



Appeal Decision

Site visit made on 24 April 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th June 2025

Appeal Ref: APP/X5990/W/24/3358071

76C Amberley Road, London W9 2HP

- 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 Cara Scott against the decision of City of Westminster Council.
- The application reference is 24/05579/FULL.
- The development proposed is the construction of a roof extension with a similar part-recessed front elevation to create a new terrace and 4th floor in association with the enlargement and alterations to existing 2-bedroom duplex flat.

Decision

1. The appeal is allowed and planning permission is granted for the construction of a roof extension with a similar part-recessed front elevation to create a new terrace and 4th floor in association with the enlargement and alterations to existing 2-bedroom duplex flat at 76C Amberley Road, London W9 2HP in accordance with the terms of the application, reference 24/05579/FULL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following plans:
 - Location Plan (Drawing 23/10/02/B, Dated January 2020, revisions January 2024)
 - Proposed Arrangement (Drawing 23/10/11/B, Dated January 2020, revisions July 2024)
 - 3) No installation of external facing materials (including glazing) shall take place until details and samples of the materials to be used for those external surfaces in the extension hereby permitted have been 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) The extension hereby permitted shall not be occupied until the lower part of the rear fourth floor (kitchen and dining room) window has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing, and a sample of the glass at least 300mm square, shall be submitted to and approved in writing by the local planning authority before the window is installed. Once installed the obscured glazing shall be retained thereafter.
 - 5) Except for piling, excavation and demolition works, building work which can be heard at the boundary of the site shall take place only between 08.00 and

18.00 from Monday to Friday, between 08.00 and 13.00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

Piling, excavation and demolition works shall take place only between 08.00 and 18.00 from Monday to Friday, and shall not take place at any time on Saturdays and Sundays, or on Bank or Public Holidays.

Main Issue

2. The main issue is the effect of the proposed extension on the character and appearance of the area.

Reasons

3. 76 Amberley Road is an infill building with four storeys plus basement, originally erected as a single dwellinghouse following a grant of planning permission in 2002¹, but subsequently converted into three self-contained flats². The building is not listed or within a conservation area, nor are its immediate neighbours. This appeal relates to 76C, a two-bedroom flat spanning the top two floors of the building. The flat is laid out with two bedrooms and a bathroom on the second floor, with a combined kitchen and living room on the third floor; the front of the third floor is set back from the street elevation, with the external space at that level used as a terrace.
4. The proposed development is the creation of an additional storey to provide additional living space – a self-contained living room, along with a WC – at fourth floor level; the third floor would be reconfigured to provide a combined kitchen and dining room. The front elevation of the fourth floor would be set back by approximately 1m from that of the third floor below, and the external space at that level would be used as a second roof terrace.
5. No 76 has a grey rendered façade, large asymmetrical stacked floor-to-ceiling windows, with adjacent muted solid flush entrance door and small stacked square casements above. Its simple design and relatively modest scale give it a distinctly different appearance to the adjoining brick- and stucco-faced Victorian buildings at No 336 Harrow Road (a corner building with commercial premises on the ground floor and flats above) and No 75 Amberley Road (the former Earl of Derby public house). These buildings have sash windows arranged in a traditional hierarchy, generous storey heights and decorative architectural features to principal floors-ground and first floors that diminish in scale and detailing toward the upper floors. Because of the lower storey heights of No 76, and the distance by which the third floor is set behind the front elevation, seen from the street the building does not dominate its older neighbours.
6. The proposed roof extension would span the full width of No 76 between the party walls with No 75 Amberley Road and No 336 Harrow Road. It would increase the height of the appeal building, and a small section of the south-west corner would rise above that part of the parapet of No 336, but overall it would remain lower than No75 and no taller than No 336. Furthermore, the visual impact of the fourth floor would be considerably limited by the distance it would be set behind the front elevation. In most public views whether looking east or west along Amberley Road, or when approaching from the south along Harrow Road, to the extent that the

¹ LPA Ref: 02/02468/FULL

² A lawful development certificate for this was issued in December 2013 – LPA Ref: 13/06490/CLEUD

extension would be seen or noticed, the stepping back of the upper floors of the building would be apparent. A clear visual gap between the older buildings on either side, and the contribution that gap makes to the townscape and to illustrating the historic development of the area, would be retained.

7. The relative narrowness of Amberley Road means that there would be few head-on public views of the proposed extension – these would mostly be limited to a small part of the footway at the entrance to the garages and car park of Westway Lodge opposite. However, the fenestration of the proposed fourth floor would match that of the existing third floor so it would not be seen as an incongruous or incoherent addition to the existing building. The stepping back of the upper floors would also ensure that the roof extension would not be a dominating or top-heavy feature.
8. The Council has referred to Section 6 of its 1995 *Roofs: A Guide to Alterations and Extensions on Domestic Buildings* Supplementary Planning Guidance (“the SPG”), which deals with gaps between buildings. It notes that “in some areas of the City, e.g. Pimlico, there are gaps in the townscape which were created to provide a break between the larger, grander terraced houses on the principal streets and the smaller terraced houses on the side streets”, and that “these gaps are often occupied by single storey buildings”. The SPG goes on to advise that “in some cases one additional, second storey, above street level may be acceptable, depending on the heights of the adjoining terraces”, but that “proposals for more than one additional storey, infilling the gap, are unlikely to be acceptable”.
9. It is not clear, either from the written evidence put before me or what I saw during my site visit, whether such gaps are indeed a characteristic feature of this part of Westminster; I certainly did not see sufficient examples to be certain that they are. Even if it were to be the case that they are, however, No 76 Amberley Road is already a four-storey building. In my view the appeal site clearly does not fall within the scope of the “gaps between buildings” description in the SPG.
10. I conclude that the proposed development would not cause unacceptable harm to the character or appearance of the area. There would therefore be no conflict with Policies 38 or 40 of the 2021 City Plan 2019—2040. Among other things, those policies require development to positively contribute to the city, to be sensitively designed having regard to the character and appearance of the existing area, the scale and heights of adjacent buildings, the spaces around them, and the pattern and grain of streets and townscapes.

Other Matters

11. I have had regard to comments submitted by interested parties; many of these related to design matters which are addressed in my reasons above. The Council concluded that any concern about harmful effects on privacy in nearby flats at the rear of No 336 Harrow Road could be mitigated by the use of obscure glazing and non-opening windows at the rear of the extension; these details were not specified in the submitted drawings, and I have therefore imposed a condition dealing with this matter.
12. Points made about the structural feasibility of adding another floor to the existing building were set out as generalised concerns, rather than substantive detail. However, a grant of planning permission does not remove the requirement that developers comply with the Building Regulations in this respect. The erection of

scaffolding or hoardings which would obstruct the highway would require a licence from the Council, which I understand would need to take account of pedestrian and highway safety as a matter of course.

13. Given the site's proximity to surrounding dwellings there is a risk of some noise and other disturbance to nearby residents during the construction phase of the development. Though inevitable, such disturbance would be for a relatively limited period given the scale of the scheme, and is surely a common feature of life in this busy part of London. Nevertheless, in order to protect neighbours' living conditions it is appropriate to impose a condition limiting the times at which noisy works can be carried out.
14. Finally, I note suggestions that my allowing this appeal might set a precedent for similar roof extension development in the area. The appeal property in this case is an unusual building in its local context, and I have determined this appeal on its own merits. If and when other schemes were to come forward, it would be for the decision maker in those cases to take the same approach.

Conditions

15. I have considered the conditions suggested by the Council having regard to the tests in the National Planning Policy Framework and the advice in the Planning Practice Guidance. Where necessary I have altered the ordering and proposed wording in the interests of clarity and effectiveness.
16. In addition to the standard time limit condition (1), I have specified the approved plans so as to provide certainty (2). A condition relating to materials (3) is necessary to protect the character and appearance of the area, and to comply with Policies 7 and 33 of the 2021 City Plan 2019—2040.
17. A condition requiring the installation of obscure glazing and non-opening windows at the rear of the extension (4) is necessary for the reasons I have set out in paragraph 11, and to comply with Policies 7, 33 and 38 of the 2021 City Plan 2019—2040. Finally, a condition limiting the times that noisy works can be carried out (5) is necessary for the reasons I have set out in paragraph 13, and to comply with Policies 7 and 33 of the 2021 City Plan 2019—2040. It is not clear to me that that piling or excavation work would actually be required in this case, given the scale of the proposed development; nevertheless it is a possibility, so I have retained the reference to them as suggested by the Council.

Conclusion

18. For the reasons given above the appeal should be allowed.

M Cryan

Inspector