



Appeal Decision

Site visit made on 5 September 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

Appeal Ref: APP/A5270/W/23/3318983

Flat 33A, Twyford Avenue, London, W3 9PY

- 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 Fred Bassnett against the decision of the Council of the London Borough of Ealing.
 - The application Ref 224317FUL, dated 11 October 2022, was refused by notice dated 5 December 2022.
 - The development proposed is to install a frameless glass balustrade with aluminium to create a first floor terrace.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of frameless glass balustrade with aluminium to create a first floor terrace in accordance with the terms of the application, Ref 224317FUL, dated 11 October 2022, subject to the following conditions:
 - 1) The development hereby approved shall be carried out in accordance with the following approved plans: Site Location Plan and P905 rev 5.
 - 2) The privacy screening hereby approved shall be completed within 6 months of the date of this planning permission and retained in place for the lifetime of the development.

Preliminary Matters

2. I have been supplied with a number of versions of the plans for the proposed development. Condition 2 above lists the proposed plans that the appellant has confirmed to be correct.
3. At the time of my visit, it was evident that the flat roof was in use as a first floor terrace. However, no balustrade had been installed. For the avoidance of doubt, I have determined the appeal on the basis of the submitted plans.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and local area bearing in mind the special attention that should be paid to the extent to which it would preserve or enhance the character or appearance of the Creffield Conservation Area (CA); and
 - the living conditions of neighbouring occupiers having regard to privacy.

Reasons

Character and Appearance

5. Twyford Avenue is a part of the Creffield CA. The Creffield Conservation Area Appraisal 2007 identifies the CA as a late 19th and early 20th century residential estate of architecturally superior houses set around The Elms, an early 18th century villa. The CA derives its significance, in part, from the traditional materials as well as fine details and features on the houses, such as shaped gables, turrets, castellated bays and intricate chimney detailing.
6. The appeal property occupies a corner plot at the junction of Twyford Road and Stanway Gardens. The detached two-storey building benefits from a single storey rear extension and has been subdivided into two flats. Flat 33A is positioned on the first floor.
7. The proposed terrace would be located on top of the rear extension, accessed from a first floor door. Due to its siting, the terrace and glass balustrade would be visible from Stanway Gardens. First floor terraces are not characteristic of this street scene. Nevertheless, the proposal would be set in from the site's side boundary and partly screened by the existing dwelling, which would reduce its prominence from the public realm.
8. The proposal would introduce glass balustrading into the streetscene, which is not typical of the area. However, the proposed balustrade would be of a simple lightweight design that would not be overly tall or bulky. The privacy screen would be limited in length. For these reasons, the proposal would successfully integrate with the dwelling and surrounding development.
9. For the reasons set out above, I conclude that the proposal would not cause harm to the character and appearance of the host property and local area and would preserve the character and appearance of the Creffield CA. Accordingly, the proposal would comply with Policies D3, D4 and HC1 of the London Plan 2021 (LP), Policies 7C and 7.4 of the Ealing Development Management Development Plan Document 2013 (DPD) and the Creffield Conservation Area Management Plan 2007. These policies seek, amongst other things, a high standard of design and layout and to preserve or enhance heritage assets. Further, the proposal would align with the National Planning Policy Framework (the Framework), which seeks to ensure that developments are sympathetic to local character and conserve heritage assets.

Living Conditions

10. 29 Hale Gardens sits directly to the rear of the appeal site. During my site visit I was able to stand on the terrace and observe that views towards the rear garden and rear windows in No 29 are at a distance and mostly restricted by the existing outbuilding between both properties. The glass balustrade would be set in from the rear edge of the roof terrace, which would assist in limiting the views towards No 29. Further, the projection of the glass balustrade beyond an existing two storey clear glazed and openable window on the host property would be limited and, as such, views from the terrace would be consistent with that which already takes place. For these reasons, the proposal would be unlikely to give rise to perception of overlooking and would respect the privacy of these neighbours.

11. 31 Twyford Avenue is adjacent to the side of the appeal site. During my site visit I observed that the terrace offers direct views towards the rear garden and rear facing windows in this property. However, the proposal includes a privacy screen to be positioned along the edge of the terrace next to No 31. The screen, which can be secured by planning condition, would reach a height of approximately 1.7m from the terrace level so it would be sufficient to protect the privacy of the occupants of No 31. Moreover, given the separation gap between both dwellings, the screen would mitigate against any perception of overlooking.
12. In light of the above, I conclude that the proposal would not cause harm to the living conditions of neighbouring occupiers having regard to privacy. As such, the proposal would accord with Policies D3 and D4 of the LP, and Policy 7B of the DPD. These policies seek, amongst other things, to protect residential amenity. The proposal would also accord with the Framework, which seeks to create spaces with a high standard of amenity.
13. The Council's reason for refusal quotes Policy 5.10 of the Ealing Local Variation, which concerns urban greening. It also quotes Policies 1.1 (e) (i) and 3.8 of the Ealing Development Strategy 2026 (2012) which relate to spatial vision and residential neighbourhoods. Policy 7C of the DPD and Policy HC1 of the LP, which refer to heritage, have also been quoted. Based on the information before me I do not find these policies to be relevant in the context of living conditions as considered under this appeal.

Conditions

14. A condition is necessary to require the development to accord with the approved plans, as this provides certainty. In the interests of clarity, I have amended the wording of this condition. Given that much of the development aside from the balustrading is in situ, a condition securing matching materials is not essential. In the interests of protecting privacy, a condition requiring the privacy screen to be completed and retained is necessary.

Conclusion

15. For the reasons given above, I conclude that the proposal complies with the development plan read as a whole. There are no material considerations that indicate that a decision should be taken otherwise other than in accordance with it. As such, I conclude that the appeal should succeed.

P Terceiro

INSPECTOR