



Appeal Decision

Site visit made on 30 November 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2021

Appeal Ref: APP/X5990/D/21/3282104
22 Balvaire Place, London SW1V 3SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mrs R Roy against the decision of City of Westminster Council.
 - The application Ref: 21/01751/FULL, dated 23 December 2020, was refused by notice dated 9 June 2021.
 - The development proposed is construction of a single storey side extension at ground floor level, two-storey rear extension at first and second floor level, roof extension at main roof level to create a new third floor level and new private outdoor terrace, and opening up of blind window on northern elevation at first floor level, all in connection with the enlargement of the existing single-family dwellinghouse (class C3).
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Decision

1. The appeal is allowed and planning permission is granted for construction of a single storey side extension at ground floor level, two-storey rear extension at first and second floor level, roof extension at main roof level to create a new third floor level and new private outdoor terrace, and opening up of blind window on northern elevation at first floor level, all in connection with the enlargement of the existing single-family dwellinghouse (class C3) at 22 Balvaire Place, London SW1V 3SN in accordance with the terms of the application, 21/01751/FULL, dated 23 December 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 01 OS 01, OS; 22 HH 01 Rev 1, Plan - Existing & Proposed plans; 22 HH 02, Plans - Section.
 - 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority detailed plans and elevations at 1:20 and sections at 1:10 of the following parts of the development: any new external windows, doors and rooflights.
 - 4) 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.
 - 5) a) Piling, excavation and demolition work shall only be carried out within the following periods: between 08.00 and 18.00 Monday to Friday; and not at all on Saturdays, Sundays, bank holidays and public holidays.

b) Any building work except for piling, excavation and demolition work, which can be heard at the boundary of the site shall only be carried out within the following periods: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays.

c) Noisy work shall not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety).

Preliminary Matters

2. The description in the banner heading and decision above is taken from the appeal form and decision notice, in the interests of precision.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal property comprises a three-storey dwelling with rear conservatory and its garden. It is part of a late twentieth century development, in a neighbourhood that also includes some older residential blocks and terraces. Some variation of architectural style is noticeable in the area, with repeating patterns of form and symmetry within various phases of development.
5. Within this context, the appeal property's end-of-terrace position and substantial curved boundary wall, together with the variety of roof lines formed by its pitch roofed stair tower, flat roof elements and the adjoining pitched roof topped archway with finials, combine to form a relatively individualistic and varied architectural juncture within the streetscene. Established trees and the communal garden area to the rear add further diversity, which draws the eye and visually softens the variety of built form in the locality.
6. Within this setting, the proposed variation in roofline, and the roof terrace would be absorbed into the roofscape, and the primacy of the stair tower and the archway would endure within the streetscene. Soft landscape elements in the vicinity would further soften the additional building mass. Also, the existing boundary wall would provide some screening and help to visually root the proposal within its environs.
7. Furthermore, the proposed first and second floor fenestration pattern would acceptably blend with the existing pattern. This would include the opening up of the 'blind' window at first floor level on the northern elevation, which would harmonise with the pattern above. The matching of external materials to the host building, and appropriate window detailing will be secured by planning condition.
8. These factors together would enable the proposal to assimilate acceptably within its setting.
9. The guidance in the City of Westminster's Roofs Supplementary Planning Guidance allows for individual sites' contextual considerations to inform judgement. Having done this, I conclude that the proposal would not harm the

character and appearance of the area. As such, it would not conflict with Policies 38 and 40 of the City of Westminster City Plan 2019-2040 which together seek to ensure that development complements local character.

Conditions

10. The conditions suggested by the Council have been considered against the tests of the National Planning Policy Framework and advice provided by Planning Practice Guidance. They have been found to be reasonable and necessary in the circumstances of this case. I have made some minor drafting changes to suggested conditions in the interests of precision. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, to provide certainty. Conditions regarding materials and architectural detailing are attached to safeguard the character and appearance of the area. A condition regarding construction hours is attached to safeguard residents' living conditions.

Conclusion

11. The proposed development would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

William Cooper

INSPECTOR