
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: 3rd July 2017

Appeal A Ref: APP/F5540/Y/17/3170796
36 Priory Avenue, Chiswick, London W4 1TY

- 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 Hubert Vannier against the decision of the Council of the London Borough of Hounslow.
 - The application Ref: 00899/36/L5, dated 14 October 2016, was refused by notice dated 12 December 2016.
 - The works proposed are alterations to dwelling including rear dormer window and replacement of rear balcony balustrade. External repairs including renewal of roof covering.
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Appeal B Ref: APP/F5540/W/17/3170816
36 Priory Avenue, Chiswick, London W4 1TY

- 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 Hubert Vannier against the decision of the Council of the London Borough of Hounslow.
 - The application Ref: 00899/36/P5, dated 14 October 2016, was refused by notice dated 12 December 2016.
 - The development proposed is alterations to dwelling including rear dormer window and replacement of rear balcony balustrade. External repairs including renewal of roof covering.
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Decisions

1. **Appeal A** and **Appeal B** are each dismissed.

Main issues

2. The main issues are:
 - (a) the effect of the proposed works upon the special architectural and historic interest of No 34 and No 36, Priory Avenue W4, 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 and, in particular, whether the scheme would preserve or enhance its character or appearance.
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Reasons

Listed building

3. The appeal site comprises one of a pair of large semi-detached dwellings with front and rear gardens.
4. 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 late nineteenth century suburban development and to the accompanying architectural and historic detailing it displays. The List Entry Summary notes that the pair display various features, including modillion eaves cornices, flat door hoods and single-storeyed bays, and piers to the front garden of No 36.
5. The rear elevations of the properties in this part of Priory Avenue contrast with the front, and many have been altered. There is considerable variety to the rears in terms of gables, roof-slopes, chimney-stacks and dormers, reflecting both deliberate lack of uniformity in the original layout and design of the properties, but also subsequent alterations.
6. Although the frontage is the principal elevation, the rear of the appeal site remains an inherent and physically significant part of the listed asset. Even though previous alterations mean there is no longer perfect symmetry between the rear elevations of No 36 and No 34, the rear of the listed building still presents a relatively balanced and ordered pattern of fenestration and other features, including a single upper level dormer window within each. These create a central feature of the asset's upper rear elevation set either side of a firewall and beneath a central chimney-stack. I do not accept that the remaining symmetry of the pair at the back exists only in outline. Rather, their collective design and character as a pair, in terms of underlying form, scale and detailing, remain fundamentally evident.
7. The original designs of No 34 and No 36 did not include second dormer windows as proposed. The rooms at this upper level appear to have been designed in their proportions and window arrangement as secondary spaces rather than as primary living accommodation. This is correspondingly reflected in the rear roof profile which, in terms of features, appears intentionally well-ordered but far plainer and less intensive in its composition than the elevations of the main floors below, thereby creating a contrasting, less congested and distinctly subservient form.
8. The appeal site forms part of a listed building and which has not been subsequently modified in its original rear roofscape. Each of the two dwellings survives as a pair with the original form of single dormer intact, and that impressive authentic character and relatively simple composition of the listed building must be respected. The host building and its pair were not designed with two rear dormers and that surviving feature of the rear elevation, by virtue of its attractive and historically consistent form, contributes to the asset's significance. Other dwellings were designed to be asymmetrical or have been modified, and there is considerable existing variation in the local townscape, but that in itself does not justify departure from this particular asset's historic form.

9. Aside from detracting from the historical integrity of the listed building, the proposed dormer would not appear as a sympathetic or subordinate feature. Notwithstanding that the proposal would match the original dormer in its detailed design, it would still, visually, unbalance and clutter the rear elevation of the properties, and would appear intrusive. Despite alterations to No 34, the proposed dormer would significantly change the remaining relationship between the roof and the main elevation to No 36, and would disrupt the wider, balanced and ordered relationship between the pair.
10. Reference is made to other extensions and to previous decisions by the Council, and at appeal. The courts have highlighted the importance of consistency in decision-making¹, and I have had regard to the similarities of those sites to the appeal scheme as identified by the appellant, and to some contrasts as highlighted by the Council.
11. I particularly note the appellant's survey of the Conservation Area which shows the considerable extent of added dormer extensions and how not all have been modified in pairs. The appellant suggests there is now a well-established precedent for the acceptability of well-detailed and appropriate dormer window additions to other properties, and I particularly note those to other properties in Priory Avenue.
12. Full details of relevant backgrounds to other cases are not before me, but particular mention is made of previous decisions relating to No 20 Addison Grove, including appeal decisions². Notwithstanding details of those and other cases, the planning circumstances of any individual site and of any proposed scheme will be different from others. Each proposal and site must be considered with reference to its own particular merits, and each will be fact and context sensitive. Further, I do not find that the circumstances of development as indicated elsewhere would serve to mitigate the particular harm to this listed building.
13. I agree with the Council's favourable assessment of other aspects of the proposal and to which it raises no objection. The existing balustrade around the rear roof terrace would be replaced by a more historic design, and other external repairs would be similarly sympathetic. A small side-facing gable window would be inserted at a high level but would not detract from the listed building.
14. 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 in section 66. I find that the proposed scheme, by virtue of the dormer window, would incur significant harm to the special architectural and historic interest of the Grade II listed building at No 34 and No 36, Priory Avenue W4. The scheme would harm the heritage significance of the building by detracting from its historic form and by reducing its visual integrity.
15. Accordingly, I conclude that the scheme would fail to preserve the listed building and would be contrary to Policies CC1, CC2 and CC4 of the London Borough of Hounslow Local Plan 2015-2030. In particular, and amongst other

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

² Appeal Refs: APP/F5540/W/15/3009695, APP/F5540/Y/15/3009699

things, Policy CC1 seeks to ensure that all new development conserves and takes opportunities to enhance special qualities and heritage. Policy CC2 aims to retain and support high quality urban design and architecture, and Policy CC4 seeks to conserve and take opportunities to enhance the significance of the Borough's heritage assets as a positive means of supporting an area's distinctive character and sense of history.

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 significance³. 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 conservation⁴.

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 a Conservation Area.
18. The distinctive qualities and accompanying significance of the Bedford Park Conservation Area relate to a rich historic and architectural heritage of largely nineteenth century suburban growth. This part of the Conservation Area is outwardly characterised by buildings generally similar to the appeal site and which collectively contribute to an impressive sense of architectural and historic distinctiveness. This is further detailed in the Bedford Park Supplementary Planning Guidance (the Conservation Area SPG) February 1997, and I note the Council regards the Conservation Area to be amongst the best known and best preserved examples of later Victorian suburbs in outer London.
19. Public exposure of the rear is limited, but it still forms part of the Conservation Area and is evident in views from other properties. Notwithstanding the relatively diverse and much altered configurations of surrounding dwellings, the overall form and profile of the listed building generally remains intact as a significant contribution to the character and appearance of the Conservation Area.
20. For the reasons set out in my findings relating to the listed building, the character and appearance of the Conservation Area would be similarly harmed. Whilst the other accompanying works would all serve, in varying degrees, to preserve and enhance the character and appearance of the Conservation Area, they would not offset the harm arising by virtue of the dormer window. The harm to the Conservation Area as a whole would be modest, but the existing contribution of the appeal site to this designated area would be diminished.
21. I therefore conclude that the proposed works would fail to preserve or enhance the character or appearance of the Bedford Park Conservation Area. Accordingly, the scheme would be contrary to the same policies of the development plan and expectations of the Framework already referred to above, and be contrary to the Conservation Area SPG. The Framework also

³ Paragraph 126

⁴ Paragraph 132

places great importance upon good design and upon the significance of local distinctiveness⁵.

Other matters

22. A concern has been raised by adjacent residents regarding possible overlooking of the facing dwelling at No 25 Fairfax Road. The authority raises no objection in this respect and, in light of the remaining intervening distances between properties, I have little reason to conclude otherwise, or to find harm in relation to any other aspects of the scheme beyond those cited in the Council's decision notices. I note, however, other concerns expressed by those same residents that the works would not be in-keeping with the building and would be uneven with the adjoining house.
23. I note that the Bedford Park Society was consulted and raised no objection.
24. I have also had regard to all other guidance as cited by the parties⁶.
25. I have considered all other matters raised, but I find nothing of sufficient weight, individually or cumulatively, to outweigh the harms identified.

Planning balance

26. I find that the special interest of the designated assets would be harmed and that the proposed scheme would thereby fail to preserve the listed building and would fail to preserve or enhance the character or appearance of the Conservation Area.
27. The Framework makes a distinction between a proposal causing substantial harm to the significance of a designated heritage asset, such as a listed building or Conservation Area, and a scheme that would lead to less than substantial harm⁷. I find the harm arising to the designated assets in this instance, whilst of a serious nature, to be less than substantial, and the Framework requires such a scale to be weighed against the possible public benefits of the scheme, including securing its optimum viable use⁸.
28. Aside from the dormer window, the scheme would involve significant works to preserve the listed building and Conservation Area but, in the absence of the scheme, there is no evidence that the existing dwelling could not continue as a viable family home. The public benefits would involve creation of a dwelling offering improved accommodation, and other architecturally and historically sensitive enhancements to the building. Nonetheless, I find no overall public benefits sufficient to outweigh the harm to the listed building and Conservation Area which would arise from the dormer window in this particular instance.
29. The duties arising under sections 16, 66 and 72 of the Act make strong presumptions against proposals incurring harm and thereby not preserving a designated asset. This is because the desirability of preservation is a consideration to which special attention must be paid as a statutory duty, and

⁵ Paragraphs 56 and 60

⁶ This includes: Historic England's Historic England Advice Note 2: Making Changes to Heritage Assets February 2016; Historic England's Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets 25 March 2015; and English Heritage's Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment, 2008

⁷ Paragraph 134

⁸ Paragraph 134

must be regarded as a matter of considerable importance and weight in any planning balance. I find that the scheme would fall short of these duties.

30. Further, I find the proposal would not accord with the development plan as a whole, and nor with the expectations of sustainable development set out in the Framework⁹.

Conclusions

31. For the above reasons, **Appeal A** and **Appeal B** are each dismissed.

Peter Rose

INSPECTOR

⁹ Paragraph 6