

---

## Appeal Decisions

Site visit made on 22 June 2022

**by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 July 2022**

---

### **Appeal A: APP/F5540/W/21/3277566**

#### **3 Fairfax Road, Chiswick, London W4 1EN**

- 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 and Mrs Florian and Johanna Lottmann against the decision of the London Borough of Hounslow.
  - The application Ref 00430/3/P3, dated 4 February 2021, was refused by notice dated 4 May 2021.
  - The development proposed is described as erection of new single storey side extension to create utility room and bicycle store. Replacement of existing front boundary fence, pedestrian gate and vehicular gates to match those at 5 Fairfax Road.
- 

### **Appeal B: APP/F5540/Y/21/3277564**

#### **3 Fairfax Road, Chiswick, London W4 1EN**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
  - The appeal is made by Mr and Mrs Florian and Johanna Lottmann against the decision of the London Borough of Hounslow.
  - The application Ref 00430/3/L4, dated 4 February 2021, was refused by notice dated 4 May 2021.
  - The works proposed are as erection of new single storey side extension to create utility room and bicycle store. Replacement of existing front boundary fence, pedestrian gate and vehicular gates to match those at 5 Fairfax Road.
- 

## **Decisions**

### *Appeal A*

1. The appeal is allowed, and planning permission is granted for erection of new single storey side extension to create utility room and bicycle store, and replacement of existing front boundary fence, pedestrian gate and vehicular gates to match those at 5 Fairfax Road, at 3 Fairfax Road, Chiswick, London W4 1EN in accordance with the terms of the application, Ref 00430/3/P3, dated 4 February 2021, subject to the following condition:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 01; 02; 03; 04; 05; 22; 24.

### *Appeal B*

2. The appeal is allowed and listed building consent is granted for erection of new single storey side extension to create utility room and bicycle store, and replacement of existing front boundary fence, pedestrian gate and vehicular gates to match those at 5 Fairfax Road, at 3 Fairfax Road, Chiswick, London

W4 1EN in accordance with the terms of the application, Ref 00430/3/L4, dated 4 February 2021, and the plans submitted with it.

### **Procedural Matters**

3. At the time of my visit renovation works were ongoing, and the appeal scheme had already been partly implemented. This included construction of the extension, whose roof form and details did not fully match those shown on the submitted plans.
4. In relation to Appeal B, the Act sets out the legal requirement for consent for works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest. Works are authorised where consent for them has been granted, and they have been executed in accordance with the consent and any conditions attached to it. Though consent can be granted to retain works, this is on the basis that they match the works for which consent has been sought. That being so, were I to allow Appeal B it would not authorise the retention of works already undertaken where these do not match those shown on the plans. Whilst the legal basis differs, the latter would similarly apply in relation to any planning permission retrospectively granted in relation to Appeal A. The continued existence of discrepancies would then be a matter for the local planning authority to address. In this regard, and for the avoidance of doubt, I have determined both Appeals A and B with reference to the submitted plans.

### **Main Issue**

5. The main issue is whether the scheme would preserve a Grade II listed building and any of the features of special architectural or historic interest that it possesses, and whether the scheme would preserve or enhance the character or appearance of Bedford Park Conservation Area (the Conservation Area).

### **Reasons**

6. 3 Fairfax Road is one half of a semi-detached pair of dwellings which together constitute the Grade II listed building in this case. The listed building is located within the Conservation Area. Whilst the Act sets out both the desirability of preserving listed buildings, and of preserving or enhancing the character or appearance of Conservation Areas, paragraph 199 of the National Planning Policy Framework makes clear that great weight should be given to the conservation of designated heritage assets.
7. Insofar as it is relevant to these appeals the special interest and significance of the listed building resides in its 1870s design/construction, and its historic context, forming part of a garden suburb of similarly designed dwellings characterised by Queen Anne revival style. The planned layout and interrelationship of the component parts of this estate inform and underpin the special interest, character, appearance and significance of the Conservation Area, to which the listed building thus makes a positive contribution.
8. The boundary treatment shown as 'existing' on the plans has already been removed. Its combination of close boarded fencing with trellis above did not match the fencing at 5 Fairfax Road adjoining. Nor did it match the design of other close boarded fences prevalent within Fairfax Road. Whether or not No 3 originally featured a fence of matching type is unknown.

9. Palisade fencing of the type outside No 5 is also found within the immediate vicinity. Whilst such fencing is an original component of the estate's design, the proportions and detailed design of that currently installed varies widely. In this regard most current fencing is likely to have seen past replacement, which may or may not have accurately replicated that previously present.
10. In this case the proposed fence would match that at No 5, and thus bring visual benefit through reunification of the frontage. In both this regard and in terms of the broader relationship of the frontage to that of other buildings within the streetscene, some minor enhancement would result.
11. As shown on the plans, the extension would be broadly similar to that present at No 5, and of clearly subservient scale. The latter would be further underlined by its set back from the front elevation. Why this is considered inadequate by the Council is unclear. No specific standard appears within the extracts of the Residential Extension Guidelines Supplementary Planning Document (SPD) with which I have been presented.
12. The plans otherwise show that the 2 parts of the extension would feature 2 different types of roof. This would respond to the presence of an opening within the adjoining wall. There is nothing particularly novel in such an approach, which might equally reflect differences in the functional use of space within such an extension. The detailing shown on the plans further indicates that the lower section of roof would feature a glazed panel with bars, reminiscent of the patent glazing used within a similar context historically. As presented, the extension would not appear incongruous.
13. My findings above indicate that, as proposed, the overall effects of the scheme in relation to the special interest and significance of the listed building, and special interest, character, appearance and significance of the Conservation Area would be either neutral or positive in nature.
14. I therefore conclude that the scheme would preserve the special interest of the listed building and modestly enhance the character and appearance of the Conservation Area. In relation to Appeal A and insofar as it is relevant to Appeal B, the scheme would therefore comply with Policies CC1, CC4 and SC7 of the Local Plan 2015-2030 (the LP), as informed by the SPD, which together support the above objectives. Whilst the Council also cited Policy CC2 of the LP, this relates to urban design at a broader scale and does not appear to be directly relevant in this case.

## **Conditions**

15. Given that the works have already commenced I have not imposed conditions setting the time period for commencement. I have however imposed a condition in relation to Appeal A identifying the approved plans for sake of certainty. No authority exists to impose a plans condition on a listed building consent. The legal requirement to execute works in accordance with a consent is however outlined above. In this regard I have referenced the plans in my decision, and, for the avoidance of doubt, these are the same as the plans listed in relation to Appeal A.
16. I have not imposed a requested condition requiring use of matching materials for the extension. This is because matching materials have been used in the walls and roof of the extension as already constructed. I have also not imposed

a condition restricting the installation of new openings within the extension. Aside from the fact that such openings would ordinarily require listed building consent, it appears unlikely that demand for such an opening would arise. The condition is therefore unnecessary.

### **Conclusion**

17. For the reasons set out above I conclude that Appeals A and B should be allowed.

*Benjamin Webb*

INSPECTOR