



Appeal Decision

Site visit made on 8 November 2022

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

an Inspector appointed by the Secretary of State

Decision date: 8th December 2022

Appeal Ref: APP/F5540/W/22/3300498

Flat First Floor, 19 Mafeking Avenue, Brentford TW8 0NJ

- 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 Carmen Parfenie against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00721/19(FF)/P2, dated 20 January 2022, was refused by notice dated 22 March 2022.
 - The development proposed is described as 'small dormer and hidden roof terrace added to first floor flat'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.
3. The site has been subject to a recent appeal decision¹ which was dismissed, for a similar development to that currently proposed. The previous scheme proposed a larger rear dormer to the current proposal. I have taken the previous Inspector's findings into account in my decision. Nonetheless I have reached my own findings based on the circumstances of the present case.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area, with special attention to the St Paul's Brentford Conservation Area (SPBCA); and,
 - The effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular regard to outlook.

¹ APP/F5540/W/21/3267994

Reasons

Character and appearance

5. The appeal site is located within the SPBCA. As such, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance².
6. From my observations on site and the description in St Paul's Brentford Conservation Area Appraisal (the Appraisal), the significance of the SPBCA lies, in part, in the high quality and consistent appearance of the two storey Edwardian terraced housing along Mafeking Avenue. The principal facades along Mafeking Avenue have a strong sense of linear perspective and a harmonious appearance which includes white stucco dressings around the windows and full height canted bays.
7. Whilst the rear elevations of are more modest, incorporating less architectural detailing, they nonetheless maintain a consistent and regular appearance. The majority of roof planes along the rear elevations on this section of Mafeking Avenue are uncluttered and include traditional two storey brick outriggers. Unaltered roof planes are a dominant characteristic of the locality. The site incorporates many of the important design elements and original roof form which reinforces its architectural integrity and contributes positively to the significance of the SPBCA.
8. A key principle in Section 6 of the Council's SPD³ is that original rear outriggers that form a rhythm of a terrace must be preserved in conservation areas. Specific advice relating to proposals for rear dormers states that 'as a rule they should be less than half the width (i.e. from party wall to party wall) of the original roof, set down 1m from the ridge and 1m above the eaves.' Although the proposed dormer to the main rear roof slope would sit centrally within the roof plane and would be set up from the eaves and slightly lower than the ridge, it would not comply with that part of the guidance above which applies in conservation areas. In addition to the dormer, part of the outrigger roof would be replaced by an outdoor terrace extending over a significant section of the roof and enclosed by a wall. The scale of the walled enclosure would be an obtrusive and discordant addition to the outrigger.
9. Unlike in the recently dismissed appeal on the site, both main parties confirm that the site now lies within the SPBCA and although the proposed dormer has been reduced in scale, the scale of the roof terrace enclosure remains the same. Whilst a limited number of dormer additions are evident in the surrounding area, the overwhelming character on this stretch of Mafeking Avenue is of well-preserved and uncluttered rear roof planes. As such, I find that, in combination, the width and depth of the dormer and enclosure to the roof terrace would appear as bulky, prominent and visually incongruous additions to the rear elevation of the building that would unacceptably harm the character and appearance of the SPBCA.
10. I acknowledge that the rear elevation would not be readily visible from the public realm; however, it would be noticeable from the rear windows and gardens of properties along Mafeking Avenue and Ealing Road. In any event,

² S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

³ Residential Extension Guidelines Supplementary Planning Document: A Guide for Householders, adopted 20th December 2017

lack of public visibility does not obviate the need to achieve good design nor to assess the effect on the SPBCA as a whole. Similarly, the lack of any reference to existing alterations at the rear of some buildings in the SPBCA within the Appraisal is not a reason in itself to allow development that is unacceptable.

11. The appellant has provided plans and decisions of two recent appeals⁴ for roof extensions to properties within the London Borough of Hounslow which were allowed despite some conflict with the SPD. Be that as it may, the Inspector in both cases acknowledged that each property and proposal is different and is considered on its own merits. One of the appeal examples related to an end terrace with an existing dormer and the other related to a hip to gable extension on a semi-detached dwelling. Neither of the properties are located within the SPBCA. Therefore, both these cases are materially different to the appeal before me and have not influenced my reasoning.
12. My attention has also been drawn to a number of other roof additions granted in the area and which the appellant considers are comparable to the proposal before me. However, most of the examples provided do not incorporate an enclosed roof terrace over an original rear outrigger and the two that do were approved prior to the extension of the SPBCA. I have considered the appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
13. In finding harm, I consider the proposal would have a negative effect on the significance of the period terrace and SPBCA as a whole and would result in "less than substantial" harm in the context of paragraph 202 of the Framework⁵. The resultant harm needs to be weighed against the public benefits.
14. In this case, it is noted that the occupants of the first floor flat do not have access to private outdoor space. Whilst I empathise with the appellant, the need for private outdoor space is a private benefit. Although the balcony would provide space for planting and other measures which would increase local biodiversity, the scale of the development indicates that the benefit would be limited. As such, the public benefits do not outweigh the identified harm to the designated heritage asset.
15. On the above basis, the proposed development would fail to preserve or enhance the character or appearance of the SPBCA. It would conflict with those parts of the Hounslow Local Plan 2015-2030 (HLP) Policies CC1, CC2, CC4 and SC7 which require development to respond sensitively to the site and its context, to complement the original building, and to preserve or enhance the significance of the borough's heritage assets, having regard to the advice in the SPD. The proposed development would also be contrary to the heritage protection policies of the Framework.

Living conditions

16. I note that the walled enclosure around the proposed roof terrace on the outrigger would face side windows in the outrigger at 21 Mafeking Avenue. However, the walled enclosure would not project significantly above the existing parapet and given its size, position and distance from these windows, I find the proposal would not result in a poor outlook when viewed from No.21.

⁴ APP/F5540/D/21/3284883 and APP/F5540/D/21/3281760

⁵ National Planning Policy Framework

17. The proposal would be seen in the context of the wider terrace and although the character of the host property and wider terrace would significantly alter, due to the distance of the roof terrace enclosure from windows of other neighbouring properties, the outlook for occupiers of neighbouring properties would not be harmed.
18. For the reasons given, I conclude that the proposal would not harm the living conditions of occupiers of neighbouring properties, with particular regard to outlook. It would be consistent with the aims of Policies CC2 and SC7 of the HLP and the SPD as they seek to protect the amenity of residents.
19. Policies CC1 and CC4 of the HLP do not relate directly to living conditions. Therefore, these policies weigh neither for nor against the scheme in relation to this issue.

Conclusion

20. Whilst I find no harm to the living conditions of the occupiers of neighbouring properties, the proposal fails to preserve the character and appearance of the area, with special attention to the SPBCA. This represents a significant and overriding objection which must be decisive. This harm would demonstrably outweigh any potential public benefits of the scheme. Accordingly, the proposal conflicts with the development plan taken as a whole and I therefore conclude that the appeal should be dismissed.

A Veevers

INSPECTOR