
Appeal Decisions

Site visit made on 15 November 2016

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 22 November 2016

Appeal A: APP/X5990/W/16/3154347

15 Bryanston Square, London, City of Westminster W1H 2DN

- 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 Saeed Omeir Yousef Ahmed Almheiri against the decision of City of Westminster Council.
 - The application Ref 16/01689/FULL, dated 23 February 2016, was refused by notice dated 7 June 2016.
 - The development proposed is erection of single storey roof extension and installation of seven condenser units at new roof level in connection with a single family dwelling.
-

Appeal B: APP/X5990/Y/16/3154348

15 Bryanston Square, London, City of Westminster W1H 2DN

- 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 Saeed Omeir Yousef Ahmed Almheiri against the decision of City of Westminster Council.
 - The application Ref 16/01690/LBC, dated 23 February 2016, was refused by notice dated 7 June 2016.
 - The works proposed are erection of single storey roof extension, installation of seven condenser units at new roof level and internal alterations.
-

Decisions

1. I dismiss both appeals.

Main Issue

2. In both appeals this is;
 - The effect of the proposal on the architectural or historic significance of the Grade II listed building and its setting within the Portman Estate Conservation Area.

Reasons

3. Policies S25 and S28 of Westminster's City Plan: Strategic Policies on heritage and design set out general requirements in those respects. Policies DES 1, DES 5, DES 9 and DES10 of the Unitary Development Plan concern design and conservation, listed buildings and conservation areas.
 4. Policy DES6 is specific to roof level alterations and extensions, the subject of these appeals, and the relevant sections appear to be as follows.
-

- Permission may be refused for roof level alterations and extensions to existing buildings where it would adversely affect either the architectural character or unity of a building or group of buildings; where buildings are completed compositions or include mansard or other existing forms of roof extension; and where unusual or historically significant or distinctive roof forms, coverings, constructions or features would be lost by such extensions.
 - Permission may be granted for new roof structures or additional storeys on existing buildings in the following circumstances where the proposed development or form of alteration is in sympathy with the existing building's architectural character, storey heights and general elevational proportions; where the form and detailing of the extension either repeats or reflects the form, detailing or use of materials found in the existing building; and where the proposed design accords with (or establishes an acceptable precedent for) similar extensions within the same group of buildings.
5. The Council's Supplementary Planning Guidance '*Repairs and Alterations to Listed Buildings*' is relevant to the proposal and states the risk of extensions detracting from the uniformity of a formal group or from the integrity of a particular design. The Guidance continues that the form, structure and materials of historic roofs are almost always of interest, and the presumption will be in favour of their retention. The concealed roof of a traditional terraced house can be just as significant as a steeply pitched roof which is visible from the street.
 6. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the listed building or its setting or any special architectural or historic features it possesses. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
 7. Paragraph 132 of the National Planning Policy Framework states 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. The more important the asset, the greater the weight should be.
 8. There appear to be two, possibly conflicting, considerations in these appeals. On the one hand is the largely original location, layout and form, if not materials, of the parapet and roof of number 15, and drawing 192/079-P1 indicates that it is one of three such remaining houses with that arrangement (the others being 6 and 9) out of a total of 21 numbered properties, although it is not known precisely how the other two compare in detail. On the other hand there is a symmetry, albeit significantly eroded, centred on number 11 with the two grand houses 1 and 21 at either end and the 'central three' properties 10, 11 and 12. The opposite number to the appeal property, 7, has a sheer addition as now proposed here, and the appellant states that the works would repair a 'gap tooth' appearance. Both considerations will be looked at in more detail now.
 9. There appears no doubt that the location of the parapet and roof is original and the form of the roof largely as would be expected for a low parapet, as an 'M' shaped roof with central crossways gutter and flume to drain away through the

roof void to the edge of the building, and it is noted that there is a downpipe on the front elevation. There is doubt as to the history of the roof structure itself and the appellant refers to bomb damage with many of the timbers being band-sawn and hence twentieth century. However these replacements have been inserted in a substantially historic form and there are remaining older timbers with charring visible. The two voids were inspected during the site visit, but reliance is also placed on the Hillman-Crouch Report. The Council's view is that the fact that some timbers may not be Georgian does not diminish the significance of the roof.

10. The proposed works would involve the raising of the masonry to new parapet levels front and back, and to the north fire wall/chimney stacks, and to re-locate the roof. The appellant describes this process as *'extend by one storey by carefully removing the existing historic roof structure, building a traditional brick attic storey at fourth floor level and reconstructing the roof structure above this level.'* Clearly the intention is to replicate the historic roof, form, construction and existing materials at the new higher level.
11. There would be an erosion of the hierarchy towards the top of the house, with the addition of a further level with the traditional lower ceiling expected at higher levels in this class of terraced house. There would be an additional 'lower grade' staircase, whereas the present arrangement is of the 'higher grade' stair rising front to back from entrance level through to the second floor of family rooms, and a single stair rising tightly in the middle of the house to the third floor 'attic' rooms. In all this would undermine the hierarchy of the building which at present appears largely intact.
12. The matter of materials and form of the roof is a fine point, on the basis that re-use and re-location is feasible and would be secured by condition. Opportunity would be taken to not replicate later inappropriate intrusions, but that could be done already, and consents are in place for some of this. It is acknowledged that much of the evidence is of twentieth century craft-work, but that is very much part of the history of the building. No matter how authentic a replication is, there is always something lost in such works, detaching the historic evidential value from its true and historically correct home.
13. In terms of the historic and architectural significance as an isolated property, the raising of the parapet, the introduction of a higher attic storey and other works would erode the original composition, and cause further harm to the architectural and historic significance of the building.
14. However, the property is not an isolated item, and this leads to the second part of these considerations, the effect on the terrace as a composition. As stated, there was a definite and impressive symmetry across the full 21 properties, with the central feature (10,11 and 12), the end features (1 and 21) and with the intervening houses, handed, between (2 to 9, and 13 to 20). This symmetry no longer exists at roof level as previously stated and there is ready evidence of re-building after presumably bomb damage, and additions to the roofline. These latter vary considerably including mansard additions, sheer additions as now proposed, and the more modern intrusion over numbers 19 to 21.
15. Numbers 6, 9 and the appeal property remain to ground level view as original. It is the case that number 7 has a sheer addition, and that this is the mirror image across the central axis of number 11, but unfortunately for the

composition, that axis is not so readily discerned at roof level due to the additions to 13 and 14 taking their visible roofline to match the central three. The benefit of replicating number 7 in terms of symmetry is very low.

16. As the numbering implies and drawing 192/079-P1 makes clear, there are three isolated 'gap teeth' and in-filling the gap between 14 and 16 would still leave 6 and 9 as gaps. It could be argued that this is sufficient historic and architectural evidence and that the line should be drawn at the last to apply. There is also an argument for treating the terrace as a townscape composition and in-filling a gap would improve that. However, harm would be caused to the historic and architectural significance of one of the surviving original compositions and this carries great weight. It is just because they are few that their retention is afforded great weight in this Decision, and the variety that exists allows the retention of three gaps to not appear seriously disruptive to the overall composition.
17. Had the three been all on one side of the central axis, or had the previous additions on the terrace been of a uniform design, the consideration would have been different, but that is not the case. The retention of the original roofline as a single item on this side of the axis retains historic and architectural evidence and of itself does not harm the understanding and appreciation of the listed terrace and the conservation area.
18. It is appropriate to look at the roof extension Policy D6 in both considerations; the addition would not be in sympathy with the existing individual building's architectural character, storey heights and general proportions of the elevation, but would more nearly match those in the nearby terrace as a whole; and the form and detailing of the extension repeats the form, detailing or use of materials found in the existing terrace. The proposed design accords with similar extensions within the same group of buildings. However, from the items that might lead to refusal, there is no real unity to be adversely affected but the architectural character would be harmed, and within this terrace the existing roof is unusual or historically significant and that would be lost by the extension.
19. Harm would, on balance, be caused to the architectural and historic understanding of the terrace as a whole, which is not outweighed by any superficial perception of the composition being improved.

Planning Balance and Conclusions

20. The preliminary conclusion is that the two considerations identified and studied are not in fact conflicting but amount to the same; harm would be caused in each case, to the fabric and hierarchy of number 15 alone, and to the terrace as a whole. Hence harm would be caused to the character and appearance of the Portman Estate Conservation Area. The proposal is contrary to the Development Plan policies cited which seek the preservation of heritage assets, and would not accord with the statutory tests in the 1990 Act. The aims of the Framework in this regard are not met.
21. In both cases the level of harm is 'less than substantial', a differentiation required between paragraphs 133 and 134 of the Framework. In both cases the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

22. There appears little doubt that the residential use would remain viable, and the benefits derived from the additional accommodation in this already extended building are of limited weight as public benefits. With regard to the composition of the terrace, there may well be some perception from public view-points of improvement, but this weighs little in the balance compared with the harm. The harm caused to the individual property by reason of works to raise the roof and insert an additional storey substantially outweigh the perceived and purely visual improvement that has been accepted could occur. The evidential value of retaining this as one of a few original layouts is much weightier in the balance. Even the evidence of replacement material after bomb damage is of interest in the history of the building.
23. Therefore, in addition to being contrary to the Development Plan, statute and national guidance, and taking account of the courts having determined that considerable importance and weight should be given to harm found to the significance of listed buildings, there is no other justification for the harm. For the reasons given above it is concluded that both appeals should be dismissed.

S J Papworth

INSPECTOR