



Appeal Decision

Site visit made on 5 January 2022

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2022

Appeal Ref: APP/X5990/W/21/3282075

6a Bravington Road, London, W9 3AH

- 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 M Dada against the decision of the City of Westminster Council.
 - The application Ref 21/03961/FULL, dated 14 June 2021, was refused by notice dated 5 August 2021.
 - The development proposed is the erection of single storey rear extensions and lowering part of rear garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The fourth reason for refusal raises concerns with the effect of the development on the health of a tree in the rear garden. There was previously an ash tree but the appellant has explained that the tree was removed following correspondence from a neighbour's insurer that it was damaging their property. The site does not lie within a conservation area and the tree was not the subject of a Tree Preservation Order. Consequently, it is explained that there was no permission required for its removal.
3. I confirmed at my site visit that there was no ash or other reasonably sized tree in the garden of the appeal property. As no existing, mature tree would be affected by the development, I do not intend to consider the landscaping works and this reason for refusal further.

Main Issues

4. The main issues are:
 - the effect of the proposed extensions on the character and appearance of the host building and area, and
 - the effect of the proposed infill extension on the living conditions of the ground floor occupiers of 8 Bravington Road.

Reasons

Character and appearance

5. Bravington Road is characterised by long terraces of Victorian, three storey buildings. The front elevations have a rhythmical pattern of bay and other

windows that contribute a distinctive and attractive appearance to the street scenes. At the rear these residential properties generally have three storey flat roofed projections that also have a uniformity of appearance.

6. 6a Bravington Road is the ground floor flat in one of these terrace buildings. Along the rear boundary of No 6, and the adjoining properties, there is a high wall that provides a sense of enclosure to the gardens and prevents wider public views. The gardens to these properties are also somewhat sunken. With the side boundary walls and fences separating the rear garden areas it is mainly the upper two floors of the rear projections that are most apparent from the adjoining gardens and from the end of Bravington Place. As a consequence, the single storey extensions and alterations that have taken place to some of the ground floor flats in this section of the terrace are not especially prominent and they have little effect on the appearance of uniformity along the rear of these buildings.
7. The appeal scheme proposes two rear extensions. The infill addition would project up the side of the three storey projection and would extend along to the end of this part of the building. This height and position would make parts of this extension apparent in some views along the rear of the terrace. However, as the end of the extension would be finished largely in glass, it would be legible as a more modern addition and, on balance, would not materially affect the appearance of uniformity along this rear area of the buildings.
8. The other addition would extend the existing flat roof extension at the back of the three storey projection. This proposed addition would project the built form further into the rear garden area, although sufficient garden space would be retained around it. This extension would be largely screened by the boundary walls to either side of the garden and would not be especially visible in wider views along the rear of the properties. It would be sufficiently discreet and set down in the site such as to not disrupt the characteristic pattern of the three storey rear projections. While this addition could become one of the largest single storey additions in this terrace, it would still be subservient to the main building and with its limited prominence it would maintain the distinctive features that contribute positively to the character and appearance of the host building and area.
9. In the light of the above analysis, I conclude that the extensions, both individually and collectively, would not harm the character and appearance of the host building or area. Accordingly, the proposal would comply with Policies 38 and 40 of the City Plan 2019-2040 (the City Plan) which seek, amongst other things, that alterations and extensions will respect the character of the existing and adjoining buildings.

Living conditions

10. Both No 6 and No 8 have rear three storey projections and this creates, for each property between these projections, a reasonably narrow and linear external space. These spaces are separated by a boundary wall which is of a modest height and which does not materially affect light to the adjoining windows or create a harmful sense of enclosure.
11. The ground floor of No 8 includes a side door that opens to face the boundary wall and a window in the rear of the main section of the building which faces along its outdoor space. The infill extension would be constructed quite close to

the joint, side boundary. This positioning, together with the combination of the height of the eaves, the fairly steep pitch and height of the roof, and the length of the extension, would result in an immediate and conspicuous built form for the occupants of No 8. This would be the case when occupants of No 8 were leaving their rear door, using the outside passageway and, in particular, when in parts of the room in the vicinity of the adjoining ground floor window and when looking out of this window. Even having regard to the existing built surroundings, the effect of the extension would be to create an increased sense of enclosure such that the addition would have an unduly overbearing presence. Accordingly, this extension would unacceptably detract from the living conditions of the occupants of this part of No 8.

12. I have carefully considered the examples of other extensions which have been permitted in similar positions at other properties nearby. I agree that there are some broad similarities although the infill addition at 22A Portnall Road did not project as far from the back of the main building and the permission at 55A Portnall Road showed an addition a little set in from the boundary and with a lower eaves line and a shallower roof slope. It follows that these extensions show some differences compared with the present proposal. Furthermore, there is also the potential that the windows in the adjoining properties were configured with a different size and position compared with the present appeal.
13. For these reasons, there is a likelihood that the impact of the other proposals on the living conditions of those adjoining occupiers would be different when compared with the present scheme. Accordingly, I am not satisfied that it has been clearly demonstrated that the examples are so similar that they should justify the present proposal which would be harmful for the reasons I have identified. I therefore attribute the other examples only limited weight in my assessment.
14. For the reasons explained above, I conclude that the proposed infill extension would unduly affect the living conditions of the occupiers of the ground floor of 8 Bravington Road. Therefore, the scheme would fail Policy 7 of the City Plan which seeks, notably, to protect amenity by preventing unacceptable impacts including in terms of sense of enclosure.

Conclusion

15. The scheme would provide improved living conditions for the occupants of the appeal property, in particular by providing an additional bedroom. There would be no undue effect on the character and appearance of the host building and area. However, these matters afford limited weight in favour of the development and they would not be outweighed by the harm to the living conditions of the occupiers of the adjoining property as a result of the infill extension, which I attribute substantial weight. This identified harm and related policy conflict would be such that the appeal scheme would conflict with the development plan when considered as a whole. There are no considerations which outweigh this harm.
16. I have considered whether to exercise my discretionary power to issue a split decision. However, the extensions are close to each other at the rear of the host building and they are both associated with and have been designed to facilitate the related internal alterations. Therefore, the two proposed additions, and the improvements and alterations which are sought by the overall

development, are not clearly severable when the proposals are considered as a whole.

17. For the reasons explained above, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR