



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: 05 August 2022

Appeal Ref: APP/X5990/D/22/3291443

25 Blomfield Road, London W9 1AA

- 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 Davide Russo and Mrs Claire Ryan against the decision of City of Westminster Council.
 - The application Ref 21/05625/FULL, dated 12 August 2021, was refused by notice dated 5 November 2021.
 - The development proposed is provision of a new basement beneath the footprint of the existing house with walk on rooflights to provide light down into basement, rebuilding of non-original bathroom extension, rebuilding of octagonal wing, rebuilding of curved bay on south east elevation to a rectangular bay, demolition of existing retaining walls on south east elevation and eastern lightwell and construction of new stairs in these locations, replacement of fenestration throughout property, creation of terrace on top of corner infill extension, replacement of existing dormer, rationalisation of drainage, repair of stucco render, repair/ refurbishment and part replacement of existing roof which is in poor condition, refurbishment/ replacement of existing chimney and pots (if required), provision of an external bin and bike store and construction of a single storey Orangery at the bottom of the garden, with a basement below to accommodate a swimming pool.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has indicated in its evidence that the property can be considered as a Non-Designated Heritage Asset (NDHA). However, the property is not included in any local list of such assets, nor has it been formally identified as a positive contributor to the area. Whilst buildings can be identified as an NDHA during the planning application process, I am not persuaded that sufficient evidence has been presented by the Council to warrant such status in this instance. I have therefore disregarded any such status for the purposes of this appeal.
3. As listed in the description above, the proposed development would include extensive works within the appeal site. The main issues and subsequent reasoning focus solely on the particular works which are considered harmful by the Council, as set out in its reasons for refusal and associated report/statement.

Main Issues

4. The main issues are:

- the effect of the proposed development on trees;
- the effect of the proposed development on the character and appearance of the property and the surrounding area, including whether it would preserve or enhance the character and appearance of the Maida Vale Conservation Area; and
- the effect of the development on the living conditions of neighbouring occupiers with regard to noise.

Reasons

Context

5. The appeal property is a semi-detached, three storey residential villa with a stucco façade, and is located on a corner plot at the junction of Blomfield Road and Randolph Road. The property is thought to have been constructed during the mid-19th century, but has undergone extensive alterations and remodelling since this time.
6. Whilst the property is not listed, it does fall within the Maida Vale Conservation Area (CA). The townscape within the CA relates closely to the geometry of the Grand Union Canal and Regent's Canal to the south. Much of the significance of the CA is also derived from the wide tree-lined streets and avenues which typify the area, which help contribute to a prevailing sense of openness and verdancy. Many of the residential villas along these streets benefit from spacious gardens which are abundant with trees in themselves, which further amplify the area's attractive green aesthetic.

Trees

7. The appeal site includes several mature trees within its curtilage, and given its prominent corner location, some of these trees contribute significantly to the verdant quality of the street scene.
8. The development would necessitate the removal of two Plum Trees (labelled G8) in the rear garden of the appeal dwelling, which are classified as Category B in the appellant's Arboricultural Survey¹ (estimated to have a remaining life expectancy of at least 20 years). On my site visit, it was apparent that these trees contribute significantly to the verdancy of the appeal site, given their extensive and mature canopy spread. Moreover, given that they project much higher than the boundary wall along Randolph Road, they also make a meaningful contribution to the prevailing sense of verdancy along this aspect of the street scene.
9. Given these attributes, their loss would materially harm the prevailing sense of verdancy in and around the appeal site. Whilst I acknowledge tree planting is proposed in mitigation, any replacements would invariably take many years to replicate the positive impact of the Plum Trees, and would therefore fail to adequately mitigate against this harm.

¹ RM Tree Consultancy Ltd, Arboricultural Survey Implications Assessment & Arboricultural Method Statement

10. The development would therefore conflict with Policies 38, 39 and 40 of the Council's City Plan (2019 – 2040) (City Plan), which together seek to ensure new development is sensitively designed and responds properly to local character, whilst also safeguarding heritage assets and their settings within the Council's area. These Policies also highlight the importance of the preservation and enhancement of the surrounding tree population when considering new development proposals.
11. Whilst concern has also been raised regarding the potential impact of the development on a Beech Tree (T3) within the garden abutting Blomfield Road, the appellant's Arboricultural Method Statement details comprehensive measures to protect this tree (including its root protection area) during development. Had the development been acceptable in other respects, these protection measures could have been secured by condition.

Character and Appearance

12. The proposed development would include a number of alterations to the existing dwelling. The ground floor extension would be a modest addition, and would be contained within the elevational extents of the existing dwelling. As a result, it would not materially impact on any perceived bulk, mass or scale of the property. Moreover, the extension would mirror the octagonal form of the easternmost corner of the property, which would add a positive degree of symmetry to its frontage along Randolph Road.
13. The ground floor terrace would also be extended, and would incorporate an extension to the existing parapet wall which would adjoin the front porch. This would help rationalise an existing area of visual clutter above an earlier infill extension at lower-ground floor level, which would improve the coherence and unity of the building. Given the half-height of the extended parapet wall, the visual prominence of the porch would also be preserved. Whilst I acknowledge the extended wall would conceal some of the lower quoins on this aspect of the dwelling, their prevalence around the rest of the property would ensure such concealment would not be unduly detrimental to the property's overarching character. Moreover, given its substandard quality, the loss of any decorative pilaster on this part of the dwelling would not cause undue harm to its appearance. Together, these modest and sympathetic alterations to the existing dwelling would ensure its attractive character would be properly preserved.
14. On account of the prominent corner location of the appeal site, it is likely that any useable bike or bin store would be visible (at least in part) from the street. In this instance, the bin/bicycle store would be discreetly located to the side of the dwelling, which means it would not interfere with the dwelling's attractive front façade. It would be painted in dark green which would ensure it would not appear unduly prominent against the verdant backdrop of the wider site. Its impact would also be softened by additional planting and the proposed green roof. Together, these factors would ensure that the structure would assimilate as effectively as possible within the wider site.
15. In terms of design and size, the proposed orangery would complement the character of the appeal property. Its external appearance would incorporate a contemporary interpretation of the existing detailing of main dwelling, and would therefore be in-keeping with the character of the wider property. Whilst the building would not be insubstantial, its footprint would be within the

parameters of what could be authorised under permitted development, so would not be excessive. Given that the rear garden sits lower than street level, the height of the new orangery would also broadly align with the perimeter boundary wall, which would ensure it would not appear overly bulky or prominent.

16. Nonetheless, and as highlighted above, the loss of trees to facilitate delivery of the orangery would result in a significant loss of verdancy to the appeal site. Irrespective of its design merits when considered in isolation, construction of the orangery would therefore harm the property's overarching appearance. In turn, the development would fail to preserve the character and appearance of the CA. As highlighted above, it would therefore conflict with Policies 38, 39 and 40 of the City Plan.

Living Conditions

17. The development would incorporate a condenser unit within the proposed orangery. Based on the manufacturer's published sound level data and conformal area losses, the appellant's Plant Noise Impact Assessment demonstrates that the resultant noise from this piece of plant at the nearest windows, would satisfy the required night time design criterion of 28dB(A). The subsequent Technical Memorandum submitted by the appellant presents the same assessment using point source losses, which further concludes that the resultant noise level would be no more than 23dB(A). Such noise limits could be secured by condition.
18. On this basis, I am satisfied that the development would not lead to an unacceptable impact on the living conditions of neighbouring occupiers in terms of noise. In this regard, the development would be consistent with Policies 7, 33 and 38C of the City Plan, which seek to ensure new development protects the amenity and well-being of neighbouring occupiers, including protection from any potential noise intrusion.

Planning Balance

19. The loss of trees on the appeal site would harm the character and appearance of both the host property, and the wider area. Consequently, the development would fail to preserve or enhance the character or appearance of the CA, and thus its significance. Whilst I consider this harm would be less than substantial as it would only affect a small part of the CA, as per the National Planning Policy Framework (2021), great weight must be attributed to any harm to a heritage asset (in this case the CA), irrespective of whether such harm is "less than substantial" or otherwise.
20. Set against this harm, the alterations to the existing dwelling would provide some visual improvements to its external appearance. There would also be some benefits in terms of energy efficiency, and the provision of bike storage would help encourage sustainable means of transport. Nonetheless, these benefits could be achieved through an alternative scheme without incurring the loss of notable trees. This means they only attract limited weight in my decision, and would not be sufficient to outweigh the harm to the CA.

Conclusion

21. The development would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework,

that would outweigh this finding. Therefore, and for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR