



Appeal Decision

Site visit made on 29 July 2019 by G Sibley MPLAN MRTPI

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/X5990/D/19/3230248

24 Linhope Street, London NW1 6HT

- 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 Mrs Janet Lear against the decision of City of Westminster Council.
 - The application Ref: 18/09782/FULL, dated 16 November 2018, was refused by notice dated 3 May 2019.
 - The development proposed is use of flat roof at rear second floor level as a terrace and installation of a timber fence¹.
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Decision

1. The appeal is allowed, and planning permission is granted for the use of flat roof at rear second floor level as terrace and installation of a timber fence in accordance with application Ref: 18/09782/FUL, dated 16 November 2018 and 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 shall be carried out in accordance with the approved plans listed: Drawing Nos: EX_001; EX_002; PEXA_200; PEXA_300; PEXA_301; PEXU_200; PECU_300; PEXU_301; PL3_200; PL3_300 and PL3_301.
 - 3) Notwithstanding condition 2) above, the external surfaces of the development hereby approved shall be constructed using the following materials: boundary treatment – cedar batten trellis screen.

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.

Main Issues

3. The development has already been carried out. The main issues are as follows:
 - 1) Whether the appeal scheme preserves or enhances the character or appearance of the Dorset Square Conservation Area and 2) the effect on the living conditions of the occupiers of no.23 Linhope Street and no.51 Huntsworth Mews, with particular regard to overlooking and loss of privacy.

¹ Taken from the appeal form.

Reasons for the Recommendation - *First main issue*

4. The Dorset Square Conservation Area Audit Supplementary Planning Document (SPD) identifies that the conformity of the building facades to traditional styles is important to the overall appearance of the street. Many of the properties on the street, including no.24, retain original details like the 8-over-8 sash windows and narrow timber panelled doors.
5. The dwellings on Linhope Street are typically 3 storey Georgian terrace properties. The boundary treatment on Linhope Street varies with a mix of metal railings and more modern railings and concrete walls along the front of the boundary.
6. Many of the dwellings on Linhope Street have terraces and the boundary materials used varies between dwellings. As mentioned earlier wood is a commonly used material in the Conservation Area and Linhope Street and its use as part of this development does complement the materials of the existing building. The wood would naturally darken over time and such would not remain as bright as it currently does. The fencing is a clean boundary treatment that preserves the appearance of the main dwelling and does not appear out of scale with the dwelling. The fencing limits views into and out of the terrace. Whilst the fencing may be visible from a number of other properties, the dwelling is enclosed by development on all sides and as such there are limited public vantage points where the rear terrace can be seen.
7. The fencing has a neutral impact on the character of the Conservation Area as it has not resulted in the harm to the main characteristics of the buildings in Linhope Street that are identified in the SPD. The fencing would not be visible from the public domain and would therefore preserve the Conservation Areas appearance.
8. The terrace is not clearly visible from the public domain and the design and materials used in its construction do not cause harm to the character or appearance of the Conservation Area. Therefore, the proposed development would preserve the character and appearance of the Conservation Area and the proposed development is in accordance with Policy S25 and S28 of the Westminster City Plan and Policies DES 5, DES 9 and DES 1 and paras 10.108 to 10.128 of the Unitary Development Plan.

Second main issue

9. Due to the size of the wooden slats of the fencing and because they have been installed horizontally, views through the fencing of the neighbouring properties lower windows are limited. It is acknowledged that the occupiers could stand at the edge of the terrace and would be able to look into these properties but due to height of the fencing an individual would have to purposely lean over the fencing to look into the neighbouring properties. This is not a position most people would naturally take, and as such the fencing limits the views the occupiers have of the surrounding properties. Two sides of the fencing have benches that occupy the full length of the wall and as such this makes it particularly difficult to intentionally look over the edge of the fencing. This is pertinent for the Velux windows to the rear of the terrace which would have been overlooked were it not for the benches and the fencing.

10. Therefore, due to the height and design of the fencing the occupiers using terrace would have limited opportunities to overlook neighbouring properties and such the development does not materially harm the living conditions of the occupiers of no.23 Linhope Street and no.51 Huntsworth Mews with regard to overlooking and loss of privacy. As such the proposed development is in accordance with Policy S29 of the Westminster City Plan and ENV 6 and ENV 13 of the Unitary Development Plan.

Conditions

11. The Council suggest a condition stipulating that the materials used on the outer surfaces should match those used in the existing dwelling. The dwelling is brick built whilst the boundary treatment has been constructed from cedar batten trellis screen as identified in Section 5 of the application form. It is necessary to impose a condition requiring the boundary treatment to be built using the materials it as has been built with and as set out in the application form.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be allowed subject to the conditions above.

A U Ghafoor

INSPECTOR