



Appeal Decision

Site visit made on 15 July 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 26th July 2022

Appeal Ref: APP/X5990/W/22/3295472

180D Westbourne Park Road, London W11 1BT

- 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 Jack Fraser against the decision of City of Westminster Council.
 - The application Ref 21/05476/FULL, dated 9 August 2021, was refused by notice dated 7 January 2022.
 - The development proposed is for a glass balustrade to the front, sides and rear of the existing roof terrace to Flat D.
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Decision

1. The appeal is allowed and planning permission is granted for a glass balustrade to the front, sides and rear of the existing roof terrace to Flat D at 180D Westbourne Park Road, London W11 1BT in accordance with the terms of the application, Ref 21/05476/FULL, dated 9 August 2021, 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: Location Plan (LP01); Proposed Roof Plan (P014); Proposed Front Elevation (P030); Proposed Rear Elevation (P031); and Proposed Site Section (P040).

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property, and in particular, whether it would preserve or enhance the character or appearance of the Aldridge Road and Leamington Road Villas Conservation Area.

Reasons

3. The appeal property comprises the rooftop of a mid-terraced property within the Aldridge Road and Leamington Villas Conservation Area (CA). The significance of the CA is derived from the coherent arrangement and form of mid-Victorian residential development, which comprises both semi-detached villas and groups of stucco Victorian terraces. Along Westbourne Park Road, the properties comprise two matching terraces which are arranged over three-storeys, with an additional basement level. These properties are typified by their parapeted roofs, timber sash windows and recessed porches.
4. Irrespective of how they have been authorised, roof terraces and gardens are also now commonplace among the terraced properties on the northern side of

Westbourne Park Road. Indeed, terraces of varying design are evident on the rooftops of nos. 168, 174, 184, 186 and 192. A further roof terrace has also been consented at no. 170. As a result, roof terraces now form part of the roofscape along this section of the road, and in turn contribute to the established character of the wider CA.

5. The proposed development would introduce a terrace on the roof of the appeal property. In terms of built form, this would primarily consist of a glass balustrade around its perimeter. Given that the front balustrade would be stepped back from the front roof line, it would not be readily perceptible from most public vantage points along the road. Even where the terrace would be visible, the use of a glass balustrade ensures it would appear largely unobtrusive. Moreover, given the prevalence of roof terraces along the road, it would not be a unique feature, and would integrate effectively within the wider terrace without appearing unduly prominent.
6. On this basis, I am satisfied that the development would not harm the character nor appearance of the host property. In turn, the development would also preserve the character and appearance of the CA. The development would therefore be consistent with Policies 38, 39 and 40 of the Council's City Plan (2019 – 2040). Together, these seek to ensure new development is sensitively designed and responds properly to local character, whilst also safeguarding the special character of the Council's heritage assets and their settings.

Conditions

7. I have reviewed the Council's suggested conditions and amended these in accordance with guidance set out in the National Planning Policy Framework (2021) (Framework) and Planning Practice Guidance. Aside from the commencement condition, the only other condition that I consider necessary to procure the acceptability of the proposal is a plans condition, which will ensure certainty over the development consented.
8. Given the minor nature of the works, a condition restricting working hours would be excessive. Moreover, as the materials used for the balustrade are specified in the approved plans, a condition requiring materials to match those used in the existing building would be unnecessary.

Conclusion

9. For the reasons given above, and having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be allowed.

James Blackwell

INSPECTOR