

Appeal Decision

Site visit made on 30 August 2023

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/X5990/W/23/3315602

Basement, 69 Warwick Avenue, London W9 2PP

- 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 A Evans against the decision of City of Westminster Council.
 - The application ref. 22/06450/FULL, dated 23 September 2022, was refused by notice dated 29 November 2022.
 - The development proposed is described on the application form as "*Proposed single storey Glazed Veranda extension to form Garden room*" but more accurately on the appeal form and the Council's decision notice as "*Erection of glazed extension to rear at lower ground floor level.*"
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Decision

1. The appeal is dismissed.

Preliminary matters and planning policy

2. The appeal concerns the basement or lower ground floor flat within 69 Warwick Avenue. No. 69 forms part of a terrace on the south-western side of the avenue, a mainly residential road, near its junction with Formosa Street. It falls within the Maida Vale Conservation Area (MVCA).
 3. The submitted floor plans show a one-bedroom flat. The accommodation is arranged rather differently to that shown on the plans and provides for a 2-bedroom flat. The proposal is unaffected and not prejudiced by this discrepancy.
 4. The determination of the appeal is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the City Plan (2019-2040). The reference to the Havering Local Plan in the introduction on page 1 of the appellant's Appeal Statement is misplaced but is not repeated elsewhere. There is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, a designated heritage asset. The National Planning Policy Framework (the Framework), an important material consideration, expects such assets to be conserved in a manner appropriate to their significance, with any harm to, or loss of, their significance requiring clear and convincing justification. It explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
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Main issue

5. The main issue is the effect of the proposed rear glazed extension upon the character and appearance of the host building and the MVCA.

Reasons

6. Nos 65-83 Warwick Avenue comprise a distinct, elegant and grand terrace of 10 properties, with 4 floors above street level plus a basement or lower ground floor accessed from a front light-well. No. 85 is lower and of a different design whilst nos 87-93 make up a modern infill development of 3 storeys. The unlisted buildings in the host terrace of 10 are good examples of well-preserved period architecture that, along with the grid-like pattern of wide tree-lined streets, produces a townscape of merit and lends significance to the MVCA. The host terrace's rear elevation lacks the high-quality architectural detailing of its front elevation but it displays an attractive and coherent built form with the buildings having tall, shallow, half-width closet wings, some of which can be seen from Elnathan Mews in the gap between 2 Elnathan Mews and 42 Formosa Street.
7. As the Council notes, where basement level rear extensions have been introduced within the host terrace, they lie within the recesses and generally respect the prevailing rear building line by not materially projecting beyond the closet wings and not wrapping around them. A rear conservatory was approved at no. 69 in 2002, under ref. 02/00973/FULL. Being contained within the recess and set back slightly from the closet wing, this would have respected the rear building line. However, it does not seem to have been erected at any stage.
8. In contrast, the proposed rear glazed garden room, which would have a maximum depth of 5 m, would project significantly into the rear garden well beyond the line established by the shallow closet wing and would wrap around the corner of that closet wing covering about two-thirds of its rear face. The lean-to glazed structure would be set away from all 3 rear garden boundaries and its lightweight glass and metal frame construction would not be objectionable in itself, but given its sheer depth and bulk, it would inevitably appear over dominant and out of scale with the host building, the modest rear garden setting and the prevailing rear building pattern of the adjoining terraced properties. It would result in a cluttered appearance at the host property and blur the distinction between the recess alongside and the projection of the closet wing. Moreover, it would disrupt the host terrace's established rear building line.
9. The effect of the extension upon the townscape would plainly not be as apparent as alterations and extensions to the front of the building. Nonetheless, even allowing for the back garden's surrounding boundary conditions, characterized by trellises overgrown with vegetation, it would be visible from the rear windows of other properties in the locality. The settled visual continuity in the host terrace that the regular rear building pattern of recesses and projections provides is also appreciated in those same views and makes a positive contribution to Westminster's distinctive townscape and to the MVCA's character and appearance. Owing to its over dominant appearance, the extension would harm the character and appearance of the building. It follows from this, added to the lack of respect shown for the terrace's established rear building line, that the scheme would also be harmful to the character and appearance of the MVCA.

10. The appellant refers to 38 Formosa Street where permission was granted for the erection of a rear single storey extension under ref. 21/04628/FULL in January 2022. That nearby property is part of a very short terrace of 3 properties which is much altered and on a different street. The approved extension, which seems to have been built, is lower than that proposed, based on a flat roof design and broadly matches an extension at 40 Formosa Street. Moreover, that approved extension does not have the same footprint as the one currently proposed; in particular the projections from the main rear wall and the closet wing are not as deep as those proposed. This other case is not directly comparable and therefore carries limited weight in the determination of the appeal.
11. The Council, correctly in my view, did not identify an excessive loss of amenity for neighbouring properties for any reason. The lack of harm in that regard does not outweigh the harm that would be caused to the character and appearance of the host building and the MVCA. It is commonplace, rather than contradictory, to come across development proposals that would be over dominant and out of scale from a visual or design perspective but be acceptable in terms of their direct impact on neighbouring residential amenities.
12. The character and appearance of the MVCA would not be preserved or enhanced. In the Framework's terms, the harm to the significance of the MVCA as a designated heritage asset would be less than substantial. In weighing this less than substantial harm against the public benefits of the proposal, the appellant points to the additional comfortable and usable space the scheme would provide, the effective use of space and land, the improved thermal performance of the building and the economic benefits arising from the increase in the value of the property and the opportunities for the building trades. I do not dismiss these aspects of the proposal lightly but it is not clear as to whether they could be classed as public benefits and in any event, even if they could, they do not outweigh the harm to the MVCA that I have found, to which I must attribute great weight. This harm represents a clear reason for refusing the development proposed and means that the environmental objective of sustainable development has not been achieved when viewed in the round.
13. I find on the main issue that the proposed rear glazed extension would harm the character and appearance of the host building and the MVCA. This would conflict with City Plan Policies 38, 39 and 40. Taken together, these policies seek to ensure that all new development is of high quality architectural and urban design, that extensions respect the character of the existing and adjoining buildings, avoid adverse visual impacts and do not disrupt any uniformity, patterns, rhythms or groupings of buildings and spaces that contribute positively to Westminster's distinctive townscape and that development preserves or enhances the character and appearance of Westminster's conservation areas. The scheme disrespects the Framework insofar as it relates to achieving well-designed places and conserving and enhancing the historic environment.

Conclusion

14. My finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material

considerations. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR