



Appeal Decision

Site visit made on 24 May 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2023

Appeal Ref: APP/X5990/D/23/3317044

24 Biddulph Road, City of Westminster, London W9 1JB

- 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 Sopher Arwas against the decision of City of Westminster Council.
 - The application Ref 22/07735/FULL, dated 15 November 2022, was refused by notice dated 3 February 2023.
 - The development proposed is first floor rear extension, replacement rear facing dormer including new balcony, 2 replacement and 3 new front facing rooflights, recovering of the main roof, decoration of existing pebble dash and window replacement.
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Decision

1. The appeal is allowed and planning permission is granted for first floor rear extension, replacement rear facing dormer including new balcony, 2 replacement and 3 new front facing rooflights, recovering of the main roof, decoration of existing pebble dash and window replacement at 24 Biddulph Road, City of Westminster, London W9 1JB in accordance with the terms of the application, Ref 22/07735/FULL, dated 15 November 2022, subject to the conditions in the attached schedule.

Procedural Matters

2. I have added the new balcony to the description set out above as this more accurately describes the appeal proposal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host dwelling and area, and whether it would preserve or enhance the character and appearance of the Maida Vale Conservation Area.

Reasons

4. The appeal property is located within the Maida Vale Conservation Area (MVCA). I have therefore approached this appeal in the context of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.
5. Biddulph Road is wide with a relatively generous carriageway incorporating on-street parking and a large pavement. It is made up of a mixture of terraced, semi-detached, and detached houses, which appear as two-storey, many with rooms in the roof. There are much larger four to five storey mansion blocks at each end of the road. Both the houses and mansion blocks are set back a

similar distance from the highway, which, together with the width of the highway, creates a degree of spaciousness.

6. The two-storey houses have a consistent style and share similar forms, features, and materials. However, the composition of their materials, their heights and their roof profiles differ. Therefore, while there is a degree of uniformity there is also some variety in the street scene. The mansion blocks have a more uniform appearance, and in comparison, the two-storey houses appear relatively humble.
7. The road is lined by mature trees and most of the front boundary treatments include hedging and planting, which gives the road a verdant character. There are irregular gaps between the two-storey houses, which provide glimpses of greenery within the rear gardens. However, most are relatively narrow, and the spacious and green character is more a result of the width of the highway, set back of the properties, street trees and frontage planting.
8. The significance of the MVCA, in so far as it relates to the appeal, is the architectural value of the houses along Biddulph Road as an attractive and distinctive group and how they relate to the evolution of the area, as well as the verdant and spacious character resulting from the composition of the public realm. The appeal property in its current form makes a positive contribution to this significance.
9. The proposed first floor rear extension would be the same depth and approximately half the width of the existing ground floor extension, which is relatively modest. Thus, it would not be excessive in size and would appear as a subservient addition to the host dwelling.
10. While the rear patio doors comprise a large area of glazing, they do not span the whole width of the ground floor. The solid structure that would sit below the proposed first floor extension would not be insignificant and therefore the ground floor would not appear overly open. Given this, and that the proposed first floor extension would only be approximately half the width of the ground floor, the massing and composition would not be inappropriate. Although the eaves of the extension would be close to the dormer window, the roof of the first floor rear extension would slope away providing sufficient space for the replacement dormer not to appear cramped. Overall, the proposed rear extension would assimilate well with the host dwelling.
11. The appeal property is the end house of a terrace block of six houses comprising Nos 14 to 24 Biddulph Road. Other than a subtle change in the height of the houses and the varying size of the rear dormers, the rear elevation of the terrace block has a consistent form. There are currently no first floor rear extensions that break the roof structure, and the proposed first floor extension would be the first to do this.
12. Nevertheless, I saw on site that the rear of the terrace block is not visible from Biddulph Road and is only seen from adjacent properties. Furthermore, boundary treatments between the rear gardens of the individual houses within the terrace block, as well as the boundary treatments with the houses on Ashworth Road, include a lot of tall and dense planting. This significantly restricts any views of the rear of the terrace block as a whole. In my view, this planting is highly likely to remain in a similar form for aesthetics and privacy. Therefore, while the rear elevation of the terrace block may have considerable

townscape harmony, the contribution that it makes to the character and appearance of the area and the significance of the MVCA is neutral and, visually, the effect of the proposed extension on the uniformity of the terrace block would be limited.

13. Also, when viewed from the rear, the appeal property relates more to its immediate neighbours, Nos 22 and 26 Biddulph Road, than the terrace block. The proposed first floor rear extension would finish in line with the two-storey rear wing of the neighbouring property, No. 26 Biddulph Road, which would unify it with the surrounding townscape.
14. I appreciate that the City of Westminster Supplementary Planning Guidance on Development and Demolition in Conservation Areas (2004) (SPG) advises that normally an extension should terminate at the penultimate storey level or lower. However, as suggested by the guidance, although likely less typical, there could be occasions, such as the appeal proposal, where extending past the penultimate storey would be acceptable.
15. The proposed rear dormer would be a similar size to the existing rear dormer and not significantly larger than other rear dormers that form part of the terrace block, including the rear dormer of the adjoining property, No. 22 Biddulph Road. From the evidence before me and my observations on site, the proposed transparent glass balustrade would be inconspicuous. It would allow views of the rear dormer but would not accentuate it.
16. It is confirmed in the appellant's statement that the replacement windows would be 'Residence 9' windows, which would allow the recreation of the existing window patterns set within dark grey PVC-U framing. In terms of the new window proposed on the rear elevation of the first floor extension, the submitted plans show this would be double glazed in a grey timber framing. Today there are options available to replicate historical windows using UPVC. Moreover, the neighbouring property, No. 22 Biddulph Road, appeared to have UPVC double glazed windows on the rear of the property with frames and glazing bars of a similar thickness to the appeal property's existing windows. Given this, I am satisfied that an appropriate design for the new and replacement windows could be secured by a condition seeking the Council's approval of the exact details and materials.
17. While it may be that the proposed dark grey frames would be more prominent than the existing frames, there is a variety of colours used for the window frames of properties along Biddulph Road, including dark grey. Therefore, the proposed frames would not be out of keeping nor would they harm the character and appearance of the area or the significance of the MVCA.
18. Accordingly, for the reasons above, the proposal would not harm the character and appearance of the host dwelling and surrounding area or the significance of the MVCA. It would therefore accord with Policies 39, 40 and 41 of the City of Westminster City Plan (2021). These seek to ensure that the design of new development responds positively to the local context, character and established townscape and does not harm the significance of heritage assets.

Other Matters

19. I have taken careful account of the representations of those nearby, including in respect of outlook, loss of privacy, and loss of light. However, given the

position and orientation of the proposed extension in relation to the neighbouring properties, I am not of the view that unacceptable effects would result in these regards. Also, for these reasons, a condition requiring the first floor bathroom window to be obscure glazed would not be necessary. In coming to this view, I have taken into account the existing relationship between the neighbouring properties that already results in a degree of mutual overlooking.

20. The new development would likely cause some noise and disturbance, particularly during construction, and has the potential to increase pressure on parking. Nonetheless, it would take place for a limited period and the living conditions of occupants of neighbouring properties could be protected by restricting the hours of when building works could take place, if needed.

Conditions

21. The Council have suggested that three conditions be imposed, which I conclude on below. In imposing conditions, I have had regard to the approach in the National Planning Policy Framework and the Planning Practice Guidance. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims.
22. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interest of certainty.
23. To protect the significance of the MVCA a condition is necessary to clarify the exact details of and materials to be used for the new and replacement windows, rooflights and glazed balustrade. However, given that the proposal includes painting the existing pebble dash and window frames, as well as new window and door frames, it would be unreasonable to impose a condition requiring the materials to be used in the construction of the external surfaces of the development to match those of the existing building.
24. To protect the living conditions of neighbouring occupants a condition is required to restrict the hours when piling, excavation, demolition and other building works can take place. However, for the reasons mentioned above, it is not necessary to impose a condition requiring the first floor bathroom window to be obscure glazed.

Conclusion

25. For the foregoing reasons, having considered the development plan as a whole along with all other material considerations, I conclude that the appeal should be allowed subject to the conditions above.

Hannah Guest

INSPECTOR

SCHEDULE OF 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: 100-01; 120-01; 120-02; 120-03; 120-04; 200-01 Rev 02; 300-01 Rev 03; 300-02 Rev 03; 360-01 Rev 04.
- 3) Prior to the installation of any new or replacement window, door or rooflight and the glazed balustrade to the rear dormer hereby permitted, detailed drawings of them and samples or details of the materials to be used must be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.
- 4) Except for piling, excavation, and demolition, building works which can be heard at the boundary of the site shall take place only between 08:00 and 18:00 Monday to Friday and between 08:00 and 13:00 on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 5) Piling, excavation, and demolition works shall take place only between 08:00 and 18:00 Monday to Friday and shall not take place at any time on Saturdays, Sundays or on Bank or Public Holidays.

End of schedule