



Appeal Decision

Hearing held on 21 March 2007

Site visit made on 21 March 2007

by **Ken Barton** BArch DipTP Registered Architect

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date: 5 April 2007

Appeal A: APP/F5540/E/06/2016817

Appeal B: APP/F5540/A/06/2016814

44 Priory Avenue, Bedford Park, London W4 1TY

- Appeal A is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent; and appeal B is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeals are by Mr S Mullaly against the decisions of the Council of the London Borough of Hounslow.
- Application A for listed building consent Ref.00899/44/L6 and application B for planning permission Ref.00899/44/P7, both dated 25 October 2005, were refused by notices dated 24 January 2006.
- The works and development proposed is construction of basement under the rear part of house.

Summary of Decision: The appeals are dismissed.

Reasons

1. The appeal property, 44 Priory Avenue, is listed as a building of special architectural or historic interest in Grade II and is located in the eastern part of Bedford Park Conservation Area, within the London Borough of Hounslow. The western part of the conservation area lies within the London Borough of Ealing. No.44 is one of a pair of houses, with No.46 which is similarly listed, and was built in the 1880s to a Norman Shaw design in the early stages of the Bedford Park development. It is 3 storeys high with no basement, in common with other early houses as originally built, some 355 of which are also listed in Grade II. The Appellant occupies it as a family dwelling and wishes to provide extra living space by creating a basement under the rear part of the building. The Council took the view that the proposals would not be in keeping with the architectural and historic character of the house and listed pair of buildings, and refused listed building consent and planning permission on that basis. In respect of the application for listed building consent, they were also concerned that insufficient detail had been provided to enable an assessment as to the likely impact on the structural integrity and condition of the semi-detached pair of houses.
2. As regards the policy background, PPG15 sets out national guidance on planning and the historic environment. In paragraphs 2.12 and 3.3 it refers to the duties under sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and underlines the need to seek to safeguard listed buildings from unsuitable alterations and to conserve or enhance the character or appearance of conservation areas. The London Plan policy 4B.11 and London Borough of Hounslow Unitary Development Plan 2003 (LBHUDP) policies ENV-B.2.2, ENV-B.2.5 and ENV-B.2.7 accord with the national guidance and have similar effect. Local supplementary planning guidance that includes a Bedford Park Conservation Area Appraisal is being prepared, updating an earlier version. Aspects relating to pressures, principles and management, including reservations about the creation of basements, are to be subject to further consultation and so at present can be afforded limited weight.

3. Bedford Park is well known as a development that was significant in the formation of the garden city movement and influenced much of our suburban form of housing. Part of its character is its innovative layout with tree lined streets and a mixture of detached, semi-detached and terraced houses, with living and dining rooms set at ground level facing onto front and rear gardens, with no basements. There are differing views as to why basements were omitted, but it may have been a combination of factors, such as ground conditions, the Queen Anne revival style of the houses and the desire to promote Bedford Park as a place for healthy living within easy reach of the City. In any event, it is now generally accepted that the lack of basements is a factor that contributes to the character and special interest of the listed buildings. Again, however, opinions differ as to whether this should preclude the provision of basements in the future. Having experienced a period of some decline towards the middle of the C20, the properties are again in demand as family dwellings and there is known to be growing interest in creating basements under the existing houses. So far, no approvals have been granted for basement installations in listed buildings in the Hounslow part of the conservation area. I was informed of 3 consents which had been granted in the Ealing part, but it was explained at the Hearing that views were changing in Ealing and that discussions had commenced between the 2 authorities to seek a common approach.
4. At the appeal property, access to the basement would be via a new stair to be formed below the existing stair and the basement would be lit by 2 windows to be formed below the existing rear elevation of the building, each facing into a light well with a metal grill above. One grill would be about 1m x 2.2m and the other 0.9m x 2.6m. There would be no sign of the basement from the front of the house and the grills at the rear would not be especially noticeable to neighbours on either side. They might be seen from upper rooms in dwellings that back onto the Priory Avenue properties, although this would be at some distance. From within the curtilage of No.44 itself, however, I consider that the grills and windows below would be very noticeable. Existing glazed double doors would open from a living room directly above one of the grills and its light well. I agree with the Council that the effect of the grills and associated works would be visually disturbing and materially detrimental to the character and architectural and historic integrity of the building and its garden setting. Also, although the Council indicated that the stairway access could be acceptable, it seems to me that it would have an adverse effect on the plan form of the house and I consider that the panelled-in projection would reduce the sense of space in the hall.
5. Whilst these harmful effects would be sufficient in themselves, in my opinion, to warrant refusing the applications, I would also have strong reservations as to the appropriateness of granting an approval on the basis of the information submitted, notwithstanding the scope for attaching conditions. There were no cross-sections and little detailed information as to the structure of the proposed basement, nor as to the fabric of the existing building which could be affected. Nor was it indicated in the application documents what arrangements might need to be made to ensure fire safety, or to provide services such as drainage and ventilation/extract systems, which could have consequences for the fabric, character and appearance of the building. There was also little detailed information at the time of the applications as to any movements that had occurred in the structure of the appeal property or its attached neighbour, or that would be likely to occur. Additional information provided since the Council's decisions indicates that movement had occurred at the front of the house, probably due to the proximity of a tree, and that part of a wall had required underpinning, although there was no record of consent for the works. There is no further evidence of cracking and the Appellant argues that the apparent success of the underpinning

supports the view that serious problems of differential movement in the semi-detached pair of houses would not occur if a basement were created under part of one of the properties. It may be that would be the case, but I note that recent advice from a leading structural engineer to the Victorian Society when they were considering proposals at Bedford Park was that there is a significant risk of such movement. I consider this is reasonable advice.

6. My reservations as to the level of detailed information submitted with the applications and potential problems with movement of the structures adds weight to my concerns as to the likely harmful effects of the proposals on the character and intrinsic qualities of the listed building and its garden setting. Also, although the Council were satisfied as to the effect of the proposals on the conservation area, it seems to me that although the consequences for character and setting which I have discussed would not be widely seen, their effect would be to detract from rather than to help preserve or enhance the character or appearance of the area. In my opinion, approval of the proposals would be contrary to the aims of national guidance and local policies, including LBHUDP policies ENV-B.2.2, ENV-B.2.5 and ENV-B.2.7, which seek to safeguard listed buildings and conservation areas. It would not be possible to offset my concerns by any conditions that might reasonably be attached to a grant of planning permission or listed building consent and my overall view is that the proposed development and works should not be allowed.
7. Although not central to my decision, and clearly each application must be considered on its own merits, I also consider that an approval on appeal in this instance could unreasonably increase pressure on the Council to approve further proposals in the area in situations that might otherwise have been regarded as inappropriate, with potential increased harmful consequences for the special interest of listed buildings and the character of the conservation area. In forming my views I have considered the benefits of seeking to make effective use of developed urban land and I have had regard to the appeal decisions referred to by the Appellant and to the speech in 2005 by the Rt. Hon. Keith Hill MP in general support of basements. None of these matters however, nor any of the other points raised in support of the proposals, outweigh the concerns I have discussed and my conclusion is that the appeals should not succeed.

Formal Decision

8. I dismiss the appeals.

K. Barton
INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Shane Baker Planning officer, London Borough of Hounslow.
Maggie Urquhart Conservation Officer, London Borough of Hounslow.

FOR THE APPELLANT:

Robert Wickham MA MPhil FRICS MRTPI Howard Sharp & Partners, Chartered Surveyors & Town Planners, 79 Great Peter Street, Westminster, London SW1P EZ.
John Scott RIBA AABC Oliver West & John Scott, Architects, 44 Blandford Road, London W4 1DX.
James Birdwood MA CEng MICE MStrctE Street Farmhouse, Shipton Moyne, Tetbury, Glos GL8 8PN.
Simon Mullaly Owner, 44 Priory Avenue, Bedford Park, London W4 1TY.

INTERESTED PERSONS:

Eleanor Lakew Conservation Officer, Planning Services, London Borough of Ealing, Perceval House, London W5.
Michael Wiseman The London Basement Company, 292 Worton Road, Isleworth, London TW7 6EL.
Steven Masters MMP Design, 1st Floor Unit 6, Grand Union Office Park Packet Boat Lane, Uxbridge, London UB8 26H.
Peter Eversden Chairman, Bedford Park Society, 40 Abinger Road, Bedford Park, Chiswick, London W4 1EX.
Peter Murray Hon. Secretary, Bedford Park Society, 31 Priory Avenue, Bedford Park, Chiswick, London W4 1T2.
George Butlin Conservation Area Advisory Panel, LB Ealing, 21 Queen Anne's Grove, Bedford Park, Chiswick, London W4 1MW.
Charles Lawrence RIBA IHBC Acanthus LW Architects, Voysey House, Chiswick, London W4 4PN.
Melissa Mullaly 44 Priory Avenue, Bedford Park, London W4 1TY.
P Sharma 40 Priory Avenue, Bedford, Chiswick, London W4 1TY.
Kate McCullagh 8 The Orchard, Bedford Park, Chiswick, London W4 1JX.
Michael Nartey 17 Priory Avenue, Bedford Park, Chiswick, London W4 1TZ.
Robert Howe 41 Priory Avenue, Bedford Park, Chiswick, London W4 1TZ.
David Cole 43 Priory Avenue, Bedford Park, Chiswick, London W4 1TZ.
Margaret Littlejohns 43 Priory Avenue, Bedford Park, Chiswick, London W4 1TZ.
David Houston 46 Priory Avenue, Bedford Park, Chiswick, London W4 1TY.
Paul Jameson 42 Priory Avenue, Bedford Park, Chiswick, London W4 1TY.
Charlotte Hood 4 Bedford Road, Bedford Park, Chiswick, London W4 1JJ.

DOCUMENTS SUBMITTED AT THE HEARING

Document 1 Letters of notification of the Hearing and persons notified.
Document 2 Extract from London Heritage, The Changing Style of a City, by Michael Jenner.

- Document 3 The Building of Bedford Park, A Middle Class Townlet, T&A Harper Smith 1992.
- Document 4 Bedford Park - the first garden suburb, a pictorial survey by T Affleck Greeves.
- Document 5 A Bedford Park Society publication showing the extent of the conservation area within LB Hounslow and LB Ealing and also showing listed buildings.
- Document 6 Extract from a Bedford Park Society Newsletter concerning basements and a separate statement by Peter Eversden, Bedford Park Society Chairman.
- Document 7 BTA Structural Design report on further investigations at 44 Priory Avenue dated 14 December 2006, with record of trial pits and photographs.
- Document 8 Basement Systems publication, Waterguard, pumping and waterproofing.
- Document 9 Structural feasibility assessment by the Morton Partnership, proposed basement at 40 Priory Avenue.
- Document 10 Basement Force brochures and photographs of typical installations.
- Document 11 Notes from an interest person at 40 Priory Avenue in support of basement installations.
- Document 12 Plan showing properties where extensions have been built in the vicinity of 44 Priory Avenue.
- Document 13 Extract from The London Plan, Policy 4B.3 Maximising the potential of sites.
- Document 14 Extracts and quotes from publications regarding the history and features of the development at Bedford Park.
- Document 15 Letter from C & J Bradshaw, 45 Priory Avenue dated 13 March 2007 to LB Hounslow.
- Document 16 Additional comments from P Murray Hon. Sec. Bedford Park Society.
- Document 17 Copy of e-mail from B Morton to P Murray dated 19 March 2007 referring to a letter to the Victorian Society about basements at Kensington & Chelsea.
- Document 18 Copies of notes prepared by interested persons to present at the Hearing, including notes on behalf of the Bedford Park Society, and by occupants of 42 and 43 Priory Avenue.
- Document 19 Speech by Rt. Hon. Keith Hill made at the "Building into the Basement" conference, 24 January 2005.
- Document 20 Letter from the Victorian Society dated 19 March 2007 to the Bedford Park Society.
- Document 21 Conditions suggested by the Council, to be attached if listed building consent or planning permission were granted.
- Document 22 Photographs of a typical large Victorian dwelling elsewhere in LB Hounslow and of typical frontage treatment in Bedford Park.