
Appeal Decision

Site visit made on 4 October 2016

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 21 October 2016

Appeal Ref: APP/X5990/D/16/3157125

47 Reeves Mews, City of Westminster, London W1K 2EH

- 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 A S Rahman against the decision of the Council of the City of Westminster.
 - The application Ref 16/02119/FULL, dated 9 March 2016, was refused by notice dated 8 July 2016.
 - The development proposed is extensions and alterations at second floor level, including minor works of demolition
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted an amended scheme with the appeal (drawing nos 15040_GA_103_RA, 15040_GA_104_RA, 15040_GA_105_RB and 15040_GA_115_RB). They show the rear extension flank wall adjoining No 46 replaced by an inset mansard roof. I understand that the drawings were submitted to the Council before the application was determined. However, the Council did not consult on the amended scheme, has not expressed a view on it and determined the application based on the drawings originally submitted.
3. The Procedural Guide¹ is clear that the appeal system should not be used to evolve schemes. Moreover, the amendment to the scheme concerns matters about which interested parties may wish to be consulted. Consequently, my decision is based on the drawings used by the Council to determine the application.
4. The Council's concerns are limited to the effects of the rear part of the proposed extension. I see no reason to disagree with that finding and have framed the main issues accordingly.

Main Issues

5. The main issues are the effects of the rear part of the proposed extension on:
 - the living conditions of the occupiers of 46 Reeves Mews with particular regard to outlook.

¹ Appendix M of the Procedural Guide – Planning appeals – England

- the character and appearance of the existing building and the Mayfair Conservation Area;

Reasons

Living Conditions

6. The appeal property is a three storey mews house. At second floor level, the front and rear walls are set back from the lower storeys behind parapet walls and balconies. The appeal proposal is to remove the existing second floor structure and re-build it. At the front of the building the new external wall would be flush with lower storey, whilst at the rear, a mansard roof would sit just behind the existing parapet wall. As a result, the extended building would project beyond the rear wall of the neighbouring residential property at No 46 by some 3.6m and would increase the height of the flank wall on the boundary by around 2m. The neighbouring property has a window at about the same height as the extended flank wall and less than 1m from the boundary.
7. Whilst that window has a reasonably open aspect in other directions, the height, depth and proximity of the extended flank wall would have a significantly enclosing impact on the overall outlook from it. I have had regard to the existing bamboo planting along the side of the balcony adjoining this window. However, it has little of the scale and solidity of the proposed flank wall and is not, therefore, comparable with regard to its effect on the outlook from the affected window.
8. Consequently, I find that the rear part of the proposed extension would have a harmful effect on the living conditions of the occupiers of No 46 by reason of loss of outlook. As such, the proposal would conflict with Policy S29 of the Council's City Plan: Strategic Policies 2013 (SP) and Policy ENV13 of the Unitary Development Plan (UDP). Together, these policies presume against development which results in a significant increase in the sense of enclosure of residential buildings.
9. It is argued that the proposal would improve the living accommodation of the appellant's family and allow them to continue living at the property. However, there is no substantive evidence to indicate that the property currently offers unsatisfactory accommodation. Therefore, this matter does not outweigh the concerns set out above.

Character and Appearance

10. The Conservation Area designation covers a wide range of city scale buildings and spaces. In the vicinity of the appeal site, it is characterised by a mix of mews houses and larger, mainly residential, mansion blocks. To the rear of the property the buildings are arranged around a large semi-private space. There is little consistency in the height, form or rear building lines of these buildings. Nevertheless, their scale, variety and enclosure of the space create a lively grouping which contributes positively to the character and appearance of the Conservation Area.
11. The extension would project out a significant distance to the rear of No 46. Nevertheless, it would be set in from the second floor rear wall of the other neighbouring property at No 50. Consequently, I consider that the extension would not breach an established building line. Whilst the extension would add a full storey height over the full extent of the existing balcony, the mansard

roof form set behind a parapet wall would help to reduce the visual effect of the additional bulk. Considered in the context of the scale of the existing and surrounding buildings and the adjoining space, I consider that, of itself, the bulk of the extension would not be harmful to the character and appearance of the area.

12. However, the extension would increase to three storeys the height of the flank wall adjoining No 46. Having regard also to depth of this wall and the absence of relieving set-backs, this would result in a disproportionately large and featureless wall which would be at odds with the lively variety characteristic of nearby buildings. Views of the wall would be available from the rear windows of neighbouring properties and the semi-private space. Such views contribute to the appreciation of the Conservation Area.
13. I have taken into account that the proposal would result in the removal of a lift overrun housing and other structures on the roof of the appeal property. However, these structures are not prominent in public or private views and, therefore, their removal would not outweigh the concerns set out above. As such, the rear part of the proposed extension would not preserve or enhance the character and appearance of the existing building or the Conservation Area. It would not, therefore, comply with SP Policy S25 or UDP Policy DES9 which require proposals to conserve heritage assets, including Conservation Areas. Nor would it meet the statutory test in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 or the requirements of paragraph 131 of the National Planning Policy Framework (the Framework).
14. The proposal would also conflict with SP Policy S28 and UDP Policy DES1 insofar as they require development to achieve a high standard of design, and Policies DES5 and DES6 to the extent that they presume against extensions which are visually dominant and visually unsightly roof alterations. In reaching these findings I have had regard to UDP paragraphs 10.108 to 10.128 cited in the first reason for refusal.
15. The appellant has questioned whether UDP Policy DES6 is applicable to the appeal proposal. However, the proposal involves alterations at roof level which is the subject of this policy. Whilst the officer report refers to 'penultimate storeys' in relation to Policy DES6 rather than DES5, I have not relied on this aspect of the policy in my decision.
16. In terms of the assessment required by paragraph 134 of the Framework, whilst the impact of the proposal on the Conservation Area would be less than substantial, I have not been made aware of any public benefits sufficient to outweigh it.

Other Matters

17. The appellant has made me aware that the Council did not refer to the effect of the proposal on the character and appearance of the area in its pre-application advice. However, that matter was a reason for refusal of the subsequent application and, therefore, a matter to be addressed in the appeal.
18. The absence of concern from neighbouring occupiers does not amount to a positive point in favour of the proposal.

Conclusion

19. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR