
Appeal Decisions

Site visit made on 19 June 2017

by Peter Rose BA MRTPI DMS MCMi

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

Decision date: 29th June 2017

Appeal A Ref: APP/A5270/Y/17/3168582

20, Marlborough Crescent, Chiswick, W4 1HQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Michael Soljak against the decision of the Council of the London Borough of Ealing.
 - The application Ref: 164266LBC, dated 18 August 2016, was refused by notice dated 2 December 2016.
 - The works proposed are single storey side extension as described fully in the Design and Access Statement accompanying the application.
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Appeal B Ref: APP/A5270/W/17/3168583

20, Marlborough Crescent, Chiswick, W4 1HQ

- 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 and Mrs Michael Soljak against the decision of the Council of the London Borough of Ealing.
 - The application Ref: 164265HH, dated 18 August 2016, was refused by notice dated 2 December 2016.
 - The development proposed is single storey side extension as described fully in the Design and Access Statement accompanying the application.
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Decisions

1. **Appeal A** is allowed and listed building consent is granted for a single storey side extension as described fully in the Design and Access Statement accompanying the application, at 20, Marlborough Crescent, Chiswick, W4 1HQ in accordance with the terms of the application Ref: 164266LBC dated 18 August 2016, and subject to the conditions set out in the attached schedule.
2. **Appeal B** is allowed and planning permission is granted for a single storey side extension as described fully in the Design and Access Statement accompanying the application, at 20, Marlborough Crescent, Chiswick, W4 1HQ in accordance with the terms of the application Ref: 164265HH dated 18 August 2016, and subject to the conditions set out in the attached schedule.

Main issues

3. The main issues are:

(a) the effect of the proposed side extension upon the special architectural and historic interest of 20 and 22, Marlborough Crescent, a Grade II listed building and, in particular, whether the works would preserve the building or

its setting or any features of special architectural or historic interest which it possesses, and;

(b) the effect of the proposed works upon the character and appearance of the Bedford Park Conservation Area (the Conservation Area) and, in particular, whether the scheme would preserve or enhance its character or appearance.

Reasons

Listed building

4. The appeal site comprises one of a listed pair of semi-detached two-storey dwellings with front and rear gardens and side passage.
5. The significance of the appeal site as part of a building of special architectural and historic interest relates, amongst other things, to its contribution as a particular example of nineteenth century suburban development with accompanying architectural and historic detailing. Features include a design of red brick elevations and tiled roofs, two single-storeyed bays, a gabled door hood to No 20 and brick piers to its front garden. The other half of the listed building at No 22 was built as a matching property, and has been variously altered and extended.
6. Although the frontage to the listed building is the principal facade, the rear and side of the building are integral features of the asset. Even so, the side to No 20 is a secondary elevation, is adjacent to a narrow side passage enclosed by a fairly undistinguished high boundary wall, and its ground floor elevation offers relatively little public exposure.
7. A single storey side extension is proposed to No 20, and set well back from the front of the property. This seeks, amongst other things, to enable a more effective arrangement of the kitchen and associated internal space.
8. The appearance of the extension has been designed to blend in with the original house, the walls proposed as soft red handmade imperial brickwork in Flemish bond, the windows timber framed in hardwood, and the roof hipped and steeply pitched, and with the hipped sections at either end comprising rosemary red clay plain tiles to match the main roof. The central section of the extension roof would be glazed in traditional style with glass panels on decorative timber joists.
9. Although an opening would be formed in the side wall, the house's original plan form would be retained and not compromised, and loss of historic fabric would be limited. By virtue of its scale, design and recessed position, it would not unbalance or clutter the side elevation or otherwise appear intrusive or discordant, and would not adversely affect the appeal site's wider setting. As such, the visual integrity and historic form of the listed building would not be harmed and the asset would thereby be preserved.
10. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in considering applications for listed building consent, to have special regard to the desirability of preserving the listed building. A similar duty relating to planning permission is set out at section 66. There is a clear presumption in these duties that preservation is

desirable, and I find that the special interest of the Grade II listed building would not be harmed in this regard.

11. Reference is made to other extensions and to previous decisions by the Council, and at appeal, and the courts have highlighted the importance of consistency in decision-making¹. Whilst I have had regard to the similarities between those cases and the appeal scheme as submitted, the planning circumstances of any individual site and of any proposed scheme will be different from others, and each proposal and site will be fact and context sensitive and must ultimately be considered with reference to its own specific merits.
12. I therefore conclude that the proposed works would preserve the special architectural and historic interest of the Grade II listed building at 20 and 22 Marlborough Crescent, Chiswick, W4 1HQ. Further, I find that the scheme would accord with the development plan.
13. In particular, Policy 7B of Ealing's Development Management Development Plan Document Adopted 10 December 2013 (the DMP) requires high quality architecture, and Policy 7C seeks to ensure that development of heritage assets should enhance their significance.
14. Policy 1.1 (h) of Ealing's Development (Core) Strategy Adopted 3 April 2012 (the Core Strategy) seeks to care for the Borough's historic character and enhance the significance of heritage assets in regeneration proposals and ensure excellence in design. Policy 1.2 (g) seeks to support the proactive conservation and enjoyment of Ealing's heritage assets and their significance.
15. Policy 7.4 of the Mayor of London's London Plan March 2016 seeks for buildings to be informed by their surrounding historic environment, Policy 7.6 for buildings to be of the highest architectural quality and to complement local architectural character, and Policy 7.8 for development to conserve the significance of heritage assets by being sympathetic to their form, scale, materials and architectural detail.
16. I consider these development plan policies to be broadly consistent with the National Planning Policy Framework (the Framework) which recognises that heritage assets are an irreplaceable resource and requires them to be conserved in a manner appropriate to their significance². The Framework further states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation³.

Conservation Area

17. Section 72 of the Act places a duty upon the decision-maker in considering applications for, amongst other things, listed building consent and planning permission, to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The Council's aspirations in this regard are further set out in the authority's Bedford Park Conservation Area Management Plan September 2007.

¹ See, for example, North Wiltshire DC v Secretary of State for the Environment 1993

² Paragraph 126

³ Paragraph 132

18. The distinctive qualities and accompanying significance of the Conservation Area relate to a rich historic and architectural heritage of nineteenth century suburban growth. Bedford Park is an area of particular architectural and historic interest as an early garden suburb. Notwithstanding local variations in detail, this part of the Conservation Area is outwardly characterised by buildings similar in design and conception to the appeal site and which collectively contribute to an impressive sense of overall local distinctiveness.
19. The proposed side extension would be relatively enclosed and set back within the site. The side of the site makes a limited contribution to the character and appearance of the Conservation Area as a whole and has only very restricted public exposure. Nonetheless, the inherent form and design of the scheme are sensitive to the significance of the Conservation Area and would in themselves serve to preserve its character and appearance in accordance with the duty under section 72 of the Act.
20. I therefore find the existing contribution of the appeal site to the Conservation Area would not be diminished, and that the scheme would meet the expectations of the Act.
21. I have noted the views of the Bedford Park Society and, in particular regarding the characteristic features of spaces between dwellings. I am satisfied the scale and form of this scheme would not lead to the creation of a linked terrace, and nor obscure any existing public views along the side passageway given the presence of a gate. I further note that the appellants' evidence suggests that side extensions exist at almost half of the listed houses in the Conservation Area⁴. Reference is also made in appeal decisions to an evolving acceptance of some development of side accesses⁵.
22. As with my findings in relation to the listed building, the proposal would similarly accord with the same expectations of the Framework. Government policy also places great importance upon good design and upon the significance of local distinctiveness⁶.
23. I therefore conclude that the proposed works would preserve and enhance the character and appearance of the Bedford Park Conservation Area and would accord with the policies of the development plan already referred to above. DMP Policy 7C also seeks for development within Conservation Areas to retain and enhance characteristic features and detailing, and that harm to any heritage asset should be avoided.

Other matters

24. I have considered all other matters raised, but I find nothing of sufficient weight, individually or cumulatively, to outweigh the conclusions I have reached on the main issues.

Conditions

25. I have noted the list of conditions suggested by the Council, and the appellants' response, and have had regard to the advice set out in both the government's

⁴ Bedford Park survey December 2016 carried out by Alice Poole Architects

⁵ Appeal Decisions Ref: APP/F5540/A/08/2077247, APP/F5540/E/08/2077245, APP/F5540/A/08/2079592 dated 4 February 2009 and relating to a side extension at 3 Rupert Road, London W4 1LU

⁶ Paragraphs 56 and 60

Planning Practice Guidance (the Guidance) and in the Framework in terms of both the need for individual conditions and of appropriate wording.

26. In relation to **Appeal A** and **Appeal B** a condition is required specifying the relevant drawings in order to provide certainty.
27. In the interests of preserving the significance of the listed building and Conservation Area, conditions are attached to both decisions requiring matching materials and related matters.
28. In relation to **Appeal A**, conditions are also attached in relation to removal of walls and further details of floor finishes, and making good any damage to the building.
29. The Council suggests in relation to **Appeal B** a condition to preclude use of the roof of the extension as a balcony, roof garden, roof terrace or similar amenity area. Given the form of the extension and the existence of other controls, I do not consider such a requirement to be necessary.

Conclusions

30. The duties arising under sections 16, 66 and 72 of the Act mean the desirability of preservation is a consideration to which special attention must be paid as a statutory duty, and must be regarded as a factor of considerable importance and weight in any planning balance. I find the proposed scheme would accord with these duties.
31. Further, I find the proposed scheme would accord with the development plan as a whole, and with the expectations of sustainable development set out in the Framework⁷.
32. For the above reasons, **Appeal A** and **Appeal B** are each allowed, subject to the conditions specified.

Peter Rose
INSPECTOR

⁷ Paragraph 6

SCHEDULE OF CONDITIONS

APPEAL A

1. The works hereby authorised shall begin not later than 3 years from the date of this consent.
2. The works forming the subject of this consent shall be carried out in full accordance with the details shown on drawings Ref: A611/L1, A611/P01, and A611/P02.
3. Unless otherwise specified in the approved details, all new works, and all finishes and works of making good to the retained fabric of the existing building, both internally and externally, and including all plasterwork and joinery, shall match the existing adjacent work and features with regard to form, composition, material, colour, texture and profile.
4. Any damage to the building caused by or during the course of the carrying out of the works hereby authorised shall be made good within 3 months of the completion of the scheme.
5. Details of the methodology in respect of the removal of walls, and details of all floor finishes, shall be submitted to and be approved in writing by the Local Planning Authority before that part of the work is begun, and the works shall be carried out in accordance with the details so approved.

APPEAL B

1. The development hereby permitted shall begin not later than 3 years from the date of this permission.
2. The development forming the subject of this permission shall be carried out in full accordance with the details shown on drawings Ref: A611/L1, A611/P01, and A611/P02.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

-----END OF CONDITIONS-----