



Appeal Decision

Site visit made on 16 December 2019

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2020

Appeal Ref: APP/F5540/D/19/3234994

34 Mayfield Avenue, Chiswick, London W4 1PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Ellis Walker against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00749/34/P3, dated 29 April 2019, was refused by notice dated 21 June 2019.
 - The application sought planning permission for the erection of a single storey rear extension and extension of the existing basement to the house without complying with a condition attached to planning permission Ref 00749/34/P1, dated 21 July 2015.
 - The condition in dispute is No 2 which states that: the materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - The reason given for the condition is: in order to safeguard the visual amenity of the area and building in particular and to satisfy the requirements of policies ENV-B.1.1 and H.6.4 of the adopted UDP.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension and extension of the existing basement to the house at 34 Mayfield Avenue, Chiswick, London W4 1PW in accordance with application reference 00749/34/P3 made on the 29th April 2019 without compliance with condition No. 2 previously imposed on planning permission reference 00749/34/P1 dated 21 July 2015 subject to the following conditions:
 1. The development hereby approved shall be carried out in accordance with the following approved plans: site location plan 655.000; Drawing EW001 6/1/19.
 2. The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.
 3. The basement extension shall at no time be used or occupied as a separate dwelling independent of the main house and shall not be used as sleeping accommodation.
 4. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment produced and provided with

application 00749/34/P1, and the basement shall not be occupied until all the measures in the Flood Risk Assessment are implemented.

Main Issue

2. The main issue is the effect of varying Condition 2 of application 00749/34/P1 on the character and appearance of the host dwelling and the area.

Reasons

3. This semi-detached Victorian dwelling is located within the residential streets of Chiswick. The rear garden backs onto the modern housing development of Orchard Place. The appeal dwelling has been extended to the rear and basement level.
4. The condition in dispute relates to the use of finishing materials of the single storey rear extension that has been completed using Siberian larch timber cladding instead of matching brick.
5. It is evident that the adjacent residents have also extended to the rear of their properties with the use of matching facing brickwork. These are seen in part above the high boundary fence that surrounds the appeal garden.
6. Other than being partially visible from a number of surrounding dwellings, the rear extension is not visible from public vantage points outside the site due to the surrounding houses.
7. The cladding is limited in its extent of use and frames the wide fenestration. The Siberian larch timber blends with the yellow coloured brick of the host dwelling, furthermore, it blends with the solid timber boundary fence that encloses the rear garden. There is also a variety of traditional and less traditional materials in existence within the immediate area, as I observed the use of frameless glass to balconies and upvc materials.
8. Therefore, I consider the limited extent of timber cladding material not to be an unacceptable addition in this circumstance and varying the condition would not cause harm to the character or appearance of the host dwelling or the area. The proposal consequently complies with the design aims and objectives of Policies CC1, CC2 and SC7 of the London Borough of Hounslow Local Plan 2015-2030.
9. The Government's Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 of the Act should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. I have no information before me about the status of the conditions imposed on the original planning permission and I have therefore considered all that were applied. I shall use the decision notice as the basis for the conditions within this decision and impose all those that I consider are on-going compliance, and those that are otherwise relevant. If any have already been discharged, that is a matter which can be addressed by the parties.

Conclusion

10. For the reasons set out above, the amended proposal would not affect the character or appearance of the host dwelling or the area. Consequently, I shall

remove Condition 2 and as the materials are listed on the plans, there is no requirement to apply an independent materials condition.

11. The appeal is allowed.

Alison Scott

INSPECTOR