

Appeal Decision

Site visit undertaken on 7 September 2022

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 22nd November 2022

Appeal Ref: APP/X5990/D/22/3291062

18 Springfield Road, London NW8 0QN

- 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 Victoria O'Shea against the decision of the City of Westminster.
 - The application, ref. 21/03823/FULL, dated 8 June 2021, was refused by notice dated 29 October 2021.
 - The development proposed is described as the erection of a side extension at upper ground floor level, a rear extension at lower ground floor, excavation of a new basement, installation of replacement dormers and new skylights.
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Decision

1. The appeal is dismissed insofar as it relates to the loss of the Golden False Acacia Tree; the excavation of a basement; the side extension to the upper ground floor; the side and rear dormer windows; the installation of Solar Photovoltaic (PV) tiles; and the front and rear lightwells and rooflights to the basement extension.
2. The appeal is allowed insofar as it relates to the single storey rear extension at lower ground floor (excluding basement); the front rooflights to the plane of the main roof; and the plant enclosure to the rear garden; and planning permission is granted for a single storey rear extension at lower ground floor (excluding basement); a rooflight to the front and side of the main roof; and a plant enclosure to the garden at 18 Springfield Road, London NW8 0QN in accordance with the terms of the application, Ref 21/03823/FULL, dated 8 June 2021, in so far as relevant to that part of the development hereby permitted and subject to the conditions as stated in the annex to this letter.

Preliminary Matters

3. Whilst I have taken the description of the proposed development from the Council's Decision Notice, it does not list all the items that require consent and to be assessed under this letter. In order to clarify the matters that will be discussed in this letter, the Council has listed some nine Reasons for Refusal which relate to: 1) Lower Ground Level Extension; 2) Upper Ground Floor Side Extension; 3) Plant enclosure to rear garden; 4) Dormer windows to side and rear roof plane; 5) PV tile installation to main roof; 6) Skylights and front and rear lightwells; 7) insulation and venting of Mechanical Ventilation and Heat Recovery (MHVR) unit, insulation, and solar panel; 8)

loss of Golden False Acacia tree; and 9) Harm to a Tree Preservation Order (TPO) Tree. I have therefore concentrated on these matters only. As all of the matters given reflect the same issue towards the character and appearance of the conservation area (CA), I have dealt with them together under a single matter.

4. The Council have submitted further details within the appeal documents regarding the appellant's submission of an updated Heritage Statement¹ and an Arboricultural Appeal Statement² which according to the Council are different to those which were assessed by the Council and did not form part of the original consultation. I acknowledge that the Council has not had a chance to completely digest the additional information contained in the appeal documents, however the Council have made some comments regarding both reports which I will take into account. Given that both reports do not change the scheme but are to give further explanation to the matters of the appeal, in accordance with the 'Wheatcroft Principles',³ the acceptance of these updated documents I am willing to accept these documents as they would not deprive those who should have been consulted on the changed development of the opportunity of such consultation. As such, I will base my decision on the originally received documents, the updated documents and the Council's additional letter within this determination.
5. The appellant has also submitted an additional plan referred to in the appendix as Document 5⁴ which is an elevation and site plan showing the location and appearance of the proposed air source heat pump and associated enclosure. Whilst there were not specific drawings given in the planning application, and this particular plan was not part of the consultation, the design and dimensions of the enclosure were given within the Noise Survey⁵ and the location given in the Site Plan. The purpose of the additional plan is to aid clarity, I have considered this additional plan under the Wheatcroft Principles, and I am willing to accept these documents as the acceptance of such would not deprive those who should have been consulted on the changed development of the opportunity of such consultation. As such, I shall base my decision upon it.

Main issue

6. Taking the above into account, the main issue is the effect of the proposed development upon the character and appearance of the host building and the greater locality, with special regard given to the character and appearance of the St. John's Wood CA.

Reasons

Legislation and Development Plan Policy

7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA), in respect of development affecting conservation areas,

¹ Heritage Statement, By Jon Lowe Heritage, Ref 00182, Dated January 2022

² Arboricultural Appeal Statement by Tim Moya Associates, Ref 211226-AD-01 Dated January 2022

³ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

⁴ Planning General Arrangement Plant Enclosure, Dwg No.SR018-P300, Dated January 2022

⁵ By Emtec, Ref: QF10464/PF6970/RP1, Dated 2nd June 2021

states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area.

8. In undertaking development, the Westminster City Plan 2019-2040 (CP) Policy 38 sets a number of design principles for achieving good design, such as responding to the context, people-centred design, sustainable design and achieving excellence in contemporary design, amongst others. CP Policy 39 relates to the considerations around heritage assets, such as seeking that development preserves and enhances CA's, amongst others. CS Policy 34 seeks the protection and enhancement of green infrastructure, particularly trees of amenity, ecological and historic value, amongst others.

Site Description

9. The appeal site is located along Springfield Road which is located within the St. John's Wood CA. The CA's significance is highlighted in the St John's Wood CA Audit 2008, where relevant components of the significance in relation to the appeal site relate to the development of formally laid out speculative housing development of higher status 'gentlemen's villas' and mansion blocks constructed in the eighteenth and nineteenth centuries. The majority of dwellings within the CA including the appeal site are buildings of townscape merit and consist of semi-detached and detached buildings, where there is a hierarchy in built form and plot sizes with streets such as Avenue Road and Marlborough Place having very large villas, whilst roads such as Springfield Road and Clifton Road East, have high status buildings, but on a smaller scale.
10. There is a variance in dwelling types throughout the estate, however along Springfield Road there is a concentration of large semi-detached dwellings. The dwellings themselves have many similar design elements, with a number of the pairs of semi-detached dwellings being four bays wide with a half exposed basement area with steps leading to the front entrance, large central coaxial chimney stacks with a shallow hipped roof, small lead clad roof dormers, and large stone window and door surrounds. The use of traditional materials such as timber, brick and slate along with the similar designs reinforce a uniformity and authenticity which creates a formal picturesque townscape along with vegetated front gardens and street trees which give a spacious, leafy and distinctive character. To the rear the leafy character continues with well vegetated rear gardens, the tops of vegetation which can be experienced through gaps and spaces in and around dwellings. Along the street are street lighting which provides low levels of illumination to the street, however not to a high level with a low traffic flow and a tranquil experience.
11. The appeal site displays a number of positive qualities of significance to the CA, being a high quality semi-detached building which is noted in the CA as a building of Townscape Merit and a positive element which contributes to the significance of the CA. The dwelling appears to date from the early to mid-nineteenth century, is of brick construction with a slate hipped roof, two storeys with a half-exposed basement. The building also has small dormer windows to the side and rear roof plane and a single storey garage to the side of the dwelling along with a rear conservatory which both appear to date from the late twentieth century.

Single Storey Rear Extension

12. The proposed single storey rear extension would be constructed after the demolition of the existing conservatory which appears to date from the late twentieth century. The proposed rear extension would be constructed in a contemporary style with a flat roof and large glazed sections which would be relatively lightweight in appearance. I acknowledge the Council's concerns that the proposal would contrast with the existing appearance of the building, however the proposal is 'honest' in its approach which is experienced as an add-on to the building, rather than having a pastiche approach or appearance. The proposal would be relatively low scale with a modest footprint that would be subservient to the existing building, and I find this type of construction appropriate and is of high quality which would allow an appreciation of the evolution of the building over time.
13. I do however agree with the Council that the proposed render does not assist in integrating the appearance of the extension with the dwelling, and additionally would stain within a relatively short time frame, giving a poor appearance. I note that the appellant has also sought that consideration be given to changing the facing material to yellow London stock brick to match the existing building by condition, and this would also seem much more appropriate to me also. Taking the above into account, with the aid of a condition to have the face of the extension in yellow London stock brickwork, the proposal would cause neutral harm to the character and appearance of the existing building and towards the CA. Consequently, the proposal is consistent with CP Policies 38 and 39, as described previously.

Side extension to the upper ground floor

14. Under this proposal the existing garage would be converted into part of the living accommodation with an additional storey of yellow London stock brick added at upper floor level with a parapet roof. The extension attempts to mimic the upper ground floor extension to No.16 (the remaining half of the semi-detached dwelling) in terms of design, albeit would have a door inserted to the front façade, as well as having a shorter setback of 30 centimetres, compared with No.16 which has a larger setback from the front facade. It would appear that the existing side extension to No.16 was undertaken some time in the mid-late 20th Century with interested parties of the view that the extension dates from the 1970s and was extended to the rear in the early twenty-first century.
15. I agree with the Council that these types of side extensions are unusual and uncharacteristic within this particular context, and that the extension would further erode the important visual gaps in and around the dwellings which are significant. Whilst there is an existing side extension to No.16, this was undertaken at a time under a different policy position and is not a positive element given that it increases the bulk and massing of the dwelling and erodes the important visual gap in between the properties. I acknowledge comments in the appellant's Heritage Statement that the installation would attempt to install symmetry, however this would not be the case given that the extension does not retain a similar setback from the front façade, and the considerations around the erosion of the visual gap between the properties.

16. The setback and visual gap is important in this situation and whilst No.16 has a similar extension, this does not represent justification for an extension that would similarly cause detriment to the existing building and the significance of the CA. The proposal would therefore lack architectural authenticity or integrity, erode the visual gap and cause detriment to the significance of the CA. As such this proposal would be contrary to CP Policies 38 and 39, as described previously, and cause less than substantial harm to the significance of the CA.

Plant enclosure

17. The proposed plant enclosure would be situated to the rear corner of the garden and mounted above a plinth with the enclosure itself reaching a height of 2.529 metres (Excluding Plinth). The building has the appearance of an outbuilding and is relatively small and subservient. There remain concerns from the Council with regards to the appearance which in their opinion is not appropriate and is unclear as to what is actually being proposed. To me, the principle of the plant enclosure is appropriate to provide cover for the air source heat pump, and would not on its own cause more than a neutral harm upon the character and appearance of the host building and the significance of the CA. I note that the Council and appellant agree on a condition where the final appearance could be satisfied by condition and I am satisfied with this approach.
18. Taking the above into account, subject to an appropriately worded condition, the plant enclosure would be appropriate in principle and would satisfy the CP Policies 38 and 39 as discussed previously.

Side and rear dormer windows

19. Many of the buildings within the locality have dormer windows to the roof planes, they are typically inset and low level and subordinate in proportion to the roof. The proposal to slightly increase the size and height of the dormers would appear to be appropriate and proportionate to the form of the roof. The Heritage Statement includes a photograph of the property in 1962 where the roof plane had a fully glazed dormer window and seeks to emulate this type of dormer window, rather than proposing a lead clad dormer.
20. I do not entirely agree with the Heritage Statement that such an alteration from 1962 is 'historic' in this particular case and that just because something has been previously installed would mean that it is appropriate or architecturally authentic to a dwelling such as this. A glazed dormer would be uncharacteristic to the existing dwelling and would have an unusual appearance when experienced within the street scene. As the dwelling is experienced in a tranquil environment, of an evening when the street lights provide a low level of illumination, the light generated from the room in the roof of the dwelling would disrupt the tranquil and low light levels experienced within this particular locality, causing additional harm to the significance of the CA. Taking the above into account, whilst the increased size in dormers would appear to be appropriate, when taken as a whole, the proposed glazing of the dormers would be architecturally inauthentic to this particular dwelling and the greater locality and would be contrary to the CP Policies 38 and 39 as described previously. Whilst significant, the harm caused to the significance of the CA would be less than substantial.

PV tiles

21. Whilst PV tiles are proposed for the entire roof of the main building, it is unclear which type of PV tiles are proposed. Section 3.06 of the Design and Access Statement which has also been transferred into the appellant's Statement of Case (SoC) shows imagery of 'GB Sol' and 'Solecco' PV tiles. One of the photographs has the PV tiles attached by hook, whereas the other example appears to feature a product attached by a nail where there is no visual appearance of their attachment to the roof. There is also no detail as to the colour, size, reflectiveness and overall appearance of the PV tiles.
22. I acknowledge the submission in the appellant's SoC that another location where the Barnes Methodist Church in the Richmond upon Thames borough has had PV tiles approved, which is noted as also being situated in a CA and a Building of Townscape Merit. However, this building is situated within a different CA with different types of significance and it is not evident that both situations between this decision and the appeal site are closely related. Additionally, there is the consideration of how the proposal would sit against the remaining half of the semi-detached dwelling at No.16, whereas the example given is confined to a detached church building.
23. With the increase in technology in building materials becoming more sophisticated, such PV tiles that seek to emulate slate, installations may become more common and therefore the principle might be appropriate to the CA should sufficient justification be demonstrated. This is particularly the case compared with installations such as solar panels which would have a much greater detriment to the character and appearance of the building and of the CA. However, on the basis of the current detail, there is a clear lack of information to establish the principle, appropriate size, colour, appearance and attachment of the PV tiles would be appropriate to the character and appearance of the building and the CA.
24. I acknowledge that the appellant seeks a pre-commencement condition and I am aware of Paragraph 54 of the National Planning Policy Framework (The Framework) which states that '*Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.*' Whilst I have considered the use of conditions to make the scheme acceptable, in this case there is not enough information to give confidence in the principle of such a scheme. It is for this reason, that the lack of sufficient information has meant that the proposal is likely to be detrimental to the host building and the character and appearance of the CA, contrary to the CP Policies 38 and 39. Consequently as a result of lack of information, the scheme would cause less than substantial harm to the CA.

Extension of Basement which includes front and rear lightwells, and rooflights to the basement to the front and rear

25. Whilst many of the dwellings in this locality have a half basement at lower ground floor level, an additional basement level is neither authentic to the dwellings or characteristic of this particular location. I can appreciate comments within the appellant's SoC and heritage statement that visually elements such as the lightwell to the front may not be readily appreciable from the public realm as it would be quite deep with the railings at lower level. However, the assessment of significance and harm towards a CA goes

beyond what is tangible or from what can be only visually experienced in the public realm. The front and rear lightwells would be uncharacteristic in this particular locality, and would not reflect the architectural authenticity or integrity of this building or the greater locality.

26. The proposed rooflights at the rear (ground level) and front (lower ground level) would introduce large sections of glazing that would clutter the surrounds of the building and appear awkward and inauthentic in this context. Additionally, similar considerations are also present with the rooflights and associated illumination from these rooms, particularly at night time.
27. Given the concerns regarding associated elements such as lighting and lightwells for the basement, the extension of the basement by providing an additional level may need to be reconsidered/ re-evaluated. As such, in its current form the extension of the basement is not considered appropriate.
28. Taken as a whole, the additional clutter caused by the rooflights to the front and rear, together with the front and rear lightwells would result in unnecessary clutter, with these proposals and the basement extension being architecturally inauthentic and have a detrimental impact upon the existing building and the significance of the CA. The proposal would therefore be contrary to CP Policies 38 and 39 and cause less than substantial harm to the CA.

MVHR, insulation, and solar panel above proposed upper floor side extension

29. The installation of insulation and MVHR was noted within the application documents, however these are not detailed on the plans and are not mentioned within the application description on the application form. The Council's Reason for Refusal have refused the application on the basis of lack of information, however the appellant has mentioned in their SoC that these elements are unknown and therefore not part of the appeal. As these elements have not been included on the plans or are present within the application form, I am satisfied that consent is not sought for their installation.
30. This matter also includes the installation of a solar panel behind the parapet of the proposed upper floor side extension. Whilst such an installation might be acceptable in principle, the proposed side extension does not have consent and therefore the proposal is not able to proceed. As such, without prejudice, I am not going to consider these matters.

Removal and effect towards trees

31. The Reasons for Refusal relate to two trees, referred to on the submitted plans as T1, a Golden False Acacia (Robinia) tree located in the rear garden; and T4, a Lime tree located in the front garden and which is subject to a TPO.
32. Starting with the Robinia tree, the main reason for the removal of this tree appears to be that it is in the way of the development of the site for a basement. However, the submitted amended Arboricultural report and appeal statement expand this reasoning further with commentary regarding the tree's health, longevity and contribution to the landscape. When grading

trees, the British Standard BS5837 – Tree Surveys categorises trees that are worthy of retention in three Categories from A (high quality); B (moderate quality) and C (low quality). The standard then categorises the trees in Arboricultural qualities, landscape qualities and cultural values, including conservation.

33. The appellant's arboriculturist rates the tree as 'Category C' which in accordance with the British Standard, would rate a Level C tree as *"Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories."* The Council's arboriculturist rates the tree as Grade B which would place the tree as 'moderate.'
34. Whilst I appreciate that the assessment from an arboricultural report is related to landscape value and the requirements of CP Policy 34 around green infrastructure, the reason for refusal is also based upon a consideration of the historic environment and associated heritage assets which also brings in the duty under S72 of the PLBCA, and CP Policies 38 and 39.
35. When walking along Springfield Road, the experience of the road is one that is leafy and picturesque with the trees to the rear and the front contributing strongly towards the significance of the CA as explained in the CA Appraisal. In the visual gap between Nos. 18 and 20, the Robinia has a dominant presence within the street scene. I note comments in the Arboricultural Appeal Statement⁶ that states that *'trees in the rear garden cannot have the same level of contribution in landscape terms as those within the street and front garden.'* However I am unclear if this is from an official publication, or the opinion of the consultant. Either way, the consideration before me goes beyond one of landscape and is that of the significance of the CA and S72 of the PLBCA which does not differentiate weight according to whether an assessment relates to the private or public realm. I note that there does not appear to be any assessment of the trees within the Heritage Statement, other than to comment upon how significant the trees are, there is no distinction made between the trees in the rear or front garden.
36. Having experienced the Robinia tree from both the street scene and from the rear garden, the tree is a dominant and positive feature that contributes strongly to the amenity of this particular location. The tree clearly has material conservation or cultural value from a historic environment perspective, which would place this tree within the Category B of BS5837, and not Category C, which would have 'no material conservation or cultural value.' Given the size and appearance of the tree, I disagree that if the tree was removed, that the remaining trees in the rear garden would somehow make up for this loss of tree and still enable the appreciation of the well treed environment to contribute to the significance of the CA. Whilst some of the remaining trees would be appreciable, and perhaps more so with the removal of the tree, the removal of the Robinia in this location would be noticeable and would have a detrimental effect towards the character and appearance of the CA if it were removed.

⁶ Paragraph 2.4

37. The second reasoning for a Category C grade is given by the appellant is because in the opinion of the appellant's arboriculturist is that the tree is unlikely to live beyond 20 years. In order to support this assertion, a graph is submitted which shows that out of a survey of 30 trees, 23% lived between 6-10 years, 40% lived between 11-24 years and 37% lived between 25-49 years. Unfortunately, the data is not very convincing given the very limited sample size; the chart does not give any detail as to where the tree was, where it was located, and why it died (eg a natural event causing the destruction of a number of similar trees). Additionally, it could be said that the majority of trees as part of the survey lived beyond 20 years if taking the 37% 25-49 years together with some of the 40% of trees that lived 11-24 years.
38. According to the additional information supplied by the Council in rebuttal to the amended Arboricultural Appeal Statement, the tree displaying signs of the fungus *Diaporthe Oncostoma* which causes lesions and crown dieback is quite typical for a tree of this type and that the cause of the fungus is not known. Additionally, previous actions of controlling the crown were a result of proactive management, rather than because of the need to arrest fungal decay. Whilst the appellant's arboriculturist has referred to the many diseases and signs of problems of this specie of tree, none of which are present in this specimen, with the Council's arboriculturist categorising the crown of the tree as 'very vigorous.' Having viewed the tree and assessed the information before me, I disagree that the tree is in poor health and that there is sufficient reasoning or justification to demonstrate that the tree would not survive less than 20 years. I agree with the Council's arboriculturist that the tree is of a moderate quality which should be retained, rather than felled because it is in the way of the development.
39. Turning to considerations around the impact to the lime tree in the front garden which is subject of a TPO, the corner of the proposed basement extension would likely impact upon the root protection area of this tree. The tree is to be retained with a number of protection measures to ensure the development does not cause material detriment to this tree. I acknowledge comments from the Council's Arboriculturist who recommends that the basement be set back, and that further detail would be required regarding protection measures. Both parties appear to be of a view that any issues could be mitigated by an appropriately worded condition. As such, Reason for Refusal No.9 which is regarding the harm towards the Lime Tree could be overcome by the inclusion of an appropriately worded condition. As such the development with regard to the lime tree would not be contrary to CP Policies 34, 38 or 39, as discussed previously.
40. Taking the above into account, whilst it would be possible to resolve the matter involving the Lime Tree, the proposed removal of the Robinia Tree would not be appropriate and would cause harm to amenity, character and appearance of the area and would be contrary to CP Policies 34, 38 and 39 as described previously. The proposed removal of the Robinia tree would also cause less than substantial harm towards the significance of the CA.

Effect on the Conservation Area

41. Through this letter, it was found that the proposed dormer windows, PV tiles, first floor side extension, front and rear lightwells and the loss of the Golden Acacia Tree would cause 'less than substantial' harm to the CA within the meaning of the term in paragraph 202 of the Framework. Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification. Paragraph 202 of the Framework requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
42. The applicant has not outlined any public benefits of the scheme. However, the benefits of the scheme would deliver larger residential accommodation for the existing dwelling, as well as result in short term employment opportunities in the construction of the extension both of which are important planning policy objectives. However, these benefits may also be present in a more appropriately designed scheme. That said, these benefits would not justify the harm I have identified.
43. I therefore find that the public benefits would not outweigh the harm caused to the significance of the CA. The scheme therefore conflicts with the Framework, which directs, at paragraph 199, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance'.
44. In conclusion on this matter, I consider the proposed development would cause less than substantial harm to the significance of the CA. It has not been shown that public benefits would outweigh this harm and so the proposal would conflict with the development plan.

Other Matters

45. I note comments from interested parties that have concerns with regards to party walls being able to hold the proposed extension; incorrect plans showing the single storey side extension and the resultant impacts to living conditions in terms of loss of light; issues with groundwater and the installation of a basement. Given the failure of the application on a number of issues, it has not been necessary to delve into these additional matters. Additionally, in relation to the party wall issues, this is not a planning consideration and has not formed a consideration as part of this letter.

Conclusion and Conditions

46. For the reasons given above, I conclude that the appeal should succeed in relation to the single storey rear extension, plant enclosure, and rooflights to main roof. However, in relation to the remaining elements, the appeal should be dismissed.
47. The Council in their additional letter to the Inspectorate detailed that should the appeal be allowed, that 23 conditions should be considered to be placed on any decision notice. I have considered the conditions as specified in the beginning of this letter in accordance with the Planning Practice Guidance (PPG). Whilst the Council have suggested a condition to approve plans, this

has been altered to include references to the plans in question in the interests of proper planning and the avoidance of doubt. The Council have not detailed a standard condition relating to the expiration of the permission after 3 years if the approval is not commenced which is necessary to include. Given the piling works and excavation regarding a basement are not part of this permission and that the only demolition would be the conservatory, it is not considered reasonable to impose a condition regarding timings of works, as such suggested condition 2 and 19 are not required. Condition 3 is a matching materials condition. Given that the only elements that have been approved require approval of details via condition, this condition would not be required as it would repeat these pre-commencement conditions once approved. Suggested conditions 4, 5 and 6 refer to the installation of windows, and associated cross section plans and putty details etc. The installation of windows is not part of this consent, and I am unaware of any Article 4 direction in place within the CA that requires consent for the installation of such windows. As such, the condition is not relevant to this planning application, and would be unreasonable to impose and is therefore deleted. Suggested Condition 7 relates to the retention of the green roof to the single storey rear extensions and is considered necessary and appropriate in the interests of the character and appearance of the CA.

48. Suggested condition 8 relates to the submission of a biodiversity management plan for the installation of a green roof. Given the relatively modest extension and size of green roof, to me the requirement for a biodiversity management plan along with additional cross section plans etc would be disproportionate to the approval and unreasonable and therefore would not comply with the tests of conditions. This suggested condition is therefore deleted. Suggested conditions 9-14 (consecutive), and 16, 17, 18 and 21, 22 and 23 relate to matters that do not have consent and therefore are deleted. Condition 15 appears to restrict occupancy of the proposed development until the energy efficiency measures are implemented. This would be unreasonable given that the residents are already in occupancy and would also be unnecessary and unenforceable. As such this condition is deleted. Condition 20 places a restriction on the use of the rear extension so that it is not used for sitting out, which is appropriate for the protection of living conditions of surrounding residents. Paragraph 2.12 of the Appellant's SoC seeks that they would accept a pre-commencement condition requiring submission of materials for the rear extension as well as for the heat pump enclosure. This is considered appropriate and necessary to impose as a pre-commencement condition.

J Somers

INSPECTOR

ANNEX: Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three [3] years from the date of this decision.
- 2) The proposed single storey rear extension, plant enclosure and roof light to main roof shall be constructed in accordance with the following approved plans:
 - 'Site Plan & Roof Plan', Drg No. SR018-P001, Dated August 2020;
 - 'LG & UG Floor Plan,' Drg No. SR018-P101 (A), Dated August 2020;
 - 'South Elevation,' Drg No. SR018-P200 (A), Dated August 2020;
 - 'East Elevations,' Drg No. SR018-P201 (A), Dated August 2020;
 - 'North Elevation,' Drg No. SR018-P202 (A), Dated August 2020;
 - 'West Elevation,' Drg No. SR018-P203 (A), Dated August 2020;
 - 'Plant Enclosure,' Drg No. SR018-P300 (), Dated August 2020;
- 3) Notwithstanding the approved plans and prior to the commencement of the proposed development, full details of the following shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity, unless further consent from a subsequent application is given by the Local Planning Authority.
 - a) Details of the materials, colour, size, coursing and texture of the brickwork to the rear extension;
 - b) Details of the materials, colour, size and texture of the materials for the heat pump plant enclosure in the rear garden.
- 4) The roof area of the rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
- 5) The green roof shall be installed and carried out in accordance with the approved plans and shall be maintained in perpetuity unless further consent from a subsequent application is given by the Local Planning Authority.