

Appeal Decision

Site visit made on 15 October 2020

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2020.

Appeal Ref: APP/X5990/W/20/3248229

26 Macroom Road, London W9 3HY

- 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 Globalter S.A. against the decision of Westminster City Council.
 - The application Ref 19/06487/FULL, dated 16 August 2019, was refused by notice dated 29 January 2020.
 - The development proposed is the 'erection of a single storey side extension at first floor level to provide one self-contained (two bedroom) residential unit (Class C3); together with bicycle parking facilities, refuse and recycling storage'.
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Application for Costs

1. An application for costs was made by the Appellant Company against the Council, which is the subject of a separate decision.

Procedural Matter

2. I understand that during the processing of the planning application, amended plans were submitted to the Council in specific response to concerns largely relating to fenestration detailing and the living conditions of future occupiers of the proposed flat. This is not disputed by the Council but the formal determination of the application was based on the original plans. Given the limited changes to the proposed scheme included within the amended plans, I am satisfied that no injustice would be served if I was to base my decision on them.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues in this case are as follows:
 - The effect of the proposal on the character and appearance of the host building and the local area;
 - Its effect on the living conditions of the occupiers of the nearest properties along Croxley Road with particular regard to outlook; and
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- Whether the proposal would provide adequate living conditions for future occupiers of the residential unit and an adjacent flat within the host building.

Reasons

Character and appearance

5. The appeal relates to a building which sits in a 'backland' position behind the traditional terraced properties of Croxley Road and Macroom Road. It is accessed via a narrow driveway between the rear of No. 38 Croxley Road and No. 24 Macroom Road. The building is part two storey and part single storey of predominantly brick construction. I understand it was previously in commercial use, although it is currently being converted to six dwellings following the grant of 'prior approval'.
6. The proposal seeks to build above an existing single storey flat roof section of the building which runs along the boundary with the rear of the properties of Croxley Road. The extension would be no taller than the existing main two storey section of the existing building and it would replicate the hipped roof of the front of this building along with gable to the rear. It would also be finished in appropriate external materials.
7. The Council considers the host building to have 'an industrial charm' and explains that the mellowed stock brickwork and wide window openings with red brick arches and heavily framed cast iron window units are particularly distinctive and unusual. The Council asserts that the building has a positive architectural and townscape quality and considers it to be an 'undesigned heritage asset'.
8. The National Planning Policy Framework (NPPF) explains that there are a number of processes which non-designated heritage assets may be identified, including the local and neighbourhood plan making processes and conservation area appraisals and reviews. The Council asserts that the appeal building is considered to be a 'non-designated heritage asset' in a similar way to 'local list' buildings which are also undesigned heritage assets.
9. Irrespective of whether or not the building is a 'non-designated heritage asset', I am of the view that it exhibits some interesting architectural features. The window detailing and proportioning to the front elevation is a particularly striking feature. The originally submitted scheme proposed excessive glazing to the front elevation. However, this was rectified by the amended plans, with a fenestration arrangement and detailing which respects that of the main building.
10. As a result, I am satisfied that the overall scale, form and detailing of the proposed extension would sit comfortably alongside the host building and it would not detract from its surroundings. In this respect, there would be no conflict with policy S29 of the Westminster City Plan (WCP) and policies DES1 and DES5 of the adopted Westminster Unitary Development Plan (UDP) which promote high quality design that responds positively to local distinctiveness.

Living conditions of existing residents

11. I am mindful that planning permission was granted on 12 June 2012 for the 'erection of ground and first floor extensions to existing office'

(Ref. 12/02243/FULL). This involved a structure of a similar height and position to that which is proposed. However, as the Appellant Company accepts, this planning permission expired in 2015. It therefore does not present a realistic fallback position and I have assessed the scheme on its merits.

12. The Appellant Company asserts that the submitted Daylight and Sunlight Study (which I am advised was also submitted in support of the 2012 scheme) indicates that the introduction of the additional storey close to the boundary with the rear of the properties of Croxley Road would not unacceptably reduce the levels of natural light available to their occupiers. Given the aspect of these buildings along with what I saw at my site visit, I have no reason to disagree.
13. I am also satisfied, given the positioning of the high level windows along the side elevation of the extension, that the proposed flat would not lead to an unacceptable level of overlooking for these residents. I am mindful of concerns expressed about the use of the outside terrace, but this would be smaller than the terrace which would serve the six flats currently being built under the 'prior approval' scheme. Furthermore, planning decisions must be based on an assumption that occupiers will reside in a considerate manner. Legislation is in place to deal with those who do not.
14. Notwithstanding the above, the proposal would bring the two storey element of the building much closer to the modest rear amenity areas of the terraced dwellings of Croxley Road along with the windows which serve rooms within their rear outriggers. From here, I consider that the extension would appear much more dominant than the existing host building.
15. To my mind, the effect would result in a harmful reduction in the quality of the outlook from the nearest of the properties of Croxley Road. This would conflict with policy S29 of the WCP and policy ENV13 of the UDP which seek to safeguard adequate standards of residential amenity for existing residents.

Living conditions of future residents

16. The 'Bedroom 2' of the proposed flat would be served by a high level window and a rooflight rather than a standard window. The Council argues that this would not offer a reasonable outlook for future occupiers. However, in my experience, many attics are successfully converted to bedrooms and it is possible for such an arrangement to provide an adequate amount of light, ventilation and outlook. I am satisfied that in this particular case and specific context, it would.
17. The Council argues that the shared terrace at the rear of the unit would result in mutual overlooking into the rear windows of the proposed flat and the windows of 'Unit 3' of the prior approval scheme. However, I am of the view that the terrace would be a welcome space for residents and the amended plans show that the terrace would be subdivided by fencing to provide each unit with a private area.
18. In light of the above factors, I find that adequate living conditions would be provided for future occupiers of the proposed flat and adequate levels of privacy would be safeguarded for future occupiers of Unit 3. In this particular regard, I find no conflict with the overall aims of policy S29 of the WCP, policy 3.5 of The

London Plan, the Government's Technical Housing Standards and the Mayor of London's Supplementary Planning Guidance.

Other matters

19. The Appellant Company asserts that the proposal would make the most efficient use of a site which enjoys a well connected, sustainable location. I am also mindful that it would generate work during the construction phase and future occupiers would no doubt utilise local shops and services, thereby contributing to the local economy. In addition, the scheme would provide cycle parking and refuse and recycling storage, it would be built to the latest thermally efficient standards and it would contribute, albeit in a small way, to the local housing stock. It would also generate additional council tax revenue.
20. These are all positive benefits of the scheme, but most are a given for the construction of a flat within an urban area. In this particular instance, I attach only limited weight to them in the overall planning balance.

Overall Conclusions

21. I conclude that the proposed development would not harm the character and appearance of the host building or its immediate surroundings. Nor would it lead to an unacceptable loss of privacy or reduction in the levels of natural light available to nearby residents and it would provide adequate privacy and outlook for future residents. However, because of its overall height and position along the boundary, the proposed addition would unduly harm the outlook for existing residents of Croxley Road.
22. The arguments advanced by the Appellant Company in favour of the proposal do not outweigh this significant failing and the associated development plan policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR