



Appeal Decision

Site Visit made on 10 August 2021 by S Witherley CIHCM MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2021

Appeal Ref: APP/X5990/D/21/3275042

31 Linhope Street, London NW1 6HU

- 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 F Koumbarji against the decision of City of Westminster Council.
 - The application Ref 21/00419/FULL, dated 22 January 2021, was refused by notice dated 18 March 2021.
 - The development proposed on the application form is: New single storey rear extension at ground floor, partial infilling the existing courtyard. New rooflights to ground floor rear extension and second floor butterfly roof. New window to rear elevation to suit stair arrangement.
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Decision

1. The appeal is allowed, and planning permission is granted for a new single storey rear extension at ground floor, partial infilling the existing courtyard. New rooflights to ground floor rear extension and second floor butterfly roof. New window to rear elevation to suit stair arrangement, at 31 Linhope Street, London, NW1 6HU, in accordance with the terms of the application, Ref 21/00419/FULL, dated 22 January 2021, subject to the following conditions:
 - 1) The development to which this permission relates must be commenced not later than 3 years from the date of this permission.
 - 2) The development shall be carried out in complete accordance with the approved plans as detailed on the following plans: E100, E101 rev. A, E102, E103 rev. A, E104, P101 rev. A, P102, P103 rev. A, P104 rev. A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the removal of materials and spoil from the site shall take place only between the hours of 0800 and 1800 Monday to Friday, and between 0800 and 1300 on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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.

Preliminary Matters

3. The description of development in the heading above has been taken from the planning application form. However, in 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 and this also appears in the Council's 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.
4. The Council's decision notice referred to policies DES1, DES 5, DES 9 within the Westminster Unitary Development Plan 2007 and Policies S25, S28 within the City Plan 2016. Both main parties have had opportunity to comment on the revised development plan policy position and those policies that they consider now to be relevant. The relevant policies are those which are in place at the time the appeal decision is made.
5. The Council failed to submit any further details relating to the most relevant policies. The appellant has confirmed that these policies have now been superseded by the City Plan 2019-2040 (2021) (CP) which was adopted on the 21 April 2021. They have submitted details of the relevant local planning policies they consider relevant, and I shall refer to those in making my recommendation.
6. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. Both parties were provided with the opportunity to comment on the revised NPPF.

Main Issue

7. The proposal contains a number of elements. It is common ground between the parties that the proposed roof light to the existing butterfly roof, insertion of a second-floor window and the impact on neighbouring living conditions have been assessed and found to comply with the relevant planning policies. These matters are not subject to disagreement and there are no reasons to consider otherwise.
8. Therefore, the main issues of this appeal relates to the single storey rear extension and the effect of this on the character and appearance of the appeal property and that of the area, including whether the proposed development would preserve or enhance the character and appearance of the Dorset Square Conservation Area (CA) in which it is located.

Reasons for the Recommendation

9. No. 31 is a three-storey terraced property with an existing ground floor rear extension. This extension covers part of the rear elevation and projects out

across the full depth of the back yard up to the high boundary wall. It sits within a perimeter block which is overlooked by the rear elevations of properties located in Balcombe Street.

10. It sits in the CA with its significance according to the Conservation Area audit and management proposals *Dorset Square* (CAMPDQ) deriving from the flat fronted Georgian terrace blocks, some of which, like properties in Linhope Street, are of a smaller domestic scale. No. 31 is noted as an unlisted building of merit which was part of the original Portman Estate Development.
11. The rear of Linhope Street appears to have been significantly altered, particularly at ground floor, with very few of the properties retaining original features. This is in contrast to the front façades which appear, in the main, to have retained a number of original features. Whilst I consider the front facades of properties along Linhope Street contribute positively to the character and appearance of this part of the CA and the CA as a whole, the rear elevations, as a result of the many different modifications, do not.
12. During my site visit I was able to observe that a large number of neighbouring properties have at the rear undergone modifications, particularly at ground floor. These include the partial covering of the back yard, and in other cases the full covering of this area. Furthermore, I observed a single storey flat roof development, with roof light inserts, running between a number of properties at the rear of Linhope Street and Balcombe Street.
13. The proposal seeks to develop an L shaped flat roof extension at the rear. This would cover the majority of the rear yard with an area left uncovered and which would create a small internal courtyard. This area would be accessed via the main dwelling.
14. Given the extent of modifications along this part of Linhope Street, along with the lack of public intervisibility, I do not consider that the proposal as a result of its design, siting, form and scale would detract from the existing character and appearance of the original building, nor would it detract from the overall character and appearance of the street.
15. Given that the proposal would only be seen from the rear-view windows of properties along Linthorpe Street and Balcombe Street, the proposal would not be seen out of context with the existing development that has occurred throughout Linthorpe Street. Which as noted forms part of the character and appearance of the area; thus the proposal would preserve the character and appearance of this part of the CA and the CA as a whole.
16. Furthermore, the proposal, which would be confined to the rear, would remain architecturally subordinate to the original dwelling in terms of its scale and design. The open courtyard layout would also enable the remaining original openings on the rear elevation to be retained and provide a sense of space such that it would not adversely impact the character and appearance of the rear lightwell, the appeal property or the neighbouring buildings, particularly having regard to the lack of consistency in the scale and design of rear lightwells in the vicinity. The proposal would therefore accord with the guidance contained in the Supplementary Planning Guidance *Development and Demolition in Conservation Areas* (SPG).

17. The proposal would not harm the character and appearance of the area, and as such would preserve the significance of the CA, as it relates to the appeal site, and as a whole. It therefore accords with Policies 38, 39, 40 of the CP which seeks development to positively contribute to the existing character and appearance of an area, the adjacent buildings and heritage assets.

Conditions

18. I have imposed the standard time limit condition and have specified the approved plans as this provides certainty. A condition is necessary for the materials to match those that are used in the existing property to maintain the character and appearance of the area.
19. The Council suggest that if approved they would want to secure the roof of the proposed development was not used as a balcony. I do not consider this reasonable or necessary as there is no indication before me that is part of the development proposal before me or that there is any intention to use the roof in that manner. Any future development proposal which requires planning approval would need to be sought in its own right.
20. The Council suggest a number of conditions to ensure no noisy construction works are carried out outside specified times. I consider that this is reasonable and necessary to protect the amenity of neighbouring occupiers. However, I have reworded the conditions for clarity and conciseness.

Conclusion and Recommendation

21. For the reasons given above and having had regard to all other matters raised, I find that there are no material considerations that indicate the decision should be made other than in accordance with the development plan. I recommend that the appeal should be allowed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis, I agree with the recommendation and shall allow the appeal.

Chris Preston

INSPECTOR