

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: 24 November 2016

Appeal A: APP/X5990/W/16/3150291 **99 Westbourne Terrace, London W2 6QT**

- 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 Granville and Company against the decision of City of Westminster Council.
 - The application ref: 15/07067/FULL, dated 3 August 2015 was refused by notice dated 23 November 2015.
 - The development proposed is removal of existing lift motor room and replace with new motor room to required European standards; additional balustrading for fall protection.
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Appeal B: APP/X5990/Y/16/3150295 **99 Westbourne Terrace, London W2 6QT**

- 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 Granville and Company against the decision of City of Westminster Council.
 - The application ref: 15/07068/LBC, dated 3 August 2015, was refused by notice dated 23 November 2015.
 - The works proposed are removal of existing lift motor room and replace with new motor room to required European standards; additional balustrading for fall protection.
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Decisions

1. Appeals A and B are both dismissed.

Reasons

2. No. 99 is a Grade II listed building in the Bayswater Conservation Area (CA). The **main issue** in these appeals is the effects of the proposals on the special architectural and historic interest of the listed building, on the character and appearance of the (CA) and on the significance of these heritage assets.
 3. Westbourne Terrace is mentioned in the 'Key Features' section of the Council's information leaflet for this CA as one of two 'grand boulevards' with fine classical terraces on a grand scale. They date from the mid 19th century and make important contributions to the CA's character and appearance, as do the CA's street layout and much townscape uniformity. All these features and their role in helping to understand the historic development of this part of London contribute to the CA's overall significance as a heritage asset. No. 99 is on the north-east side of Westbourne Terrace with a row of mews buildings behind it (Eastbourne Mews). It is relevant to note here that the strip of land with modern multi-storey buildings between Eastbourne Mews and Eastbourne
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Terrace is not included in the CA (on the basis of the map attached to the information leaflet).

4. Much of the special interest and heritage significance of no. 99, and of the listed terrace of which it is a part, lies in the original style, scale, proportions and, most notably on the front elevations, the elaborate detailing. Nonetheless the less elaborate rear elevations are also an important element of the listed buildings' character, special interest and significance. Moreover, despite some alterations and additions, key features at upper floor and roof levels still include the characteristic horizontal rows of windows and horizontal parapet lines together with the party wall upstands (including chimney stacks) which form the boundaries between individual properties in the terrace. These features and the relatively uncluttered skyline at and around no. 99 are visible in public views from the southern end of Eastbourne Mews.
5. In such views the top of the existing lift motor room is just distinguishable as a very low-key feature, of similar height and in close proximity to a right-angled section of taller parapet wall which wraps around an adjacent corner of the building. An expanse of the light-coloured party wall upstand¹, topped by chimneys, is also visible against the skyline. It is likely there would be similar but private views from some buildings in the locality.
6. The proposed motor room would be a substantially larger structure than the existing one, extending right up to the party wall. At a height of 3.8m it would be more than twice as tall as the existing structure². Despite a set back from the rear parapet wall it would appear as a bulky, prominent and incongruous feature against the party wall and the skyline. Given its siting, size and height it would not relate in any way to the design, proportions and features of the individual building or the terrace as a whole. Instead it would be a seriously inharmonious addition, despite the proposed black slate cladding and a variety of other features in this particular roofscape. A door into the motor room, in an elevated position on its outer face would compound its adverse visual impacts, and it seems likely that the proposed iron railings and 3.8m tall mesh panels around the outer edge of the roof would also be detrimental in visual terms³.
7. I have borne in mind that details of the mesh panels could be required by condition and that it might be feasible to use them as a support for planting that might have some screening effect. However without further details for consideration now I cannot tell with sufficient certainty whether that would be an acceptable approach to mitigating the structure's harmful visual impacts. I therefore conclude that in detracting from the style, proportions and skyline of no. 99 and the terrace as a whole, the proposed development would fail to preserve the special interest of no. 99 and the setting of the listed no. 101.
8. In reaching that conclusion I have noted the nearby modern development of a quite different scale and character and also the various examples of other structures at roof level on traditional terraces submitted by the appellant in support of the appeal proposals. However none of those examples appear to be directly comparable with the site-specific context for the proposed development and few if any appear to set a good example. Bearing in mind

¹ Along the boundary with no. 101

² On the basis of the dimensions annotated on the plans

³ It is not possible to properly assess these features because the submitted plans are less than clear regarding the exact nature of the mesh panels. Although their proposed position and an outline indicating their height is included on the plans there are no other details and it is unclear how they would sit in relation to the railings which are illustrated on the elevation plans

- also the statutory duty to have special regard to the desirability of preserving the building and its features of special architectural or historic interest I have assessed the proposed development on its merits.
9. Having found that the appeal proposals would detract from no. 99's special interest, and from the setting of no. 101, it follows that I also conclude they would fail to preserve the CA's character and appearance, thereby diminishing its significance as a heritage asset. I further conclude therefore that the proposals would conflict with the development plan, most notably saved Policies DES 1, DES 6, DES 9 and DES 10⁴ of the City of Westminster Unitary Development Plan (2007), Policies S25 and S28 of Westminster's City Plan: Strategic Policies (CP) (2013) and associated supplementary guidance.
 10. In terms of policy guidance in the *National Planning Policy Framework*, which is an important material consideration, the harm the proposed development would cause to the significance of the designated heritage assets would be 'less than substantial' but there would be harm nonetheless. Paragraph 134 of the *Framework* expects the harm to be weighed against the public benefits of the proposal, including securing its optimum viable use.
 11. I have borne in mind the health and safety requirements listed in the appellant's representations and the need to comply with them; the constraints of the building and its layout in terms of facilitating access to some of its constituent flats; various references to efforts to find alternative solutions; the encouragement in CP Policy 25 to upgrade historic buildings sensitively "to improve their environmental performance and make them easily accessible".
 12. However few of the technical requirements are explained in simple terms that are specific to the situation at no. 99 (such as exactly why a new motor room needs to be so tall, or why the entrance door into it needs to be on its outer face and in an elevated position for example). In these circumstances I am unable to tell with certainty whether or not the appeal proposals represent the only practicable option for retaining a lift in this particular building.
 13. In any event, whilst the continuing availability of a lift would be beneficial in terms of access for the flats' occupiers, that benefit would be primarily private rather than public. Moreover although retaining a lift would be desirable there are no compelling grounds to conclude it is essential for the purposes of the building's optimum viable use as residential accommodation. Therefore, having had regard to all other matters raised, I find no public benefits sufficient to outweigh the harm the proposals would cause to the designated heritage assets.
 14. Whilst I also note the appellant's comments regarding the Council's handling of the application these have no material bearing on the planning merits of the appeal proposals. Overall therefore, having found that the development would result in harm to the character, appearance and significance of designated heritage assets and that it would conflict with the development plan and with the *Framework*, I conclude that both appeals must fail.

Jane Miles

INSPECTOR

⁴ Although only Policy DES 1 is explicitly cited in the Council's refusal reasons, paragraphs 10.108 to 10.147 are mentioned and these include Policies DES 9 and DES 10; Policy DES 6 features in the Council's appeal statement