
Appeal Decision

Site visit made on 24 October 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 27 October 2017

Appeal Ref: APP/X5990/W/17/3179706

Lower ground and ground floor, 40 Formosa Street, London W9 2JP

- 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 Ms Fiona Melvin against the decision of City of Westminster Council.
 - The application Ref 17/02658/FULL, dated 23 March 2017, was refused by notice dated 11 May 2017.
 - The development proposed is erection of a single storey rear extension and use of the front vaults as a utility space.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a single storey rear extension and use of the front vaults as a utility space at Lower ground and ground floor, 40 Formosa Street, London W9 2JP in accordance with the terms of the application, Ref 17/02658/FULL, dated 23 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: FS01BP and 1704/TP/01.
 - 3) Demolition or construction works shall take place only between 08:00 and 18:00 on Mondays to Fridays, 08:00 and 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
 - 4) The materials and finished surfaces of the development hereby permitted shall match those of the existing building.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area which is within the Maida Vale Conservation Area (MVCA).

Reasons

3. The MVCA is principally residential in nature with many long terraces of tall, attractive houses. The appeal site generally reflects this and comprises the lower floors of a 5-storey mid-terrace property, although the terrace in which it sits is only three houses long.

4. The front elevation of the terrace has a strong consistency. The rear elevation however is less uniform, with the closet wing of No 38 being around a storey taller than that at the appeal site, and the closet wing at No 42 having railings around its roof. Similarly, there is little consistency in the site's wider context as the nearby houses fronting Warwick Avenue have rear closet wings of differing heights, and some have railings on top.
5. Due to the extension's position at lower ground floor, the overwhelming majority of the rear elevation of the terrace would remain unaltered. Although the full width rear extension would be unprecedented in this area, its limited scale and height, and the lack of any existing strong regularity or rhythm in the vicinity, means it would not impact harmfully on the visual quality of the dwelling, the terrace or the wider area. Furthermore, from public viewpoints the extension would not be visible and therefore the contribution the terrace makes to the character and appearance of the public realm would be unaffected.
6. I understand there are other examples in Warwick Avenue of rear extensions that only fill in the gap to the side of the closet wings and do not project further out in the way that this proposal does. However due to the extensive vegetation in the intervening rear gardens, these do not set any visual context for this extension.
7. It is proposed that the extension is rendered, and this would reflect the existing finish at lower ground level on the rear of all three buildings in the terrace. Although the extension would project slightly above the level of the existing render, it would not be to a significant degree. The variation in the height of the render would not detract from the appearance of the elevation.
8. The Council raise no objection to the use of the front vaults as utility space, and I have no reason to come to a different view.
9. In summary, the development would not harm the character and appearance of the host building, the terrace or the wider MVCA. As such it would accord with Policy S28 of the Westminster City Plan (WCP) and Policy DES 1 of the Unitary Development Plan (UDP) which both expect development to show the highest standards of urban design. It would also comply with Policy DES 5 of the UDP which requires extensions to be of a scale, design, and materials consistent with the existing building, and Policies S25 of the WCP and DES 9, and its explanatory text, of the UDP which both aim to conserve heritage assets.

Other matters

10. The extension would barely exceed the height of the existing boundary treatment on the side boundaries, which in both cases comprise walls topped with trellis. Consequently I do not consider the development would exacerbate any sense of enclosure at the lower ground floor parts of the neighbouring dwellings.

Conditions

11. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance (PPG) and the National Planning Policy Framework (the 'Framework'). Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect this guidance.

12. In accordance with the advice in the PPG and the Framework I have imposed the standard condition relating to the commencement of development and a condition specifying the relevant plans in order to provide certainty. I have included a condition relating to finishing materials, in order to protect the character and appearance of the MVCA.
13. I have slightly altered the condition relating to working hours as I consider it imprecise in its suggested form. In its altered form it would ensure the living conditions of neighbouring occupiers are protected.

Conclusion

14. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

Andrew Owen

INSPECTOR