



Appeal Decision

Site visit made on 25 June 2019 by S Watson BA (Hons) MSc

Decision by R C Kirby BA (Hons) Dip TP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/X5990/D/19/3227727

6 Bark Place, London, W2 4AX

- 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 Blair against the decision of City of Westminster Council.
 - The application Ref 19/00194/FULL, dated 10 January 2019, was refused by notice dated 12 April 2019.
 - The development proposed was originally described as "small rear dormer window extension (x2)".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two dormer windows to rear roof slope at 6 Bark Place, London, W2 4AX in accordance with the terms of the application, Ref 19/00194/FULL, dated 10 January 2019 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 approved plans listed: Design and Access Statement, Location Plan, Existing Site Plan, JH001, JH002.
 - 3) Other than where external materials and finishes have been referred to in the approved plans, all work to the outside of the building associated with the hereby approved dormers shall match the existing original work in terms of materials and finished appearance.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The description of development in the heading above has been taken from the application form. However, in Part E of the appeal form it is stated that the description of development has been changed, and agreed by the City of Westminster Council, to the "erection of two dormer windows to rear roof slope". The Council dealt with the proposal on this basis, and as I consider this description to be clearer, so shall I.

Main Issues

4. The main issues in this case are the effect of the proposal on:
- the character and appearance of the existing dwelling and surrounding area, including the Bayswater Conservation Area, by way of the siting and design of the dormer windows, and
 - the living conditions of neighbouring occupiers, having particular regard to privacy.

Reasons for the Recommendation

Character and Appearance

5. The appeal site is on the east side of Bark Place and contains a terraced two-storey dwelling with a garden to the rear. Bark Place is part of a small, relatively uniform post-war residential development which includes Lombardy Place and Caroline Place. The site is within the Bayswater Conservation Area. The *City of Westminster Conservation Area Audit No 6: Bayswater* characterises the area as being primarily residential in character, and of uniform appearance despite it being composed of several distinct areas developed over time.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework. At paragraph 192, it sets out matters which should be taken into account in determining applications including the desirability of sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness.
7. The roofscape of the post-war development is characterised by long linear roofs which are generally uniform. There have been modern alterations to the roofs, particularly roof lights which are a common feature on the front and back of the terraces. Although they are less common, there are also a number of dormer windows within the wider post-war estate, primarily on the rear of properties. There are three dormers on the rear of the properties on Bark Place, including at No 2 Lombardy Place. This is the immediate neighbour to the appeal site, and while fronting on to Lombardy Place, it forms part of the terrace along Bark Place.
8. The proposed dormers would be of a modest size and when viewed would be seen in relation to the existing dormer at No 2 Lombardy Place. Viewed from the south the dormers would also be read against the gable end north of the appeal site. The existing dormer and gable end break up the characteristic linear roofscape which would not therefore be significantly affected by the proposed dormers.
9. The proposed dormers would be at the rear of the existing dwelling and visible from nearby properties and gardens. However, as public views would be limited to glimpses between surrounding properties, I consider that this proposal would not be unduly prominent. Furthermore, from my observations of the

area I noted that there are a number of opportunities where dormer windows are glimpsed between buildings.

10. Moreover, the new dormer windows would be in proportion to the host property and would be in line with the existing windows below. While the lead cladding would be a new material on the post-war building it would not be out of character with it, and would be sympathetic to the surrounding area. Furthermore, the lead would help maintain the legibility of the original tiled roof, and its historic interest.
11. I noted during my observation of the site that the existing windows on the front elevation of the building are UPVC sashes. While I note that timber is the characteristic material on the surrounding post-war buildings, I find that two additional UPVC windows on the second floor at the rear of the property would have little effect on the character of the area. Furthermore, the UPVC dormer windows would tie in to the existing windows, creating a sense of uniformity across the building.
12. I note that there are a number of examples of dormers within the surrounding area, and that there has also been an appeal dismissed at 4 Lombardy Place. I understand that amongst other things, the appeal included a dormer. However, I am not aware of the circumstances under which these developments were decided, and even so all proposals need to be considered on their own merit. I therefore give this matter little weight in the determination of this appeal.
13. In all I consider that the proposal would not be out of keeping with the host property, the terrace of which it forms part or the surrounding area. Harm to the character or appearance of the area would not result and the character and appearance of the Bayswater Conservation Area would be preserved. There would be no conflict with Policies S25 or S28 of the Westminster City Plan or saved Policies DES 1, DES 6 or DES 9 of the Unitary Development Plan (UDP). These policies collectively seek to maintain and enhance the character and appearance of buildings and their surrounding areas, including conservation areas.

Living Conditions

14. Bark Place, Lombardy Place and Caroline Place create a tight block of dwellings surrounding relatively small gardens. Land levels at Bark Place are higher than at Caroline Place but this change in levels is not significant. The close proximity of the two-storey dwellings, many with rooflights, means there is likely to be a degree of overlooking between the properties on each street. Overlooking is to be expected, to some extent, in urban areas, especially in densely developed areas such as this.
15. The proposed dormers would replace two existing rooflights serving a bedroom and bathroom. These rooflights already allow overlooking in to neighbouring gardens and the rear windows of Caroline Place.
16. During my visit I noted that there was a significant level of overlooking between properties on Bark Place, Lombardy Place and Caroline Place. This overlooking occurs not only from opposing dwellings down the length of gardens, but also across gardens from neighbours to the side. Notably, No 4 Caroline Place is currently overlooked by the first floor windows and rooflights of No 6 Bark Place, and the rear upper windows of Nos 4 and 6 Lombardy

Place. Existing first floor windows at the appeal site also already overlook the gardens at Lombardy Place.

17. Whilst the position of the dormer windows at No 6 Bark Place would change on the roof, it would be unlikely that overlooking or loss of privacy would occur over and above that which already exists. Any additional overlooking would not be to a degree that the rear rooms of nearby properties or their gardens would be less pleasant to use as a result.
18. It has been suggested that obscure glazing would be necessary and that a previous dormer at No 2 Lombardy place was only allowed on condition of obscure glazing. However, I am not aware of the individual circumstances of that case, and I consider that this proposal, which replaces existing roof lights, would not cause a loss of privacy such that harm to living conditions of nearby occupiers would occur. It would therefore not be necessary to require obscured glazing to be used on the dormer windows.
19. Given my findings, I conclude that the proposal would not result in a loss of privacy to nearby occupiers and that their living conditions would not be adversely affected as a result. There would be no conflict with Policy S29 of the Westminster City Plan or Policy ENV 13 of the UDP, which seek to protect and enhance the health, safety and living conditions for residents, workers and visitors.

Other Matters

20. The mature tree to the north of the appeal site currently screens views of the rear of No 6 from Lombardy Place but this cannot be relied upon, as the tree could easily be removed or die. I therefore give the screening provided by this tree little weight.
21. Due to the size and position of the dormer windows they would not cause an overbearing impact or a loss of light to neighbouring properties. While I note the height difference between Bark Place and Caroline Place the proposal would not cause any greater impacts on the neighbouring occupiers.
22. The private view from a window is not of itself regarded as a planning matter. As I have found above that the living conditions of nearby occupiers would not be affected, I find this matter to have little weight in the determination of this appeal. It has also been suggested that there is sufficient space within the attic for habitable rooms, and so the proposal would be unnecessary. Whilst noting this matter, I have not been directed to development plan policies which require development to be necessary. I afford this matter very little weight in my overall recommendation.
23. I note that both the existing and proposed plans do not include the existing chimney. The chimney is not included within the proposal before me and the appellant states that that it is not to be removed or affected by the development. I have limited my recommendation to the merits of the case.

Conditions

24. The Council has suggested a number of conditions it would wish to see imposed in the event that the appeal was allowed. I have considered the suggested conditions against the advice on conditions set out in the National Planning

Policy Framework and the Planning Policy Guidance. I have amended some of the suggested wording to reflect this advice.

25. A condition is necessary requiring that the development is carried out in accordance with the approved plans. In the interests of the character and appearance of the building and conservation area, a condition is also necessary to ensure that any materials match the existing building where they are not explicitly referred to in the Design and Access Statement or submitted plans.
26. As lead has been proposed to clad the dormer windows it would not be possible to match the existing external materials, while also complying with the approved plans. I have not, therefore attached the condition for the external materials to match the existing building.

Conclusion and Recommendation

27. For the reasons given above I recommend that the appeal should be allowed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

28. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

RC Kirby

INSPECTOR