
Appeal Decision

Site visit made on 6 November 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2ND DECEMBER 2024

Appeal Ref: APP/F5540/W/24/3343741

First Floor Flat, 53 Mafeking Avenue, Hounslow, Brentford TW8 0NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Magdalena Rokosz against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is 00721/53A/P3.
 - The development proposed is replacement and extension of existing balcony with stair access and all associated works.
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Decision

1. The appeal is allowed and planning permission is granted for replacement and extension of existing balcony with stair access and all associated works at First floor flat, 53 Mafeking Avenue, Hounslow, Brentford TW8 0NL, in accordance with the terms of the application Ref 00721/53A/P3 and the plans and drawings submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following plans and drawings: Unreferenced Location Plan (Scale 1:1250); B144261-02 - 1100 (Rev A); B144261-02 - 3000 (Rev A) and B144261-02 - 3100 (Rev A).
 - 3) The materials to be used in the construction of the external surfaces of the balcony and staircase hereby permitted shall be timber, and the privacy screens shall comprise timber frames with aluminium wire trellis to facilitate planting.
 - 4) The balcony hereby permitted shall not be brought into use until the proposed privacy screens have been provided in accordance with the approved plans. Thereafter, the privacy screens shall be retained for the life of the development.

Main Issues

2. The main issues are: i) Whether the proposal would conserve or enhance the character and appearance of the St Paul's Brentford Conservation Area; and ii) the effect of the proposal on the living conditions of neighbours.

Reasons

Character and appearance

3. Mafeking Avenue comprises a residential street incorporating terraced properties. The appeal property occupies a mid-terrace position and has been subdivided into two separate flats. The appeal property was added to the St Paul's Brentford Conservation Area as part of an extension to this in 2021.
4. The National Planning Policy Framework ('the Framework') requires me to assess the particular significance of any heritage asset that may be affected by a proposal.
5. Based on my observations and the St Paul's Brentford Conservation Area Appraisal ('the Appraisal'), the significance of the Conservation Area lies, in part, in the layout and appearance of its mainly Victorian and Edwardian properties.
6. In particular, the Appraisal identifies the Edwardian two-storey terraced housing on Mafeking Avenue as particularly high quality because of the white stucco dressings around the windows and the full height canted bays at the front. The frontage of the appeal property also exhibits these characteristics and positively contributes to the character and appearance of the street scene.
7. However, the rear elevation of the appeal property incorporates an external staircase and the wider terrace does not contain the same high level of detailed design, originality and uniformity compared with the frontage. Indeed, some adjoining properties incorporate balconies to the rear of the outriggers with staircases leading down to amenity areas. On the information before me, some of these do not benefit from planning permission. Even so, there is nothing to suggest that the Council is pursuing any enforcement proceedings in relation to these. Moreover, these inform the character and appearance of the area.
8. The proposal is for a new first floor rear balcony, positioned on four stilts, with two side privacy screens and balustrade with a replacement external rear staircase to the first floor flat, to provide access to the rear garden.
9. The balcony and staircase would only extend part way along the outrigger and would be a relatively open structure. Therefore, this would not detract from the overall scale, form and materiality of the outrigger. Furthermore, the proposed balcony and staircase would reflect a similar installation on the neighbouring property.
10. For the above reasons, the proposal would assimilate with the outrigger at the appeal property and would complement similar installations nearby. As such, the proposal would preserve the character and appearance of the St Paul's Conservation Area. Accordingly, I find no conflict with Policies CC1, CC2, CC4 and SC7 of the London Borough of Hounslow Local Plan (2015-2030) Volume One. Together, these Policies require developments to respond to any local architectural vernacular and characteristics of the area, complement the original building, harmonise with adjoining properties and maintain the character of the general street scene and function well in themselves and in their effect on the surrounding area. Also, that proposals retain, conserve and reuse an asset in a manner appropriate to its value and significance.

Living conditions

11. The top of the existing staircase incorporates a platform. From here, views are available towards the rear amenity areas associated with nearby dwellings. The proposed balcony would be larger than the existing platform. As such, its use would facilitate increased usage and potential overlooking of neighbouring amenity areas.
12. However, to limit opportunities for overlooking of the amenity areas either side of the appeal site, the proposed balcony would incorporate privacy screens.
13. Views from the balcony would also be available towards properties along Breamer Road (to the rear of the site). Nevertheless, because of the modest depth of the rear amenity areas associated with these properties and intervening boundary treatments, any potential views into such areas would be limited and no more intrusive than those already available from the existing platform.
14. Drawing on the above reasons, whilst the proposal would introduce further potential for overlooking, I am unpersuaded that this would be unduly intrusive. In particular, given that the surrounding area comprises relatively dense development where a degree of overlooking is to be expected and tolerated.
15. Although the balcony would overhang a rear facing window associated with the ground floor flat at 53 Mafeking Avenue, this window is frosted and serves a bathroom. Therefore, the proposed balcony does not impact any habitable windows access to daylight and sunlight.
16. Because the balcony and staircase would be a relatively open structure, this would not adversely affect daylight / sunlight to neighbouring properties.
17. Consequently, the proposal would not harm the living conditions of neighbours and accords with Local Plan Policies SC7 and CC2. Amongst other things, these policies seek to safeguard amenity of existing and future residents.

Conditions

18. In considering the suggested conditions, I have had regard to the Framework and the Planning Practice Guidance. I have imposed the standard timescale condition for the implementation of the permission and a condition specifying the relevant plans and drawings as this provides certainty. To ensure that the development safeguards the character and appearance of the Conservation Area, I have specified a condition regarding the proposed materials. To safeguard the living conditions of neighbours, it is necessary to specify a condition requiring the installation of the proposed privacy screens before the balcony is brought into use.
19. The Council has suggested that the proposed balcony and external staircase are used for access to the first-floor flat's rear garden only and not used by residents for sustained time periods for amenity purposes. Given my findings in respect of the second main issue, such a condition would be unreasonable and also difficult to enforce and therefore not necessary.

Conclusion

20. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR