

Appeal Decision

Site visit made on 6 September 2016

by Caroline Jones BA(Hons) DipTP MTP MRTPI

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

Decision date: 21ST September 2016

Appeal Ref: APP/X5990/W/16/3151332

138 Ebury Street, London, City of Westminster SW1W 9QQ

- 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 Ms G Dreelan against the decision of City of Westminster Council.
 - The application Ref 16/02295/FULL, dated 15 March 2016, was refused by notice dated 10 May 2016.
 - The development proposed is plant equipment and acoustic enclosure to rear roof of upper floor apartment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. From my site visit, it was evident that the plant equipment and housing had already been installed and I have determined the appeal on this basis. I have therefore removed wording from the description above which does not reflect the development as built.
3. Since the determination of the planning application, the Council adopted the latest version of Westminster's City Plan in July 2016 (WCP) and its policies have replaced the policies referred to in the Council's reason for refusal. The Council has confirmed that the policies relevant to the determination of this appeal remain unchanged and I do not feel that any interests would be prejudiced by my proceeding to determine the appeal on this basis.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host property and whether it would preserve or enhance the character or appearance of the Belgravia Conservation Area.

Reasons

5. The appeal property occupies the upper three floors of 138 Ebury Street, which forms part of a row of stucco rendered terraced dwellings. The property lies within the Belgravia Conservation Area (BCA). The Council has not provided me with a Conservation Area Appraisal, nevertheless I consider that the significance of the BCA is derived from the quality of the historic buildings, the
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- coherence of architectural detailing and materials and their overall setting within the street scene.
6. The plant equipment comprises a small heat pump which is contained within an acoustic housing in a dark grey colour. It is situated on the flat roof area above the second floor bay closet wing on the rear of the property.
 7. I appreciate that the unit cannot be seen from the public realm and that the properties immediately adjacent have only oblique views. However, despite its set back and parapet wall partially screening the unit from views directly below, it is clearly visible from the street, rear windows and gardens on Burton Mews, a private road to the rear. Similarly, the unit is also visible from the gardens and rear windows on South Eaton Place. All of these properties are within the BCA. Regardless of the housing and its dark colour, the unit has a box-like and mechanical appearance which detracts, in a small, but nonetheless unduly harmful way from the historic character and appearance of the surrounding properties. The hardwood cladding proposed on plan ref PL-GA-100 Rev A would do little to mitigate this harm given the context of the locality and would have the potential to draw further attention to the unit.
 8. I therefore find that the development is harmful to the character and appearance of the host property and would fail to preserve the character and appearance of the BCA. In the context of the duty imposed under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I attach considerable importance and weight to this finding. However, given the size and scale of the development within the Conservation Area as a whole, I quantify that the harm to the significance of the heritage asset is less than substantial in the context of paragraphs 133 and 134 of the National Planning Policy Framework.
 9. I have had regard to the amenity benefits for the appellant and those relating to energy efficiency. However, I consider that the public benefits of the proposal are insufficient to outweigh the harm to the character and appearance of the BCA that I have identified.
 10. Accordingly, the development fails to accord with Policies S25 and S28 of the Westminster City Plan (2016) and Policies DES5, DES6 and DES9 of the Westminster Unitary Development Plan (2007). These seek, amongst other things, high quality development which is of an appropriate scale, prominence and design that reflects the style and details of buildings, and development which does not have an adverse impact on the architectural character of a building and preserves the significance of the conservation area.

Other Matters

11. I have had regard to the diversity of alterations and extensions on the rear of the properties on Ebury. However, this does not mitigate or justify the harm that I have identified above. My attention has been drawn to other development of a similar nature in the vicinity. However, I am not aware of the particular circumstances that led to planning permission being granted and as such I afford them little weight. In any case, I have considered the appeal proposal on its own merits.

Conclusion

12. For the reasons above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR