
Appeal Decision

Site visit made on 20 February 2017

by Brian Cook BA (Hons) DipTP MRTPI

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

Decision date: 03 March 2017

Appeal Ref: APP/A5270/W/16/3153483

15 Bedford Park Mansions, The Orchard, Chiswick, Ealing W4 1JY

- 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 Andrew Walmsley against the decision of the Council of the London Borough of Ealing.
 - The application Ref PP/2015/6442, dated 30 November 2015, was refused by notice dated 11 July 2016.
 - The development proposed is conversion of roof space into habitable room, including infill section between front and rear roof ridge and addition of dormer window to rear, creation of roof terrace over rear projection.
-

Decision

1. The appeal is allowed and planning permission is granted for roof extensions to front, rear and side roofslopes; provision of rear roof terrace with associated balustrades and access doors from loft room at 15 Bedford Park Mansions, The Orchard, Chiswick, Ealing W4 1JY in accordance with the terms of the application, Ref PP/2015/6442, dated 30 November 2015, and the plans submitted with it, subject to the following 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: 411.100.PL.01; 411.100.PL.02; 411.100.PL.03; 411.100.PL.04; 411.100.PL.05; 411.100.PL.06; 411.100.PL.07; 411.100.PL.08; 411.100.PL.09; 411.200.PL.02; 411.200.PL.03; 411.1250.PL.01; 411.200.DIS.01; Materials Reference Sheet.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Procedural matters

3. On the initial appeal form the appellant stated that the appeal was against the failure of the Council to give notice of its decision within the appropriate period. However, following an exchange of correspondence with the Planning Inspectorate, the appellant confirmed that it should be dealt with as an appeal against the Council's refusal of the application. That is how I have dealt with it.
-

4. The description of the development in the summary details above is taken from the planning application form. Although the appellant ticked the 'no' box in appeal form section E (description of the development), he has in fact adopted the description used by the Council on the decision notice. This is 'roof extensions to front, rear and side roofslopes; provision of rear roof terrace with associated balustrades and access doors from loft room.' I too have therefore adopted this description of the development.

Main Issue

5. Bedford Park Mansions is a four-storey purpose built flat block constructed around the start of the 20th Century and now lies within the Bedford Park Conservation Area (CA). The main issue for the determination of the appeal is whether the development would preserve or enhance the character or appearance of the CA.

Reasons

6. The Bedford Park Conservation Area Appraisal was adopted by the Council in September 2007 along with the Management Plan. In summarising the special interest of the CA as a whole the CA Appraisal recognises the prevailing "Queen Anne" architectural style as being one of the most significant aspects of the overall character. This is said to be a visual expression of the broadly shared sense of values held by those artists, architects, writers and politicians attracted to live there. Other elements noted as vital components of the character of the area are the walls and gates, the mainly red brick and terracotta courses used in construction materials, timber windows and doors that strongly contribute to façade patterns and the roofscape of very high pitch tiled roofs which are very often terminated with prominent gables.
7. There are however variations in the detailed layout and building design which are determined by the date of construction and the principal architect responsible. Four main character areas are identified with the appeal building falling within the inner residential character area. This is further subdivided into three areas; Bedford Park Mansions is within sub area 3.3.
8. In this sub area larger houses became the norm, usually on relatively substantial plots giving a more open character to the area and individual householders more privacy. Bedford Park Mansions is particularly mentioned in this context as being set in a virtually private enclave well back from the street behind tall hedges. Although noted as larger than most properties in the CA, the very large scale of the buildings in this sub area is remarked upon. The building makes a positive contribution to the area with the appearance noted as *'...red brick cladding, bay windows and Dutch gable ends with distinctive moulded brickwork and original 19th-Century brick wall and piers, therefore they blend in well with the surrounding townscape.'* The roof itself is not mentioned and the area to the rear is now given over to resident parking with a row of garages of particularly functional appearance. This area makes no contribution to the appearance of the area although it does preserve its open character.
9. The CA Appraisal also sets out a number of negative factors that represent threats to the preservation of the special character of the CA. In respect of dormer windows it says this:

-houses in Bedford Park offer a strongly varied and articulated roofscape with steeply pitched roofs, prominent gables and dormer windows. Nevertheless the addition of oversized, flat roof, dormer windows on some of the Listed Buildings creates a disruption in the original balance of volumes in the architecture. Brick gable ends and Dutch gables are roof extensions in themselves, so should not be in-filled with further side 'dormer' extensions (i.e.-such as the unsympathetic dormer extension, at No.33 Queen Anne's Grove). Also, due to the visual permeability typical of Bedford Park, bulky dormer windows and flat roof extensions are visible from main streets in the CA, thus disturbing the rhythm and quality of the streetscape.

10. Bedford Park Mansions is not a Listed Building. Turning to consider the visual permeability of this part of the CA, to the rear of the building and the parking area lie the rear gardens of the properties on Esmond Road. This road lies within a different character area about which the CA Appraisal says this:

The southern half of Esmond Road is a relatively long, nearly straight street closely lined with substantial three-storey houses on both sides. Although these houses have a consistent semi-detached plan form, they are set together for maximum density, removing the views between so characteristic of Bedford Park generally. As a result, the street is noticeably more urban and enclosed in feel than elsewhere. (emphasis added)

11. I confirmed during my inspection of the wider area that views of the rear of the appeal property from the public domain along Esmond Road, South Parade and Bedford Road were not readily available. There was one gap between properties on Esmond Road but a very small section only of the appeal property outrigger could be glimpsed through it. The appeal property rear roof could not be seen between properties on either South Parade or Bedford Road. From the former, the one view available was of the flank elevation to the block accommodating flats 1 to 8. From the latter, the only view that I could discern was from what was probably a private parking area to the rear of a modern development; Bedford Park Mansions was almost wholly obscured by a large mature tree.
12. To summarise, the appearance of the CA is heavily influenced by the distinctive and consistent design of the buildings within it. Overwhelmingly, it is the front elevations and, where prominent in the view from the public domain, the roofs of the buildings that contribute to the appearance of the CA. The distinctive architectural style is also a vital component of the character of the CA. However, the spaces between and around the buildings also make a contribution to character and this varies across the CA. In the character sub area within which the appeal property lies, the layout is more spacious than in other parts. However, the functional rear elevations are largely enclosed by the layout so that views to them from the public domain are almost non-existent. Mutual private views will be available of the rear elevations but the extent to which these would also encompass the roof detail is unclear particularly where, as with Bedford Park Mansions, the roof is at a high level and views to it interrupted by the outriggers. Nevertheless, I acknowledge that the existing rear elevation of Bedford Park Mansions will be appreciated by those residents having a private view to it as part of their experience of the appearance of the CA.
13. It is in this context that the appeal proposal must be considered. What is proposed is to infill the roof valley to create a loft room by way of a dormer

- projection to the edge of the main building. Obscure frameless structural glass would provide fall protection from the roof terrace on the existing outrigger. The fall protection would be set back from the edge and would be within the lines of the two prominent chimney stacks. Access to the terrace from the dormer addition would be via sliding glass doors. The appellant argues that these would be frameless with pencil-line framing to ensure that that dormer remains subordinate in character to the brick and tile surrounding finishes.
14. On the face of it therefore the proposed development is of the type that the CA Appraisal recognises as being a threat to the preservation of the special character of the CA.
 15. However, there are four flats within Bedford Park Mansions that could have additions made to the roof to create additional floor space. Two have already been so altered and planning permission has been granted at the third to do something similar to the appeal proposal; that scheme has not yet been implemented.
 16. Each will have been assessed on its own merits. However, they do allow an appreciation to be gained of the likely effect of the appeal proposal, particularly that at the other centrally located flat. While different in detail to the appeal proposal, this also has a dormer addition of the same height as that proposed with full height doors giving access to the roof terrace. This has fall protection in a similar position but, in my view, of a more obtrusive appearance. The presence and prospect of these other alterations to the roof were clearly material to the consideration of the appeal proposal by the Bedford Park Society which stated that it had no comments to make when consulted on the planning application.
 17. From The Orchard the existing dormer addition at the adjacent flat is wholly obscured by the facing roof. Given its design and position, the appeal proposal would be similarly obscured from view from this part of the public domain. As I have already noted, there is but a single, very limited view of the rear elevation of the appeal property from other roads. The appeal proposal would be barely noticeable in this view. The contribution that the building makes to the appearance of the CA would thus be virtually unchanged and therefore preserved.
 18. There is no doubt that the glazed fall protection would be visible in the private views available from the rear gardens and rooms of certain properties along Esmond Road. Given the context of the other fall protections at two of the other flats visible in the same views, I see no reason to conclude other than that the appearance of the CA would also be preserved by this design feature. The appellant has produced a drawing that shows a typical sight line to the building from the first floor bedroom in properties on Esmond Road. This shows that the dormer addition itself would be obscured by the fall protection. It would therefore have no or, at worst, a very limited presence in any private view from an Esmond Road property. There would therefore be no material effect on the appearance of the CA.
 19. Turning briefly to the effect that there would be on the character of the CA, I have already noted that this is heavily influenced by the appearance of the buildings. To the extent that I have concluded that the appeal proposal would preserve the appearance of the CA, it follows that, in this respect, the character would be preserved also. The appeal proposal would have no effect

on the spaces around and between buildings. The contribution that these elements make to the character of the CA would be unaffected and thus preserved.

20. The development proposed would not therefore conflict with policies 1.1 (h) and 1.2 (g) of the Development Strategy 2026 Development Plan Document, adopted in April 2012. These two policies set out respectively the spatial vision and its delivery for the borough's heritage assets. There would be no conflict either with policies 7.4, 7B and 7C of the Development Management Development Plan Document adopted in December 2013. Respectively these require developments to complement the local character of the area in which they are located, achieve high design standards in the widest sense and, in summary, achieve development within conservation areas that is based on an understanding of the significance of the heritage asset and a design that at least conserves (preserves) that significance. The Council also cites a failure to comply with the objectives of policies 7.4, 7.6 and 7.8 of The London Plan 2015. However, these do not appear to add to the previously adopted local development plan policies already referred to.

Conditions

21. The Council has not suggested any conditions that should be imposed in the event of the appeal being allowed. In my view, the application form, the materials reference sheet and the application drawings are comprehensive and a condition requiring the development to be carried out in accordance with them should be imposed in addition to the standard commencement condition.

Conclusion

22. I am required by s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended to pay special attention to the desirability of preserving or enhancing the character or appearance of that area when considering development within a conservation area. That statutory test is encompassed by the main issue identified and, for the reasons set out, I consider that the development proposed would preserve both.
23. For the reasons given above I therefore conclude that the appeal should be allowed.

Brian Cook

Inspector