



Appeal Decisions

Site visit made on 7 March 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 March 2023

Appeal A Ref: APP/F5540/W/22/3306663

37 Priory Avenue, Chiswick, London, W4 1TZ

- 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 and Mrs Christopher and Helen Llewellyn against the decision of London Borough of Hounslow.
 - The application Ref 00899/37/P10, dated 28 March 2022, was refused by notice dated 22 June 2022.
 - The development proposed is extension of first floor rear roof terrace to cover the whole of the flat roof area to the as-built rear outrigger.
-

Appeal B Ref: APP/F5540/Y/22/3306664

37 Priory Avenue, Chiswick, London, W4 1TZ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Christopher and Helen Llewellyn against the decision of London Borough of Hounslow.
 - The application Ref 00899/37/L11, dated 28 March 2022, was refused by notice dated 22 June 2022.
 - The works proposed are extension of first floor rear roof terrace to cover the whole of the flat roof area to the as-built rear outrigger.
-

Decision – Appeal A

1. The appeal is allowed, and planning permission is granted for extension of first floor rear roof terrace to cover the whole of the flat roof area to the as-built rear outrigger, at 37 Priory Avenue, Chiswick, London, W4 1TZ, in accordance with the terms of the application, Ref: 00899/37/P10, dated 28 March 2022, subject to the following conditions:
 - a) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - b) The development hereby permitted shall be carried out in accordance with the following approved plans: A724 L1, A724 M01, A724 M02, A724 M03, A724 01, A724 02, A724 03 and A724 20.

Decision – Appeal B

2. The appeal is allowed, and listed building consent is granted to extension of first floor rear roof terrace to cover the whole of the flat roof area to the as-built rear outrigger, at 37 Priory Avenue, Chiswick, London, W4 1TZ, in accordance with the terms of the application, Ref: 00899/37/L11, dated 28 March 2022, and the plans submitted with it, subject to the following condition:

- a) The works authorised by this consent shall begin not later than 3 years from the date of this consent.

Preliminary Matters

3. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning.

Main Issues

4. The main issue for both appeals is the effect of the proposal upon the significance of the grade II listed building known as Nos. 37 & 39 Priory Avenue and the Bedford Park Conservation Area.
5. An additional main issue for Appeal A only is the effect of the proposal on the living conditions of the occupiers of nearby dwellings, with regard to privacy.

Reasons

Listed building and conservation area

6. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. The appeal building is one half of a pair of dwellings that form a listed building. They are constructed in red brick under a clay tile roof with some modest and carefully considered embellishments that include a modillion eaves course, decorative brick work, and fine white painted joinery to give an overall refined and genteel appearance. Their formal composition and detailing are primary contributors to the listed building's architectural significance.
8. The building stands in the Bedford Park Conservation Area (the CA). According to the submitted appraisal the area was constructed between 1875 and 1914 and is probably the best known and best preserved later Victorian suburb in outer London. The area finds its design origins in the aesthetic movement, resulting in a visually pleasing arrangement of modestly varied dwellings that are carefully detailed and front tree lined streets. The rear elevations of many of the buildings are also carefully composed and feature the consistent use of white painted timber balustrades to enclose balconies. These are important attributes of the CA that contribute to its character and appearance.
9. The appeal building has already been extended at the rear at ground floor level. This has resulted in the loss of the original arrangement whereby a mono-pitched roof sat in front of a small flat roof section that was topped by a low and open balustrade. It is therefore not possible to safeguard this original arrangement now that the building has been extended.
10. The short balustrade that the Council has consented would sit over half of the new flat roof. At my visit I saw many examples of first floor balconies enclosed by balustrades that cover the full extent of the available area of flat roof. Many of these are of a similar scale to that built at the site. Whilst I accept that most are later extensions and the loss of the more modest historic arrangement at the appeal building is regrettable, as consented the ground floor extension

would be more pronounced and appear somewhat incongruous if it was topped by a shortened balustrade. Indeed, flat roofs that are not topped with a balustrade are not a feature of these buildings. Thus, the proposal makes sense of the consented design and would be an appropriate addition that would safeguard the building's special interest and the positive contribution that it makes to the character and appearance of the CA.

11. It would thus accord with the requirements of the LBCA and paragraph 199 of the National Planning Policy Framework (the Framework), which establishes that great weight should be given to the conservation of heritage assets. It would also accord with Policies CC1, CC2, CC4 and SC7 of the London Borough of Hounslow Local Plan 2015-2030 (the LP), which together seek to ensure that development proposals are designed to a high quality, and conserve special qualities and heritage assets.

Living conditions

12. The extended balustrade would allow persons to stand further out over the ground floor extension and look towards neighbouring dwellings and gardens over a broad area. At my visit I was able to stand on the existing recently constructed flat roof area. Whilst I accept that the area that would be enclosed by the extended balustrade would increase such a view, the difference between the view from the consented position and the view that would be possible from the edge of the flat roof as proposed is only modestly different. I cannot agree that the difference would harm the living conditions of the occupiers of neighbouring dwellings, particularly as there is already a significant level of mutual overlooking between dwellings given their proximity and the existing number of balconies.
13. In summary, the proposal would not harm the living conditions of the occupiers of nearby dwellings. It would accord with Policies CC2 and SC7 of the LP, which seek to ensure that development proposals provide adequate levels of privacy and minimise direct overlooking.

Conditions

14. The Council has not suggested any conditions that it considers to be necessary if the appeals are allowed. I have had regard to the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition for the planning permission that specifies the approved plans as this provides certainty. The scheme is otherwise supported by joinery details that cover all elements of the proposed balustrade. I am satisfied that this is sufficient and no additional conditions are necessary.

Conclusion

15. For the reasons above, both appeals should be allowed.

A Tucker

INSPECTOR