
Appeal Decisions

Site visit made on 10 October 2016

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 20 October 2016

Appeal A: APP/X5990/W/16/3152567

The Penthouse, 45-49 Warwick Square, London SW1V 2AJ

- 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 Tim Mason against the decision of City of Westminster Council.
 - The application Ref 15/11460/FULL, dated 9 December 2015, was refused by notice dated 29 March 2016.
 - The development proposed is conversion of obsolete Tank (plant) Room into a home office, including the addition of a window and replacement of an existing external door.
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Appeal B: APP/X5990/Y/16/3152568

The Penthouse, 45-49 Warwick Square, London SW1V 2AJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Tim Mason against the decision of City of Westminster Council.
 - The application Ref 15/11461/LBC, dated 9 December 2015, was refused by notice dated 29 March 2016.
 - The works proposed are conversion of obsolete Tank (plant) Room into a home office, including the addition of a window and replacement of an existing external door.
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Decisions

1. Appeal A: The appeal is allowed and planning permission is granted for external alterations including the formation of a window and replacement of a door at fourth floor level at The Penthouse, 45-49 Warwick Square, London SW1V 2AJ in accordance with the terms of application ref: 15/11460/FULL, dated 9 December 2015, and 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 approved plans: 12278_DD_001; 12278_PP_100; 12278_PP_101; 12278_PP_102; 12278_PP_110B; 12278_PP_111; 12278_PP_112B
 - 3) All new work on the outside of the building shall match the original in terms of materials, method of construction and finished appearance unless the approved drawings demonstrate otherwise.

- 4) Building work shall be carried out only between 08:00 to 18:00 hours on Mondays to Fridays and 08:30 to 13:30 on Saturdays, with no work at any other time including Sundays and public holidays.
 - 5) Prior to the commencement of development, detailed drawings of the proposed windows and doors at a scale 1:10, including sections at scale 1:5, shall be submitted to and agreed by the local planning authority. The development shall be carried out in accordance with the agreed details.
2. Appeal B: The appeal is allowed and listed building consent is granted for external alterations including the formation of a window and replacement of a door at fourth floor level at The Penthouse, 45-49 Warwick Square, London SW1V 2AJ in accordance with the terms of application ref: 15/11461/LBC, dated 9 December 2015, and the plans submitted with it, subject to the following conditions:
- 1) The works hereby permitted shall begin not later than three years from the date of this decision.
 - 2) All new work on the outside of the building shall match original work in terms of materials, method of construction and finished appearance unless the approved drawings demonstrate otherwise.
 - 3) Prior to the commencement of the works, detailed drawings of the proposed windows and doors at a scale 1:10, including sections at scale 1:5, shall be submitted to and agreed by the local planning authority. The works shall be carried out in accordance with the agreed details.

Preliminary Matters

2. The description of development differs on the application and appeal forms. I have used the description on the appeal forms, which is a concise summary of the proposal, in my formal decisions above.
3. I am aware that since the decisions were issued a consolidated version of the Westminster's City Plan: Strategic Policies was adopted on 13 June 2016. The numbering and content of the policies referred to in the decision notice however remain unchanged. Nevertheless for clarity, I have referred to the up-to-date plan in my decision.

Main Issues

4. The main issues in this case are the effect of the proposal on the special architectural and historic interest of the grade II listed building and, linked to that, whether the proposal would preserve or enhance the character or appearance of the Pimlico Conservation Area.

Reasons

5. The starting point for the consideration of the proposals is Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require that special regard is had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses. In terms of the Conservation Area, Section 72 (1) of the

Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the area.

6. 45-48 and 49 Warwick Square is block of houses that dates from the mid c19 and is a grade II listed building. Its significance lies in its architectural detailing as set out in the list description and in the fact that it forms part of formal development by renowned developer Thomas Cubitt.
7. The building has been altered and extended in various ways since it was built, including the sympathetic construction of a mansard roof extension accommodating the penthouse flat to which the appeal relates, following the grant of planning permission and listed building consent in 1986 ¹.
8. The proposal seeks to convert the original, now redundant, tank room, which is accessed externally from the terrace, into a home office. An existing glazed tank room door would be replaced with a new fully glazed door set in an aluminium frame to match existing windows. In addition a new window in the opposite, north-east, wall would be created, again with an aluminium frame.
9. No objection has been raised by the Council to the replacement door. Given that the existing door is in need of repair, and that the proposed door would match others on the property, I am satisfied that the significance of the listed building, and the character and appearance of the conservation area would be preserved.
10. I have taken into account the concerns of the Council regarding the proposed window to the rear which would be sited at the top of a side facing, relatively narrow, plane. That particular plane forms part of a stepped arrangement of walls at the rear of the building. It appears from all that I have seen and read that there are no window openings in that plane, whether or not it was intentionally designed as such.
11. The rear of the building has a plainer appearance than the front and side of the building, with simple architectural detailing. It is not mentioned in the list description. Accordingly, it seems to me that the rear of the property contributes less to the significance of the listed building than the front and side elevations. Whilst I acknowledge that the proposal would represent a new intervention, the proposed window would be located in part of the building that is relatively new, rather than in the original part of the property. As such there would be no loss of historic fabric.
12. I note from the 'birds eye' view submitted with the application that there are a number of windows at a roof level in the terrace as a whole. The proposed window would be simple in terms of its design and relatively small in size. Given its siting at a high level on the building it would be relatively unobtrusive. Accordingly I am satisfied that it would not harm the special interest of the building.
13. The Conservation Area Audit for Pimlico (the Audit) was adopted as Supplementary Planning Guidance by the Council in 2006. It identifies that the character of the area is defined principally by Cubitt's squares and terraces. That character derives from the combination of cream stucco terraced housing and open squares, amongst other elements, which results in a townscape of considerable historic interest.

¹ Application refs: 85/02160/FULL & 85/02161/LBC

14. The proposed window, as discussed above, would be sited at a high level on the building and would face away from the public realm. Given the dense terraced form of the buildings around it, the window would not be visible in the wider conservation area. Whilst it may be seen in private views from neighbouring dwellings, such views would largely be at oblique angles or from a distance. Moreover, given the scale of the built form, and the number of windows on the rear elevations, the window would not affect the significance of the conservation area as set out in the Audit.
15. For the reasons outlined above, the proposal would not cause any material harm to the special architectural and historic interest of the listed building or its setting and thereby its significance. In addition, for the same reasons, the proposal would preserve the character or appearance of the surrounding conservation area. As such the proposal would be in accordance with in accordance with s.16 (2), s.66(1) and s.72 (1) of the Act and with the National Planning Policy Framework, which sets out the desirability of sustaining and enhancing the significance of heritage assets.
16. Furthermore, for the same reasons, the proposal would also be in line with the aims of Policies S25 and S28 of the Westminster City Plan: Strategic Policies 2016 and Policies DES 5, DES 9 and DES 10 of the Westminster Unitary Development Plan 2007 which, in various ways, seek to preserve and enhance the character or appearance of conservation areas and preserve the special architectural or historic interest of listed buildings.

Conditions and Conclusion

17. The Council has suggested various conditions in the event of the appeal being allowed and I have considered these in the light of advice within the Planning Practice Guidance.
18. I have imposed the standard time limit condition and have specified the approved plans for the avoidance of doubt and to provide certainty. In addition it is necessary, in order to preserve the special interest of the listed building, that all new work to the outside of the building matches the existing, and that detailed drawings of the proposed new window and door are submitted and agreed by the Council.
19. In order to protect the living conditions of adjoining residents it is necessary to restrict hours of building work.
20. Subject to these conditions, for the reasons set out above and taking all other matters raised into account, the appeals are allowed and planning permission and listed building consent are granted.

S. Ashworth

INSPECTOR