



Appeal Decision

Site visit made on 18 December 2017

by Claire Victory BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2018.

Appeal Ref: APP/X5990/W/17/3178991
60a Warwick Avenue, London W9 2PU

- 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 Alon Shlosberg against the decision of City of Westminster Council.
 - The application Ref 17/01634/FUL, dated 17 February 2017, was refused by notice dated 11 May 2017.
 - The development proposed is the erection of single storey rear and side infill extension to existing closet wing to enlarge lower ground floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey rear and side infill extension to existing closet wing to enlarge lower ground floor flat at 60a Warwick Avenue, London W9 2PU in accordance with the terms of the planning application, Ref 17/01634/FUL, dated 17 February 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: site location plan, NLA-100-01; NLA-100-02; NLA-100-03; NLA-100-04; NLA-100-05; NLA-100-06; NLA-100-07; NLA-100-08; NLA-100-09; NLA-100-04-10; NLA-100-11; NLA-100-12; E0100; E0201; E0300.
 - 3) Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and not at all on Saturdays, Sundays, bank holidays and public holidays.
 - 4) All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings.
 - 5) The infill element of the extension should be set back from the existing building line by 300mm to allow the original L-shaped form of the building to be read.

- 6) The roof of the extension shall not be used for sitting out or for any other purpose, other than as an escape route in an emergency.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Maida Vale Conservation Area.

Reasons

3. The appeal property is a lower ground floor flat within a four storey with basement mid terrace building, located in the Maida Vale Conservation Area. The heritage significance of the area lies in the cohesive quality of the many imposing mid 19th century villas and terraced properties in brick and stucco, along with a number of mews properties, whose modest form complements the grander terraces.
4. Nos 46 to 60 Warwick Avenue are a group of terraced properties with common features including butterfly roof, four storeys and shallow closet wings. These properties are typical of the age and style of properties in the conservation area. Their unaltered rear elevations are partially visible from the street on Pindock Mews, and from within the rear garden environment, albeit this is relatively limited due to the largely blank flank wall facing the rear of the subject terrace. Nevertheless, the unaltered form of the terrace forms part of the significance of the conservation area, and makes a positive contribution to its character and appearance.
5. The proposed single storey extension would be at lower ground floor level, and would project 1.05 metres beyond the closet wing. As the roof of the proposed extension would not be significantly above ground floor level, the extension would not be seen in public views. There would be a number of more limited views from the surrounding rear garden environment. From the window in the flank wall of the two storey projection of No 62, the extension would be seen, but the roof level would be well below the cill height of the window, and thus would not be seen when standing within that room.
6. Likewise there would be very limited views of the roof from windows in the rear elevation of the upper floors of No 60 and adjacent properties, but the visual impact of the proposal from these vantage points would be negligible. Finally, there would be some oblique views from windows within properties on Pindock Mews, at first floor level and from a roof terrace on the second floor. Again, these would be indirect views at a distance and whilst the closet wing would be subject to a minor alteration, there would be no discernible difference when viewing the property from the surrounding area as the extension would be largely obscured by the 2 metre high brick walls to either side boundary.
7. There would also be an infill element extending from the main rear elevation. The submitted plans show that this would not be set back from the closet wing. However, the Council has suggested a condition requiring this element to be set back by 300mm if the appeal were allowed, to enable the original L-shaped form of the building to be read. As this would be a minor alteration and an extension of similar dimensions has already been permitted by the Council, I consider that such a condition would overcome the Council's concerns in this regard, and would be necessary to preserve the character and appearance of the conservation area.

8. For the above reasons I therefore conclude that the proposal would preserve the character and appearance of the Maida Vale Conservation Area, and would accord with the design and heritage objectives of policies S25 and S28 of the Westminster City Plan: Strategic Policies (2016) and policies DES1 and DES9 of the Unitary Development Plan (UDP) (2007). These policies are consistent with the National Planning Policy Framework, insofar as it seeks to give great weight to the conservation of heritage assets.
9. I have specified the approved plans for certainty, and a condition is required to ensure all external materials match those of the existing building, in order to preserve the character and appearance of the conservation area. Conditions are also necessary to limit the hours of excavation and construction in order to safeguard the amenity of neighbouring occupiers. A condition preventing the use of the roof terrace other than for emergency means of escape is required for the same reason.

Other Matters

10. The occupants of the ground floor flat at No 60 are concerned that the flat roof would enable access to their property, but there is no access to the terrace from the rear and the use of the roof as a terrace would be restricted by condition. The impact of the proposal on property values is not a planning matter.

Conclusion

11. For the reasons set out above I conclude the appeal should be allowed.

Claire Victory

INSPECTOR