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## Appeal Decision

Site visit made on 24 October 2016

**by G J Fort BA PGDip LLM MCD MRTPI**

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

**Decision date: 09 November 2016**

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**Appeal Ref: APP/X5990/W/16/3153347**

**63 Shirland Road, City of Westminster, London W9 2JD**

- 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 Ben Wilson (Hatton Street Property Group) against the decision of City of Westminster Council.
  - The application Ref 16/01031/FULL, dated 5 February 2016, was refused by notice dated 6 May 2016.
  - The development proposed is demolition of existing flat roof structure, construction of a mansard style roof extension across part of the existing roof, front roof terrace, reinstatement of the V-shaped butterfly roof parapet to the rear, restoration of stucco façade and replacement of windows with painted timber sliding-sash double-glazed units.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this appeal is whether or not the proposed development would preserve or enhance the character or appearance of the Maida Vale Conservation Area.

### Reasons

3. Situated in the Maida Vale Conservation Area, the appeal building is at the end of a short terraced block fronting Shirland Road. The terrace comprises three-storey properties faced predominantly in brick with some stucco detailing. The roofs of the properties along the terrace seem to all have been inverse pitch 'butterfly' roofs, with parapets to the front and side hiding these from all views except the rear. However, the appeal property appears to have had this v-shaped roof filled in to facilitate the development of a flat roof, which nevertheless, is below the level of the parapets. From the front the parapets give a more or less consistent roofline, albeit with the exception the property at the opposite end of the terrace to the appeal building, the parapet of which is noticeably higher.
  4. The limited amount of change to the properties, and consequent survival of architectural detailing within this terrace imparts a considerable group value to the dwellings, which contributes positively to the character and appearance of the conservation area, and its townscape significance.
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5. The proposed development would secure remodelling of the roof, with a mansard style extension, which would be stepped in from the front and side parapets, enabling use of the flat roof space remaining as a terrace, onto which bi-fold doors across the bulk of the roof extension's front elevation would open. At the back, a v-shaped parapet would be restored and two dormer windows would be in the rear elevation of the mansard visible through the gap that the alterations to the back wall would create.
6. Whilst I note the appellant's comment that the proposal would not be widely visible from the front street, and I am conscious of the plan which shows how the parapet would mask the mansard in views from across Shirland Road, I am not persuaded that the front and side of the proposal would not be visible in other public views. The proposed development could be viewed obliquely from Sutherland Road on the approach to Shirland Road in the context of the building's front and side elevation and the fronts of its attached properties; and whilst the street trees screen this to a limited degree, there would be seasonal fluctuations in this dependant on the trees being in leaf or otherwise. The front of the proposed development would also be visible to some degree from Braden Road across Shirland Road from the appeal property.
7. Due to the difference in height of the parapet at the other end of the terrace to the appeal dwelling it would appear that this feature has been altered at some point. However, this does not undermine to any significant degree its contribution to the architectural integrity of the terrace's front elevation, within which the parapet acts as a terminal feature, above and beyond of which no substantial roof alterations or projections are noticeable. Despite its setback, the proposal would clearly break the line of the parapet, and undermine the architectural balance of the front façade of the host dwelling. Moreover, in breaking this parapet line it would appear discordant in the context of the appeal dwelling's attached neighbours, and would read as an incongruous and jarring feature in the streetscene. Due to the nature of these harmful effects they would not be softened to any substantial degree by proposals to clad the mansard in dark grey slate.
8. The architectural imbalance that the proposed development would create would be exacerbated by the excessive fenestration on its front elevation, the horizontal emphasis of which would have an uncomfortable relationship with the more vertically expressed window openings within the terrace's upper floors. Moreover, the extent of the mansard's front windows would interfere with the balance of the fenestration pattern of the terrace's facade wherein the size of window openings diminishes from ground to second floor. This would intensify the proposed development's uncomfortable relationship with its host dwelling, and thus add to the harm to character and appearance that it would cause.
9. At the rear, the siting of the proposed dormer windows behind the re-instated v-shaped parapet, the bottom corner of one immediately adjacent to the parapet, and the lower corner of another partially obscured by it, would look cramped and shoehorned, and thus insensitive to the proportions of the host building. The proposal would also read as an incongruous feature in the context of the wider terrace's inverse-pitched roofs. I note that the existing flat roof, with its obvious differences in brickwork, is currently different to the other butterfly roofs. However, the proposed development, due to the

incongruously sited and visually prominent dormers would not improve how the appeal dwelling fits in with the terrace's roofscape to any material degree.

10. This rear element of the scheme would be clearly visible in public views, and whilst I note that there are dormers and mansards adjacent to it on Sutherland Avenue, these are to differing styles of properties, and I saw none which have the same sort of cramped relationship with a v-shaped parapet that the proposed development would have. Moreover, in the current case the proposed development would serve to further erode the group value of its host terrace, and be harmful to both the character and appearance of this and thus the townscape significance of the conservation area in this regard.
11. For the purposes of the National Planning Policy Framework ('the Framework') the conservation area is a designated heritage asset. The Framework establishes at paragraph 132 that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation." In this case, given the scale of the proposal's impact in the context of the conservation area as a whole I consider that it would cause less than substantial harm to its significance. Less than substantial harm does not mean, however, that less than substantial weight should be attached to it in the overall planning balance; and the Framework advises that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..." (paragraph 134).
12. I have considered the appellant's comment that the renovation of the front of the building, and the encouragement this offers to the rest of the terrace and other nearby properties is a public benefit that would weigh in favour of the scheme. However, such renovations could be progressed without recourse to the changes proposed to the roof, and thus this carries only very limited weight in the overall planning balance.
13. I note that the appeal property is of an awkward shape, lacking in amenity space and that the changes could create family space. In this manner the proposal would have obvious private benefits, but due to the limited amount of people that would benefit from the modest amount of additional space created, in terms of public benefit this matter does not attract any considerable weight in favour of the scheme.
14. I note comments that the appeal property is in disrepair. However, the proposed development is by no means the only way that repairs could be progressed to it, and thus I attach only very limited weight to this consideration in the overall planning balance.
15. Consequently, the public benefits of the scheme, individually or taken together do not outweigh the considerable weight that I give to the harm to the significance of the conservation area. Accordingly, the proposed development would run contrary to the Framework. Moreover, due to the harm the proposed development would cause to the character and appearance of the host dwelling and the conservation area it would conflict with Policies S25 and S28 of *Westminster's City Plan: Strategic Policies*; and Policies DES1, DES6 and DES9 of the *Westminster Unitary Development Plan*. Taken together, and amongst other things, these policies seek to ensure that new developments avoid harm to the character and appearance of their host dwellings and

surrounding conservation areas. For these reasons too, the proposed development would fail to preserve or enhance the character or appearance of the conservation area and thus would not meet the requirements of section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

16. Accordingly, I conclude, for the reasons given above, and having regard to all other matters raised, that the appeal should be dismissed.

*G J Fort*

INSPECTOR