
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/16/3156396

7 West Mews, City of Westminster, London SW1V 2DJ

- 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 Matthew Thorne against the decision of the Council of the City of Westminster.
 - The application Ref 16/02059/FULL, dated 7 March 2016, was refused by notice dated 1 June 2016.
 - The development proposed is the relocation of an air conditioner condenser unit from the roof of the 1st floor of 7 West Mews to the roof of the ground floor and enclosed within an acoustic enclosure.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character and appearance of the Pimlico Conservation Area.

Reasons

3. The appeal property is a two storey dwelling with a single storey side projection. It forms part of a small mews of similar properties located to the rear of the larger terraces on Warwick Way, St Georges's Drive and West Warwick Place. The mews houses, and the side projection to the appeal property, have parapet roofs. Whilst television aerials create occasional interruptions, seen from street level the parapets and the roofs behind are essentially free from clutter. Together with their regular fenestration, this gives the group of mews houses a pleasing uniformity which contributes positively to the character and appearance of the Conservation Area.
 4. The proposed air conditioning unit and enclosure would be positioned on the roof of the side projection. Whilst set back from the parapet wall, it would be visible in public views from the entrance to the mews court. The other roof paraphernalia shown in the photographs submitted by the appellant is either not visible, or is not as prominent, in public views. The proposal would also be visible in views from the rear windows of the properties in Warwick Way and West Warwick Place. Whilst private, the views from these properties contribute to the appreciation of the Conservation Area.
 5. By virtue of its height, bulk and appearance the air conditioning unit and enclosure would be an incongruous feature which would add unsightly clutter to
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the parapet. As such, the proposal would not preserve or enhance the character and appearance of the Conservation Area. It would not, therefore, comply with Policy S25 of the Council's City Plan: Strategic Policies 2013 (SP) or Policy DES9 of the Unitary Development Plan (UDP) which require proposals to conserve heritage assets, including Conservation Areas. Nor would it meet the statutory test in 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).

6. 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 Policy DES6 to the extent that it presumes against visually unsightly roof alterations. In reaching these findings I have had regard to UDP paragraphs 10.108 to 10.128 cited in the reason for refusal.
7. 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

8. The appellant has expressed concern regarding the advice given by the Council prior to the determination of the application. It is argued that it would not be possible to replace the unit currently proposed with the two smaller units suggested by the Council. Rather three smaller units would be required which would be significantly more bulky. I have not been provided with the details of schemes for two or three units. In any event, my decision is based solely on the planning merits of the proposal determined by the Council.
9. The absence of concern from neighbouring occupiers does not amount to a positive point in favour of the proposal.

Conclusion

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

Simon Warder

INSPECTOR