



Appeal Decision

Site visit made on 11 August 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2020

Appeal Ref: APP/F5540/D/20/3250204

First Floor Flat, 54 Abinger Road, Chiswick, London W4 1EX

- 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 James Veysey against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00002/54(FF)/P1, dated 26 January 2020, was refused by notice dated 1 April 2020.
 - The proposed development is refurbishment of first and second floors including new dormers to the side and rear of the roof and small conservatory and terrace on the first floor.
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Decision

1. The appeal is dismissed.

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 Matters

3. During my site visit, I observed that construction works were ongoing at the appeal property. A rear and side dormer were being built within the rear and side elevations respectively. I was informed that the works were being implemented in accordance with application Ref 00002/54(FF)/P2, which was approved during the course of the appeal. While the appeal property is therefore significantly different in appearance to how it is shown within the existing plans and elevations submitted as part of the application, this appeal can still be determined insofar as it relates to the proposed drawings.

Main Issues

4. The main issues are:
 - i) whether the proposal would preserve or enhance the character or appearance of the Bedford Park Conservation Area (BPCA).
 - ii) the effect of the proposed development on the living conditions of the occupants of No 56 Abinger Road, with particular regard to privacy, outlook and light.
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Reasons for the Recommendation

Character and Appearance

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that with respect to development affecting buildings or other land in a conservation area, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
6. The appeal dwelling is the upper floor flat of a semi-detached two-storey residential property on the eastern side of Abinger Road and is within the BPCA. The Bedford Park Conservation Area Appraisal sets out that the special interest of the BPCA is largely derived from its well-preserved appearance as a Victorian suburb and its high-quality, artistically-designed buildings. While there is some architectural variety, properties along Abinger Road have a broadly coherent appearance which together establish a distinctive townscape. Indeed, the appeal property and the attached property, No 56, both feature elements of Arts-and-Crafts architectural detailing. The pair contributes positively to the character and appearance of the streetscene, which includes short terraces and asymmetrical semi-detached pairs.
7. While several semi-detached properties along the eastern side of Abinger Road feature dormer windows, they are mostly flat-roofed, sensitively designed and set back from the eaves, and so appear as appropriately subservient additions which respect the original proportions of their host buildings. However, as the proposed side-facing dormer would have a pitched roof, it would be larger and appear relatively more prominent within public views. Due to its height and depth across the roofscape, the proposed side-facing dormer would appear as a disproportionately large and bulky addition that would fail to respond positively to the proportions of the host building and so would cause unacceptable harm to the character and appearance of the site and streetscene.
8. To the rear, the width, height and depth of the proposed rear dormer would appear similarly incongruous and overly dominant within the rear roofslope, especially as it would be seen within the immediate context of the more proportionate rear dormer at No 56 to the north.
9. In combination, the proposed dormers would overwhelm the proportions of the original roof and contrast poorly with the surrounding high-quality built environment to the detriment of the character and appearance of the host building and wider BPCA.
10. While the proposed terrace, conservatory and stairwell would not be visible within public views, they would remain highly visible in private views from adjoining sites. The siting, scale and design of these three elements would obscure and disrupt the rear elevation of the host building. The resultant rear façade would be dominated by elements that would appear incongruous with the established, Victorian character of the area and so would unacceptably diminish the character and appearance of the site and surrounding area, as well as the special interest of the BPCA.
11. For the above reasons, I conclude that the proposal would fail to preserve or enhance the character and appearance of the BPCA. The proposal would therefore conflict with Policies CC1 and CC2 of the Local Plan 2015-2030 (the

Local Plan), which, amongst other things, state that development should have regard to local character and be designed to the highest standard. It would also conflict with Policy CC4 of the Local Plan, which states that any development within or affecting a Conservation Area must conserve and take opportunities to enhance the character of the area. The proposal would also conflict with Policy SC7 of the Local Plan, which states that the Council will require that all alterations and additions do not harm the existing character and appearance of the building and its context.

12. The proposal would also conflict with the aims of the Residential Extensions Guidelines Supplementary Planning Document 2017 (the SPD), which states, amongst other things, that extensions and alterations should complement the original building, harmonise with adjoining properties and maintain the character of the general streetscene.
13. The harm that the proposed development would cause to the significance of the BPCA would be less than substantial. However, there would be no public benefits that would outweigh that harm.

Effect on Neighbouring Living Conditions

14. The proposal would introduce a conservatory on the shared boundary with No.56 at first-floor level. While the depth of the proposed conservatory would not extend past a 45-degree line taken from the centre of No 56's nearest rear-facing first-floor window, the proposal would nonetheless introduce a solid wall within very close proximity. Due to its height, width and proximity, the proposed conservatory would appear from this window as an overbearing and oppressive structure that would cause unacceptable harm to neighbouring occupant's outlook. Furthermore, as No.56 is sited directly to the north of the appeal property, the proposed conservatory would likely reduce levels of light through this adjacent window to neighbouring occupants.
15. In terms of privacy and overlooking, occupants of the proposed flat would be able to stand on the northern side of the proposed balcony and look directly into the rear-facing first-floor windows of No 56. The proposal would therefore also cause unacceptable harm to the privacy of the occupants of No 56 and would be unacceptable on this basis.
16. In their statement, the appellant shows a revised version of the proposed first-floor plan where the proposed conservatory and terrace are set away from the shared boundary by around 0.5 metres in order to comply with Section 4.6 of the SPD. However, Section 4.6 states that a first-floor rear extension should be set away at least 2m from the shared boundary of an adjoining property in order to avoid loss of light or creating an undue sense of enclosure. With such a minimal set back from the shared boundary and no alteration to the size, dimensions or siting of the proposed conservatory, the suggested amendment would not overcome the issues raised above. Furthermore, while the appellant states that they would be willing to modify the design of the proposed dormers, no revised drawings have been provided to this end and so I give no weight to this hypothetical consideration.
17. During my site visit, I saw that a property to the north of the appeal site had an outdoor terrace at first-floor level. However, as the details and circumstances surrounding that development are not before me to consider, I cannot determine the extent to which it is comparable to the proposal. In any

case, this terrace does not justify the identified harm which the proposal would cause to the living conditions of the occupants of No 56.

18. For the above reasons, I conclude that the proposal would cause unacceptable harm to the living conditions of the occupants of No 56, with particular regard to privacy, outlook and light. It would therefore conflict with Policies SC7 and CC2 of the Local Plan, which state, amongst other things, that residential extensions should not result in harm to the amenity of neighbouring residents and that development proposals should ensure sufficient sunlight and daylight to adjoining dwellings. However, there would be no conflict with Policies CC1 or CC4 of the Local Plan, as these policies respectively relate to matters concerning design and heritage rather than the effect of development on neighbouring living conditions.
19. The proposal would conflict with the aims of the SPD, which states, amongst other things, that first-floor rear extensions should be set back at least 2m from the side boundary of an adjoining property.

Other Matters

20. The appellant states that access to the rear garden is restricted, as the ground-floor flat has had to lock the gate to the side access following burglaries. Notwithstanding the fact that the details of these events are not before me, I am not persuaded that the spiral staircase is the least harmful solution to enable the appellants to access the garden behind a locked gate.
21. Whilst the appellant indicates that the proposed dormer has been designed on the basis of pre-application advice from the Council, such advice does not prejudice the Council's decision on a subsequent planning application. In any event, it falls on me to assess the proposal, which I have found to be unacceptable for reasons set out above.

Conclusion and Recommendation

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

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR