

Appeal Decision

Site visit made on 16 May 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 7 June 2017

Appeal Ref: APP/X5990/W/17/3169059

28 Craven Terrace, London W2 3EL

- 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 Elmi against the decision of City of Westminster Council.
 - The application Ref 16/06613/FULL, dated 13 July 2016, was refused by notice dated 16 November 2016.
 - The development proposed is described as the erection of an extension to the rear of the property over an existing flat roof for the purpose of storage for bicycles and children's buggies.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would preserve the character and appearance of the Bayswater Conservation Area.
 - The effect of the proposed development on the living conditions of the occupants of neighbouring properties with particular regard to outlook and sense of enclosure.

Reasons

Character and appearance

3. The appeal property is located towards the southern end of a Victorian terraced block, comprising of basement, ground and four upper storeys and lying within the Bayswater Conservation Area. The ground floor is in commercial use with the upper floors in residential use as flatted accommodation. The adjoining property at No 29 Craven Terrace also has similar flatted accommodation on the upper floors.
 4. A characteristic feature of the rear of the terraced block is that properties have a two and half storey, flat roof, rear closet wing occupying half of the width of the rear elevation and extending approximately 5.4m in depth. At the second floor half landing level, the closet wing has only a small projection from the rear façade, approximately 1.6m in depth. The proposed development would involve the construction of a flat roof extension to the second floor half landing such that the extended closet wing would have a depth of 5.4m over three and
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- a half storeys. Materials and fenestration would match those used in the existing closet wing.
5. The adjacent property at No 27 has a significant extension to the closet wing such that its depth and height exceed that of the existing closet wing at the appeal property. In addition, properties at Nos 33 and 34 have rear extensions to the closet wing of a similar scale to the appeal proposal. Although the Council indicates that some of these extensions were granted planning permission over twenty years ago, the fact remains that they are there and as such set the visual context for the consideration of the appeal proposal.
 6. The former rhythmic pattern of the rear of the terraced block has already been eroded by the extensions of properties to the south and north of the appeal building. In contrast to the extensions at No 27, the proposed development would represent a minor addition to the rear of the property that would be in keeping with the scale, mass and design of the existing closet wing. As such, the proposed extension would not significantly harm the appearance of the host property or the terraced block as a whole.
 7. Public views of the rear of the property are not readily attainable and the proposed development would not change the appearance of the front of the property in the Craven Terrace street scene or the contribution that the front façade makes to the character and appearance of the conservation area. Whilst the proposed extension would be visible from the rear of properties on Brook Mews the relationship of the closet wing to these properties would remain unchanged as no projection beyond the existing rear façade is proposed and the height of the extended closet wing would remain below the eaves height of the rear elevation of the host property.
 8. Taking the above factors into account, the proposed development would preserve the character and appearance of the Conservation Area as a whole in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would accord with paragraphs 131 and 132 of the National Planning Policy Framework (the Framework). As a result there would be no conflict with Policies S25 and S28 of the Westminster City Plan (2016) (City Plan) and Saved Policies DES 1, DES 5 and DES 9 of the City of Westminster Unitary Development Plan (2007) (UDP). These policies, amongst other things, require that extensions use traditional materials and reflect the scale, style and design of the existing building, maintain local distinctiveness and respect Westminster's heritage.

Living conditions

9. The existing closet wing of the appeal property and those of the adjacent properties already provide a significant degree of enclosure and shading to the windows in the main rear façade of the first and second floor levels at Nos 28 and 29. These windows have an outlook that faces in a north easterly direction and as such the amount of direct sunlight they receive is limited.
10. The appellant has produced a number of shading diagrams which demonstrate the extent to which windows in the rear elevation of the appeal property and those at No 29 are currently shaded by the existing closet wings and the effect of the proposed extension on these at various times of the day. Owing to the orientation of the terraced block the proposed extension would have no

significant impact on the light received at the rear windows of the appeal property.

11. However, the diagrams demonstrate that the rear window in the first floor of the main rear elevation of No 29 is in shade throughout the day whilst the window in the second floor receives some morning sun only. The proposed extension would place this window into shade throughout the day also.
12. The rear window in the second floor of No 29 has limited outlook from the top of the window over the current roof of the closet wing of the appeal property. The proposed extension would eliminate this and thereby increase the sense of enclosure experienced by the occupants of that property. Whilst the proposed extension would have no impact on the outlook from the window in the first floor of No 29, the proposed increase in the height of the closet wing positioned in such close proximity would also exacerbate the sense of enclosure perceived in views from this window. In addition, the projection of the proposal would compromise the outlook from the window at the third floor level at No 29, albeit to a limited extent.
13. I attach considerable weight to the fact that the occupants of the relevant floors in No 29 already experience poor outlook and light that contributes to a considerable sense of enclosure as a consequence of the closet wing of the appeal property being positioned in such close proximity to these windows. In combination, the factors identified above lead me to conclude that the proposed extension would exacerbate these conditions resulting in an unacceptable sense of enclosure to the occupants of the first and second floors of No 29. This would cause significant and unacceptable harm to the living conditions of the relevant occupants of that property.
14. The proposal would therefore be contrary to Policy S29 of the City Plan and Saved Policy ENV 13 of the UDP. These policies, amongst other things, indicate that development should not result in a significant increase in the sense of enclosure or cause unacceptable overshadowing and that the Council will resist proposals that result in an unacceptable loss of residential amenity.

Conclusion

15. Although I have found that the proposed development would preserve the character and appearance of the Bayswater Conservation Area, this does not outweigh the harm that would be caused to the living conditions of the relevant occupants of No 29 Craven Terrace. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's City Plan and Unitary Development Plan and there are no material considerations of such weight as to warrant a decision other than in accordance with the aforementioned Plans. Consequently, the appeal should be dismissed.

Stephen Normington

INSPECTOR