



Appeal Decision

Site visit made on 14 October 2019 by S Witherley BA, PGDiP, PGDiP, Cert CIH, Assoc RTPI

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2019

Appeal Ref: APP/X5990/W/19/3234807

318-324 Edgware Road, London, W2 1DY

- 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 Ferleigh Properties Limited against the decision of the Council of the City of Westminster.
 - The application, 18/10876/FULL, dated 21 December 2018, was refused by notice 7 March 2019.
 - The development proposed as described on the application form is:
Development of two x 2-bedroom flats and associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for the development of two x 2-bedroom flats and associated works, at 318 – 324 Edgware Road, London, W2 1DY, in accordance with the terms of the application, Ref 18/10876/FULL, dated 21 December 2018, subject to conditions set out in Schedule 1.

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 Issue

3. The effect of the proposal on the character and appearance of the host building and the surrounding area.

Reasons for the Recommendation

4. The appeal site is located within a short row of terraced properties located on a busy section of a commercial high street. The appeal building comprises of a large four storey building, with a retail unit at ground floor and residential units in the three floors above. The building is art deco in style and retains a number of original features. The neighbouring buildings within the short terrace vary in height, width and materials and this variation continues throughout the wider commercial high street.
 5. The proposal seeks to create an addition floor of accommodation by creating a further two x 2-bedroom apartments on top of the existing flat roof of the appeal building. This would see the appeal building increase in height and become the tallest building in this short terrace. Given the inconsistent roofscape throughout the wider streetscape, the proposal would not look out of character with its neighbouring properties as a result. It would not appear incongruous or overly prominent but rather part of the overall variety within the wider streetscape.
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6. The design of the roof would incorporate a mansard style roof with parapets either side and dormer windows located at intervals along the slate covered frontage. Whilst the design, materials and window placements would be in contrast to the art deco features of the existing building, the sloping front face of the mansard would be set behind the low parapet wall which would lessen the visual impact, particularly from street level, and the proposal would be subordinate in scale and would not unduly detract from the principal features of the floors below. Furthermore, as a result of the design, form and external materials used, mainly slate, lead and brick, which are considered good quality materials, the proposal would respect the varied styles and forms of buildings within the area, be of good quality sustainable design and would preserve the varied urban character of this part of Edgware Road.
7. Having regard to the above, it is considered that the principle of a roof extension in this location is acceptable, particularly as the proposal would not detract from the design features of the appeal building nor would it detract from the varied character and height of the properties located within the short row or the wider streetscape. Accordingly, the proposal complies with the Westminster City Plan (Consolidated 2013) (Revision 2016) Policy S28 and Policies DES 1 and DES 6 of the UDP.

Other Matters

8. I have noted the objection raised by a neighbouring resident regarding the potential for increased overshadowing and a reduction in daylight received in his flat within the adjacent block. Whilst I note those concerns, the Council was satisfied that the separation distance was acceptable and, whilst the increased height of the structure may result in a marginal increase in the degree of overshadowing, I am satisfied that would not be to a degree that would reduce living standards within the adjacent units to a level that would warrant planning permission being withheld. Moreover, I am satisfied that levels of daylight would be within acceptable limits particularly having regard to the degree of separation and the urban context of the area.

Conditions

9. I have considered the conditions suggested by the Council and have attached those which meet the relevant tests, as set out at paragraph 55 of the National Planning Policy Framework, making changes to the wording, where necessary, in the interests of precision and clarity. The Council has sought a number of pre-commencement conditions. Advice in the Planning Practice Guidance is clear that such conditions should only be used where there is a clear justification and that the timing for the submission of details is fundamental to the decision. Having considered the suggested conditions, none of the details appear to be genuinely necessary 'prior to commencement' and, where conditions are necessary, I have amended the suggested wording to require the submission of details at an appropriate stage.
10. The standard time limit condition has been imposed along with a condition specifying the relevant drawings as this provides certainty. Whilst an indication of the external materials are given on the submitted plans, the precise appearance of those materials is not apparent and a condition is necessary to ensure that the details of the materials are submitted to and approved in writing by the Local Planning Authority in the interests of the character and appearance of the area.
11. Details of the cycle storage area have been provided as part of the application and I am satisfied that those details are acceptable such that no further details are necessary.

Similarly, details of waste and recycling storage facilities were requested, however, the appellant has set out how waste will be collected as part of the application and I am satisfied that would be in accordance with the Councils waste disposal scheme. It is not considered that further conditions are necessary in those respects.

12. The plans depict that a sedum roof would be used but limited detail is provided as to the method of construction or future maintenance. Therefore, in the interests of precision, the character and appearance of the area and to encourage biodiversity, a condition is necessary to secure further details.
13. A condition specifying the time that building works can be carried out is considered necessary and reasonable to protect the living conditions of nearby occupiers.
14. A condition restricting access to the mansard roof is considered reasonable and necessary to protect the living conditions of nearby occupants. The Council has requested a condition to ensure that a specific level of acoustic protection from external noise is provided. However, no evidence to indicate that noise is a particular problem in the area has been provided and the Council has not demonstrated that such a condition is necessary on the information provided. Consequently, there is no reason to impose a condition that would require construction standards beyond those required by other legislation, including the Building Regulations.
15. A condition which required the details of a lifetime membership to a car club is considered unreasonable and unnecessary, particularly having regard to the highly sustainable location, close to public transport links and shops and services and as the Council note in their report that such a scheme was not necessary.
16. In addition to the above conditions, the Council have also suggested a number of informatives. Whilst these are not added to appeal decisions, through the Council's evidence, the appellant is now aware of these.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised and third-party comments, it is recommended that the appeal should be allowed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis the appeal should be allowed.

Chirs Preston

INSPECTOR

Schedule 1 – Conditions

1. The development, hereby, permitted shall begin not later than 3 years from the date of this decision.
2. The development, hereby, permitted shall be carried out in accordance with the following approved plans 1373_600; 1373_601; 1373_602; 1373_603-A; 1373_604; 1373_605-A; 1373_606- A; 1373_607; 1373_608; 1373_609; 1373_610; 1373_611; 1373_612; 1373_613.
3. All construction works, except for piling, excavation and demolition work, must only be carried carry during the following days and hours:
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.
All piling, excavation and demolition works must only be carried out during the following day and hours:
between 08.00 and 18.00 Monday to Friday;
and not at all on Saturdays, Sundays, bank holidays and public holidays.
4. No external facing materials shall be erected or hung until details of those materials have first been submitted to and approved in writing by the Local Planning Authority.
5. Prior to the occupation of any of the residential units hereby approved, the sedum roof shown on the approved plans shall have been constructed and planted in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, such details to have included the method of construction and arrangements for future maintenance. Thereafter, the roof shall be maintained in accordance with the details so approved.
6. The mansard roof hereby approved shall not be used as an external amenity area by any person/s at any time and shall only be accessed to carry out maintenance and as an escape route in the event of an emergency.