area that clearly includes the appeal site. The conservation area appraisal also makes specific reference to Park Place. Whilst the appellant states that a neighbour may have proof
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that Park Place is not within the conservation area that evidence is not before me. Accordingly, I have determined the appeal on the basis that the appeal site is located within the conservation area.

### **Main Issue**

4. The main issue is whether the development would preserve or enhance the character or appearance of the Gunnersbury Park Conservation Area.

### **Reasons**

5. The Gunnersbury Park Conservation Area comprises the Gunnersbury Park/Kensington Cemetery area of open space, and the Gunnersbury Park Garden Estate located on the eastern side of the A406. The Gunnersbury Park Garden Estate, within which the appeal site is located, is considered to be a complete and relatively unspoilt example of a 1920s garden suburb estate. It has the layout of an integrated estate and retains a consistent character.
6. Park Place is located at the eastern edge of the conservation area. The properties along the street are characteristic of the 1920s planned estate, and they generally retain a consistency of design. The appeal property is an extended end terrace house on the northern side of the street. The property was recently granted planning permission for two smaller dormers, although the full details of that scheme, including the approved plans, are not before me.
7. The proposal includes 2 velux roof windows in the front roof slope of the property. These are largely screened from view by the front gables to Nos 9 and 11 from most points along the street. I further note that the majority of the properties in the terrace have front roof lights, including the adjacent property at No 9 which contains 3. In this context, the appeal roof windows are in keeping with the rest of the terrace and the wider area.
8. I conclude that the 2 front roof windows would preserve the character and appearance of the host building and the wider conservation area. They would therefore be in accordance with Policies CC1, CC2, CC4 and SC7 of the London Borough of Hounslow Local Plan (2015). These policies seek to ensure, amongst other things, that development respects the character of the area and conserves the historic environment. They would also accord with guidance in the National Planning Policy Framework ('The Framework') relating to designated heritage assets.
9. The development also proposes large side and rear dormer roof extensions. These would project significantly from the roof slopes of the property, and would have only a limited set in from the eaves. They would be disproportionately large additions to the existing hipped roof, and would have an incongruous, bulky appearance. Their size and position would unbalance the appearance of the property, and the appearance of the rear roof slope to the wider terrace. The harm caused by these dormers would not be mitigated by the installation of tile cladding, as has been suggested by the appellant.
10. In support of the appeal, my attention was drawn to a number of examples of comparably large roof extensions in the wider conservation area. I saw on my site visit that these are in the minority, and I do not know the circumstances of those cases or the policies that applied at the time of their consideration (if they required or benefitted from planning permission). In any event, those

that I saw serve to illustrate the harm that can be caused to the character and appearance of the conservation area by excessively large roof extensions. In addition, the side extension to the property opposite (No 8) is not comparable to the appeal proposal as it is a two storey side extension that does not contain a side dormer.

11. The appellant states that larger dormers are required to accommodate his disabled wife, who has both Parkinson's disease and multiple sclerosis. These medical conditions and associated mobility issues have been corroborated by letters from a number of healthcare professionals. I have sympathy with the appellant's situation, and this is clearly a matter of some importance. The appellant states that a large side dormer is required to allow for a stair lift to be installed into the loft extension. However, there is no evidence before me that the previously approved scheme was incapable of accommodating a stair lift. It is also unclear whether other, less harmful, designs have been explored that could also accommodate a stair lift. In relation to the rear dormer, the appellant states that this is required to allow sufficient space for a bed and a carer to stand alongside, and to allow a better view of the garden. However, there is no evidence before me that a dormer of this size is the only way to accommodate these specific care needs. These uncertainties reduce the weight I can attach to the appellant's personal circumstances in this case. In this regard, the letters that have been provided in support of the appeal do not state that dormers of this size are specifically necessary to accommodate these care needs.
12. The appellant states that permission has previously been granted to remove a chimney to the property. However, the full details of that case, including the Council's reasons for granting permission, are not before me and I cannot therefore assess any comparability with the current proposal. Separately, the appellant states that the present condition of the footways and other infrastructure in the conservation area is poor. However, that is a maintenance issue that does not negate the conservation area designation.
13. For the above reasons, I conclude that the side and rear dormers would fail to preserve the character and appearance of the conservation area. This harm would be less than substantial when considered against paragraphs 132 – 134 of the Framework. However, there are no public benefits that would outweigh the harm to the conservation area in this case.
14. I conclude that the side and rear pitched gable dormers would be contrary to Policies CC1, CC2, CC4 and SC7 of the London Borough of Hounslow Local Plan (2015), and guidance contained in the Residential Extension Guidelines Supplementary Planning Guidance. They would also be at odds with guidance in the Framework relating to designated heritage assets.

### **Other Matter**

15. Concerns regarding due process during the processing of the planning application fall outside of the remit of this decision.

### **Conclusion**

16. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality

of opportunity. Since the appellant states that the size of the proposed dormers is necessary to accommodate his disabled wife, this is a person who shares a protected characteristic for the purposes of the PSED.

17. It does not follow from the PSED that the appeal should succeed. In this case the development would cause harm to the character and appearance of the Gunnersbury Park Conservation Area. In addition, and based on the evidence before me, I cannot conclude that dormers of this size are necessary to accommodate the needs of the appellant's wife. Dismissing the appeal, insofar as it relates to the dormers, would be a proportionate response in this case.
18. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

*Thomas Hatfield*

INSPECTOR