
Appeal Decisions

Site visit made on 27 September 2016

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 16 November 2016

Appeal A: APP/X5990/W/16/3150258
27 Molyneux Street, London W1H 5HW

- 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 Mrs Lloyd against the decision of City of Westminster Council.
 - The application ref: 16/00421/FULL, dated 19 January 2016, was refused by notice dated 22 March 2016.
 - The development proposed is refurbishment of building, including internal alterations, replacement of existing rear extension with new single-storey rear extension at lower ground floor level, and renovation of front vaults.
-

Appeal B: APP/X5990/Y/16/3150261
27 Molyneux Street, London W1H 5HW

- 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 Mrs Lloyd against the decision of City of Westminster Council.
 - The application ref: 16/00422/LBC, dated 19 January 2016, was refused by notice dated 22 March 2016.
 - The works proposed are refurbishment of building, including internal alterations, replacement of existing rear extension with new single-storey rear extension at lower ground floor level, and renovation of front vaults.
-

Decisions

1. **Appeal A:** *the appeal is allowed and planning permission is granted* for refurbishment of building, including internal alterations, replacement of existing rear extension with new single-storey rear extension at lower ground floor level, and renovation of front vaults at 27 Molyneux Street, London W1H 5HW, in accordance with the terms of the application, ref: 16/00421/FUL, dated 19 January 2016, *subject to the conditions listed at the end of this decision.*
2. **Appeal B:** *the appeal is allowed and listed building consent is granted* for refurbishment of building, including internal alterations, replacement of existing rear extension with new single-storey rear extension at lower ground floor level, and renovation of front vaults at 27 Molyneux Street, London W1H 5HW, in accordance with the terms of the application ref: 16/00422/LBC, dated 19 January 2016, *subject to the conditions listed at the end of this decision.*

Reasons

3. As is apparent from the development description the appeal scheme involves proposals that would affect both the interior and the exterior of the Grade II listed terraced property. However the Council's concerns, as expressed in the
-

refusal reason, relate specifically to the proposed rear extension. Thus the **main issue** in both appeals is the effects that replacing the existing rear outbuilding with a new single storey rear extension would have on the special architectural and historic interest of the listed building and its significance as a heritage asset, and on the character and appearance of the Molyneux Street Conservation Area (CA) and its significance.

4. The CA, tightly drawn around just a few streets, consists mainly of early 19th century terraces of relatively simple design, in a Georgian grid-iron street pattern. There are some variations in fenestration and other detailing on the individual dwellings' narrow elevations but the terraces generally exhibit features and detailing typical of their age and style. All these factors contribute to the character, appearance and significance of the CA and no. 27, and to the special architectural and historic interest of no. 27 as an individual dwelling in the relatively modest (three storey plus basement) terrace of listed buildings. The CA and no. 27 are also of historic interest in helping to illustrate the development of this small part of London and the nature of domestic accommodation and living conditions at the time the terrace was built.
5. Although references in the Council's appeal statement to a 'full width extension' suggest a single uniform feature the proposed design would have two distinct but complementary elements. One, with a brick end wall, would reflect the form of the outbuilding to be demolished, albeit it would be slightly larger. It would have a very wide opening to the second element, which would be a predominantly glazed structure. Shallow-pitched roofs would slope down to the 'join' between the two elements, reflecting the butterfly form at main roof level. These forms, the differing materials and the lightweight and transparent nature of the glazed elements would avoid any sense of the extension as a whole introducing an unduly horizontal emphasis.
6. Apart from removal of concrete steps to the raised door feature, not only would the principal building's rear wall remain largely unchanged but it would remain visible through the glazed parts of the extension. Moreover the existing lower doorway opening into the main house would also remain, such that the floor plan of the lower ground floor living accommodation would not change to any significant degree¹. Whilst glazing of the scale and detailing proposed in this case is not a traditional feature of buildings of this age, glass is nonetheless a traditional, high quality and durable material. Using it in the manner proposed here would still allow the dwelling's original plan form to be understood and appreciated, without the extension visually dominating the building or plot.
7. I therefore find this to be an instance where a sensitively designed rear extension spanning the full width of the building at basement level would be acceptable, even though explanatory text² to saved UDP Policy DES 10 and repeated in supplementary planning guidance³ envisages this will rarely be the case. The extension would adequately respect the architectural character of the existing dwelling, terrace and CA. I therefore conclude that replacing the existing outbuilding with the proposed single storey rear extension would not harm the listed building's special architectural or historic interest or its significance as a heritage asset. Nor would any other elements of the appeal proposals cause any such harm. Thus there would be no undue conflicts in this

¹ Bearing in mind that the outhouse structure, which would be replaced by an open living space, is not part of 'the rear rooms of the lower ground floor' but is accessible only from the yard/garden area

² In paragraph 10.141 of the City of Westminster Unitary Development Plan (UDP) (2007)

³ Development and Demolition in Conservation Area (1996)

- respect with development plan policies cited by the Council⁴, associated supplementary planning guidance⁵ or the *National Planning Policy Framework*.
8. In reaching these conclusions I have had regard to references in the appellant's statement to various examples of development permitted in the locality; to those examples I was able to see from the rear of no. 27 during my visit; to various expressions of support for the proposals; to appeal decisions submitted by the Council in support of its case. One pair of the latter decisions⁶ relates to a glazed extension at second floor level but, due to its height, that would have a quite different impact from the extension in this case.
 9. In the other pair⁷ the Inspector was concerned about a single storey extension infilling the majority of the rear garden/yard area. There are no plans before me for comparison purposes but, in any event, the extension in this case would not project any further rearwards than the single storey rear extension at the adjoining property (no. 26) which the Council puts forward as an example to be followed. Thus I find these appeal decisions provide insufficient grounds to justify refusing the particular proposal before me.
 10. Having found that the appeal proposals would not harm the listed building, I also conclude they would neither harm the setting of the listed terrace of which they are part, nor the CA's character, appearance or significance. I find no conflicts with the development plan or the *Framework* in these respects. Therefore, having had regard to all other matters raised, I conclude the appeals should succeed and approvals should be granted subject to conditions.
 11. In each appeal a condition specifying the approved plans is necessary for the avoidance of doubt. Conditions relating to materials and various detailed design matters are needed to ensure the building's special architectural and historic interest is protected. A planning condition to specify times when works may take place is also appropriate to protect neighbouring occupiers' living conditions. The conditions which follow are based on those suggested by the Council, but with some variation in the interests of clarity.
 12. Therefore, in **Appeal A: planning permission is granted subject to the following conditions:**
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance following approved plans: drawing nos.
0891-P.001 Rev B; 0891-P.002 Rev B; 0891-P.003 Rev B;
0891-P.004 Rev B; 0891-P.006 Rev B; 0891-P.102 Rev B;
0891-P.201 Rev B; 0891-P.202 Rev B; 0891-P.401 Rev B;
0891-P.402 Rev B; 8506/009.
 - 3) All new work to the outside of the building shall match existing original work in terms of choice of materials, method of construction and finished appearance unless otherwise indicated either on the plans hereby approved or in plans and/or details approved pursuant to other conditions of this permission.

⁴ Saved UDP Policies DES 1, DES 5, DES 9, DES 10(A) and UDP paragraphs 10.108 to 10.147; Policies S25 and S28 of Westminster's City Plan: Strategic Policies (2013)

⁵ Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings (1996); the Molyneux Street Conservation Area Audit (2002); the SPG at Footnote 3

⁶ Appeals ref: APP/X5990/E/10/2129500 & APP/X5990/A/10/2128511

⁷ Appeals ref: APP/X5990/E/11/2143273 & APP/X5990/A/11/2142988

- 4) No development involving new external brickwork shall take place until a sample panel of brickwork showing colour, texture, face bond and pointing has been submitted to and approved in writing by the local planning authority. All new external brickwork shall be carried out in accordance with the approved sample panel.
 - 5) No development shall take place until detailed drawings of new windows and external doors (at scales of 1:20 and 1:5) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved detailed drawings.
 - 6) Building works audible at the boundary of the site shall be carried out only between the hours of 08.00 and 18.00 on Monday to Friday and between 08.00 and 13.00 on Saturdays. No such works shall take place outside these hours or at any time on Sundays, bank or public holidays.
13. In **Appeal B: listed building consent is granted subject to the following conditions:**
- 1) The works hereby authorised shall begin before the expiration of three years from the date of this consent.
 - 2) The works hereby authorised shall be carried out in accordance with the following approved plans: drawing nos.
0891-P.001 Rev B; 0891-P.002 Rev B; 0891-P.003 Rev B;
0891-P.004 Rev B; 0891-P.006 Rev B; 0891-P.102 Rev B;
0891-P.201 Rev B; 0891-P.202 Rev B; 0891-P.401 Rev B;
0891-P.402 Rev B; 0891-P-SLP; 8506/009.
 - 3) All new work to the outside of the building shall match existing original work in terms of choice of materials, method of construction and finished appearance unless otherwise indicated either on the plans hereby approved or in plans and/or details approved pursuant to other conditions of this consent.
 - 4) No works involving new external brickwork shall take place until a sample panel of brickwork showing colour, texture, face bond and pointing has been submitted to and approved in writing by the local planning authority. All new external brickwork shall be carried out in accordance with the approved sample panel.
 - 5) No works shall take place until detailed drawings (at scales of 1:20 and 1:5) of new windows, internal and external doors, timber joinery, lightwell staircases and new fireplaces have been submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the detailed drawings so approved.
 - 6) Existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades shall be retained in place and protected during the works hereby permitted unless changes are indicated either on the plans hereby approved or in plans and/or details approved pursuant to other conditions of this consent.
 - 7) Any new external rainwater or soil pipes shall be made of metal and painted black.

Jane Miles

INSPECTOR