

Appeal Decision

Site visit made on 14 December 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2021

Appeal Ref: APP/X5990/W/20/3253511

68 Sutherland Avenue, London W9 2QS

- 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 Peter Regis (Asphaltic Developments Limited) against the decision of City of Westminster Council.
 - The application Ref 20/01211/FULL, dated 19 February 2020, was refused by notice dated 14 April 2020.
 - The development proposed was initially described as "Replacement of a Bin store at front of 68 Sutherland Avenue, London, W9 2QS".
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of a bin store at 68 Sutherland Avenue, London W9 2QS in accordance with the terms of the application Ref 20/01211/FULL, dated 19 February 2020, and the plans submitted with it.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. At Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered which reflects the description used by the Council in their decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application, albeit with the addressed removed in the decision as it need not be duplicated.
3. The development to which this appeal relates has already occurred and I have determined the appeal on that basis.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the site and the Maida Vale Conservation Area.
 - Whether or not the development provides adequate refuse storage.

Reasons

Character and Appearance.

5. Sutherland Avenue is a wide street which, in the area around the appeal site, is aligned with terraces of tall residential buildings. The buildings are set back from the footpath of Sutherland Avenue by a generally consistent amount with the space forward of the buildings featuring small front gardens, steps up to the ground floor accommodation and lightwells forward of the basement accommodation. Most properties within the vicinity of the site are enclosed with railings and low walls, with bin stores also being at the front which, in most cases, take the form of small, painted brick structures that align the side boundary of the plots and present a narrower side elevation to the adjacent footpath. The part of Sutherland Avenue that includes the appeal site is located within the Maida Vale Conservation Area which derives its significance from the layout of the roads and the buildings and the form and appearance of the 19th century residential buildings.
6. The built form at the appeal site generally reflects the abovementioned features of the street and the Conservation Area, but the terrace it is a part of includes some variety and it is notable that the building at the appeal site does not feature the same decorative window surrounds at first and second floors as most other properties within the terrace. There are also variations to the front courtyard areas of the buildings within the terrace including varied boundary treatments and hard and soft landscaping.
7. The 'L' shaped bin store that has been built at the appeal site extends along a substantial part of the frontage of the site, with only a short return along the boundary that is shared with 66 Sutherland Avenue. The height of the structure is comparable to the adjacent boundary wall at that neighbouring property and, by presenting a blank, low-level wall to the public domain it is of similar appearance. Consequently, when viewed from the public domain, the structure does not have an incongruous appearance in the context of the neighbouring site and the other boundary walls of the surrounding area. Whilst it has been suggested by the Council that railings would have been the original boundary feature at the appeal site and throughout the area, the extent to which the area features a mixture of walls and railings does not lead me to find that the alteration of the boundary is harmful to the character and appearance of the Conservation Area.
8. Although the structure is orientated to have its long elevation along the front boundary of the appeal site rather than the side, the presence of bin stores at the frontage of the buildings is a common feature of the locality. As such and given that not all bin stores appear to be of entirely consistent design, the proposal varying from the most common approach to the provision of bin stores does not cause the development to appear discordantly.
9. Whilst the structure obscures views of the front courtyard and the basement accommodation from the public domain, the ability to view those features of the buildings within the locality is mixed, particularly as brick walls appear intermittently along the front boundary of buildings throughout the area. Consequently, the effect of the development in this respect is not harmful to the overall character and appearance of the Conservation Area or cause a loss of significance to the heritage asset.
10. As I have found that the proposal would not cause harm to the significance of the heritage asset, it is not necessary to afford weight to the public benefit arising from the provision of a neat storage solution for waste that removes the

need for waste to be kept at the site in other ways which could otherwise detract from the appearance of the site and, in turn, the street and the Conservation Area.

11. For these reasons, the development has had an acceptable effect on the character and appearance of the site and the Maida Vale Conservation Area. Accordingly, the proposal accords with Policies S25 and S28 of the Westminster City Plan 2016 (The WCP) and Policies DES1, DES5 and DES9 of the City of Westminster Unitary Development Plan 2007 (The UDP) which, together, require that heritage assets are conserved and that development incorporates exemplary standards of architecture, reflects the style and details of the existing building and conforms with the types of development that are identified as being acceptable in the interests of preserving or enhancing the character and appearance of Conservation Areas. The proposal also accords with the National Planning Policy Framework which requires the historic environment to be conserved and enhanced.

Refuse Storage

12. Policy ENV12 of The UDP requires developments to include provision for the storage of waste that is sufficient to enable the separation, sorting and storage of recyclable materials with the capacity of the storage reflecting the regularity of waste collections. Policy S44 of The WCP also requires the minimisation of waste and the increase of re-use, recycling and composting. However, neither policy provides standards relating to the amount of refuse storage that should be provided to serve a residential property and no other standards have been brought to my attention. The evidence before me indicates that the development that has occurred has substantially increased the capacity to store waste at the site without it being kept externally. As such, I have no basis to conclude that the waste storage provision is inadequate.
13. The evidence before me indicates that the number of flats within the building at the appeal site has recently increased under the terms of a previously granted planning permission. I have no evidence before me that refuse storage was required to be provided under the terms of that permission. However, if refuse storage was required to be provided, that was the appropriate time to secure such a provision and, if there are any requirements in place as part of that permission, they would remain in effect and not be affected by my determination of this appeal.
14. For the reasons given above, I have no basis to conclude that the development has led to inadequate refuse storage being provided. Consequently, the proposal would accord with the abovementioned policies.

Conditions and Conclusion

15. As the development has already occurred, the conditions that have been suggested by the Council are not necessary. I do not find that any other conditions are necessary to make the development acceptable.
16. For the reasons given above, I conclude that the appeal should be allowed and planning permission should be granted.

Ian Harrison

INSPECTOR