



Appeal Decision

Site visit made on 26 July 2022

by Ann Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2022

Appeal Ref: APP/X5990/W/22/3291366

Flat 4, 121 Sutherland Avenue, London W9 2QJ

- 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 D Gore against the decision of the City of Westminster Council.
 - The application Ref 21/06952/FULL, dated 11 October 2021, was refused by notice dated 6 December 2021.
 - The development proposed is creation of a first floor rear balcony with balustrade and enlargement of existing window opening to allow access via French doors.
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Decision

1. The appeal is allowed and planning permission is granted for creation of a first floor rear balcony with balustrade and enlargement of existing window opening to allow access via French doors at Flat 4, 121 Sutherland Avenue, London W9 2QJ in accordance with the terms of the application, Ref 21/06952/FULL, dated 11 October 2021, 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 plans: Site Location Plan Existing NZ-D-EE-1000-01; Plans NZ-D-PP-100-01; South Elevation Existing NZ-D-EE-100-01 and South Elevation Proposed NZ-D-EP-100-01.
 - 3) The balustrade shown on approved drawing no. NZ-D-EP-100-01 shall be painted black and retained as such thereafter.
 - 4) Except for piling, excavation and demolition work, building work which can be heard at the boundary of the site shall only be carried out:
 - 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.Piling, excavation and demolition work only shall only be carried out:
 - between 08.00 and 18.00 Monday to Friday; and
 - not at all on Saturdays, Sundays, bank holidays and public holidays.

Main Issue

2. The main issue is the effect of the proposal on the appearance of the host building and whether the proposal would preserve or enhance the character or appearance of the Maida Vale Conservation Area.

Reasons

3. Situated within the Maida Vale Conservation Area (CA), a principally residential neighbourhood, the appeal property is a ground and first floor flat within a five floor terraced period building. The significance of the CA is derived, in part, from its architecturally imposing avenues of period buildings. Wide, tree lined streets and interspersed private and communal gardens add to the CA's verdant character. Principal façades along Sutherland Avenue generally have a strong uniform character, some of which include original balconies behind parapet walls or black metal balustrades. At the rear, the appeal property and its neighbours have more modest elevations, incorporating less architectural detailing of their front façades and incremental alterations and additions of varying designs and sizes.
4. It is proposed to enclose an existing bay window roof with a metal balustrade to form a balcony area at rear first floor level as well as alter the existing large sash window above the bay to create a doorway to the balcony. The modest alteration to the window, which would be replaced by French doors, utilises the same width of opening, but is extended to meet the roof of the bay, incorporates sensitively designed glazing and retains a vertical emphasis. The slope to the roof of the bay window roof is minimal and its replacement with a flat roof would not be significantly discernible. Moreover, the scale of the balcony is modest and along with the proposed materials and detailing of the balustrade, reflects those found elsewhere in the CA, both on front and rear elevations.
5. Whilst the proposal would be visible from the communal garden at the rear as well as rear-facing windows of properties along Pindock Mews, only glimpsed views would be apparent from the street. There is a parapet wall above an existing wide ground floor rear projection that facilitates a balcony area elsewhere within the block and the proposal would be seen in the context of other additions and alterations prevalent in the rear elevation of the terraced block.
6. Consequently, the proposal would not be at odds with the vernacular form of the host building or harm the significance of the CA. Therefore, it would preserve the character and appearance of the CA. As such, the proposal would comply with Policies 38,39 or 40 of the City of Westminster City Plan 2019-2040 (2021) (LP) which seeks for proposals to have regard to, amongst other things, high quality design and to ensure settings are conserved and enhanced in a manner appropriate to their significance. I also find no conflict with the LP or the heritage protection policies of the Framework.

Other Matters

7. I have had regard to the objections raised from nearby residents and occupiers of the existing apartments. However, having carefully considered the matter I do not disagree with the Council's conclusions that the proposal would not harm the living conditions of adjoining or nearby residents.
8. Reference has been made to a restrictive covenant; however, this is a private matter and therefore not relevant to my decision. I have also been made aware of another proposal for a balcony at the rear of the same block that has been refused planning permission by the Council. This appeal has been dealt with on its own merits and has been found to be acceptable for the reasons given

above. The decision would not set a precedent for the area, as each proposal must be assessed on its own merits and the particular circumstances of the site.

Conditions

9. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity. Conditions requiring the development to be carried out in accordance with the approved plans and the balustrade to be painted black are necessary in the interests of certainty and to safeguard the character and appearance of the area. I also consider a condition restricting the hours of demolition and construction is reasonable and necessary having regard to the close proximity of construction works to adjoining apartments.

Conclusion

10. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Ann Veevers

INSPECTOR