
Appeal Decisions

Site visit made on 8 November 2016

by Mike Fox BA (Hons) DipTP MRTPI

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

Decision date: 01 December 2016

Appeal A - Appeal Ref: APP/X5990/W/16/3156275 2 A and 2 B Dawson Place, London, W2 4TJ

- 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 Edward Jack and Ms Ana Atkinson against the decision of City of Westminster Council.
 - The application Ref 16/00828/FULL, dated 15 January 2016, was refused by notice dated 20 May 2016.
 - The development proposed is erection of roof extension (Design Option 1).
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Appeal B - Appeal Ref: APP/X5990/W/16/3156184 2 A and 2 B Dawson Place, London, W2 4TJ

- 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 Edward Jack and Ms Ana Atkinson against the decision of City of Westminster Council.
 - The application Ref 16/01540/FULL, dated 15 January 2016, was refused by notice dated 20 May 2016.
 - The development proposed is erection of roof extension (Design Option 2).
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Decisions

Appeal A

1. The appeal in relation to Design Option 1 is dismissed.

Appeal B

2. The appeal in relation to Design Option 2 is dismissed.

Procedural matters

3. Signed and dated Unilateral Undertakings under Section 106 of the Town and Country Planning Act 1990 were submitted by the Appellants covering each of the design options proposed, to ensure that the two roof extensions would be constructed and finished as one, in order to avoid a situation where only one was built and not the other. I have taken these undertakings into account in my decision.
4. Although the Council's statement was submitted on time, the Appellants, in their e-mail dated 3 November 2016, claim they had not seen it before this date. The Planning Inspectorate has accepted the Appellant's claim as accurate and therefore allowed a further period of 14 days for them to respond to the

Council's statement. I have taken both the Council's statement and the Appellants' response, dated 16 November 2016, into account in my decision.

5. Both appeals relate to roof extensions over both 2A and 2B Dawson Place. Appeal A (Design Option 1) relates to a curved mansard styled extended roof, whilst Appeal B (Design Option 2) relates to a more angular metal box type roof extension.

Main Issue

6. The main issue in both appeals is whether the proposed development options would preserve or enhance the character or appearance of the Bayswater Conservation Area.

Reasons

7. The appeal properties, divided into six flats, form part of a traditional nineteenth century terrace, which is characteristic of much of the Bayswater Conservation Area. Although the appeal properties are unlisted, they make a positive contribution to the area's character and appearance, through their classical detailing, traditional roof design and height. For example, the properties display a classical hierarchy, with the windows becoming smaller on each successive floor level upwards from the ground floor. The properties are located where a Conservation Area Audit¹ states that roof extensions are not considered to be appropriate.
8. Against this background, both submitted design options would introduce a roof extension of contemporary design and external materials (design option 1 uses zinc and option 2 uses metal cladding) which would be alien to the architecture of both the host building and the rest of the terrace. In addition, the large windows in design option 1 would be contrary to the hierarchy of window sizes in the host building to which I have already referred. The height of the proposals would also exceed the established roof heights in the locality; this would also be a detracting feature in a Conservation Area where the roof structures were kept deliberately low to ensure the classical character of the buildings were not harmed by prominent roof structures. I also agree with the Council's statement that the proposals would: *"clutter the roofline of a building originally intended to have no such structures to the roof level"*².
9. In the light of the above considerations, it is my view that both proposals, through a combination of design, external materials, roof height and roof clutter, would be alien to the established character of the area and would not sit comfortably with the rest of the building or the terrace as a whole; rather they would draw attention from, rather than appear subservient to, the host building. They would not integrate with the existing built form and they would detract from the harmony of the neighbouring roofscape, a point which is reinforced by the fact that the existing roofline is one of the highest in the vicinity.
10. The Appellants make a number of points in support of the proposals. They state that the appeal properties are non-designated heritage assets; that the proposals would not be visible from public view points; and that they are high

¹ Westminster City Council: Bayswater Conservation Area Audit; adopted July 2000. Figure 4a identifies the Appeal properties as buildings where roof extensions will be unacceptable.

² Council's Statement, paragraph 19.

quality designs using high quality external materials. They refer to other nearby examples of contemporary roof designs and external materials in the Conservation Area. They also maintain that submitting a combined scheme for both properties is the preferred solution in conservation design terms rather than submitting separate schemes for each individual property. Finally, they refer to a recent appeal decision³ relating to the appeal site, and state that they have addressed the principal reasons for dismissal in that decision.

11. In response to these points, I start with the statutory requirement for development to either preserve or enhance the character or appearance of Conservation Areas⁴. This is a strict test and it applies to all buildings within Conservation Areas, irrespective of whether they are designated heritage assets or not. I also consider that the appeal properties, even though they are not designated heritage assets, nevertheless make a strong contribution to the character and appearance of the Conservation Area, and for the reasons I have explained above, I consider the proposals would fail this test.
12. Whilst the visual impact of the proposals on public, street level views would be limited, I consider that it would be possible to see their impact from the south side of Prince's Square and also from nearer the appeal properties, for example from the east side of Hereford Road, and from within Rede Place, to the north of the appeal properties. The proposal would also be visible from further away to the west of the appeal properties, for example from further along Dawson Place and also from within the adjacent Pembridge Conservation Area in the Royal Borough of Kensington and Chelsea.
13. Furthermore, the proposals would be easily viewed from the upper floors of some nearby buildings, especially as the side elevation of the fourth floor already stands out above the parapet of the neighbouring property, whether this is through the original design or whether there has been a subsequent extension.
14. In this regard, paragraph 10.115 of the UDP⁵ makes it clear that: "*Views from surrounding buildings and other non-street-level views may be important*", whilst UDP policy DES 6 states that: "*Permission may be refused for roof level alterations...where the extension would be visually intrusive or unsightly when seen in longer public or private views from ground or upper levels*". The safeguarding of the integrity of buildings which contribute to the character and appearance of the Conservation Areas, such as the appeal properties, is therefore an important consideration, irrespective of whether the building can be easily viewed from public places.
15. I agree with the Appellants that both the proposed roof designs and external materials are of a high quality. In a Conservation Area, however, the context is critical. Paragraph 10.111 of the UDP underlines this point by stating: "*High quality modern architecture will be acceptable in conservation areas provided that it can be demonstrated that it is sensitively designed in response to its conservation area context and will preserve or enhance the character and appearance of the conservation area*" (my underlining).

³ Appeal Ref APP/X5990/W/14/3001407: Development of a glazed-roof extension with glazed bi-fold doors to decked terrace at Fla6 6, 2B Dawson Terrace, London W2 4TJ; dismissed on 10 April 2015.

⁴ The Planning (Listed Building and Conservation Areas) Act 1990, Section 72 (1).

⁵ City of Westminster Unitary Development Plan (UDP); adopted 24 January 2007.

16. Furthermore, paragraph 10.118 of the same document states that: “*The inappropriate use of modern roofing or cladding materials may also adversely affect the character and appearance of the conservation area*”. It is my view that the proposals would be inappropriate within the context that I have already described, i.e. both in relation to their design and use of external materials.
17. The fact that there may be other inappropriate extensions within the Conservation Area is not an acceptable reason for allowing these appeals. I note the Appellants’ view that a great many terraces within the Conservation Area have uneven rooflines, with some having mansard roofs. From my observations, whilst I consider the existing roofscape is not pristine, nevertheless it is my view that there is a strong sense of unity in and around the appeal properties, i.e. a well-defined context for considering proposals such as the ones before me.
18. From standing on the roofs of the appeal properties, I observed that the roofscape, with a few exceptions, comprises mainly flat parapets and relatively low chimneys, so that the roofs generally do not detract from the classical character and appearance of the buildings. This seems in keeping with the original parameters of the development of Bayswater, as outlined in the Conservation Area Audit.
19. I agree with both the Appellants and the Council that a combined scheme is preferable to two individual schemes, but this does not, on its own override the reasons that have led me to dismiss the appeals. There is disagreement between the main parties over whether the Council’s officers actually visited the appeal properties. The Council claims they did but in any event this is not a critical consideration to my determination of the appeal.
20. Finally, I note that changes have been made in the current appeal proposals in response to the above mentioned appeal decision. Whilst I consider that the current proposals are not poor designs per se, for the reasons I have already explained I consider that they are inappropriate in relation to the context of the Bayswater Conservation Area.

Conclusion

21. Taking account of the above matters, including all those put forward by the Appellants, I consider that the proposals would neither preserve nor enhance the character or appearance of the Conservation Area. As such they would be contrary to statute and the requirement in paragraph 131 of *the Framework*⁶ to sustain and enhance the significance of historic assets.
22. The proposals would also be contrary to the relevant policies of the adopted Westminster Local Plan (2013), including policy S25 (to conserve Westminster’s historic environment) and policy S28 (to encourage development in the correct context, to respect Westminster’s heritage and local distinctiveness); and the relevant saved policies of the City of Westminster UDP (2007), including policy DES1 (including the need to take into account local character and distinctiveness), policy DES5 (dealing with alterations and extensions), policy DES6 (dealing with roof alterations and extensions), and policy DES9 (regarding development in Conservation Areas). They would also

⁶ DCLG: National Planning Policy Framework (*the Framework*); March 2012.

be contrary to the above mentioned Conservation Area Audit's advice against roof extensions in this part of the Conservation Area.

23. Finally, I consider that the harm resulting from the proposed developments, whichever design option, would be less than substantial to the significance of the heritage asset, i.e. the Conservation Area. Paragraph 134 of *the Framework* states that where this is the case, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Council's Statement asserts that no notable public benefits have been demonstrated⁷, and therefore no public benefits would outweigh the identified harm. I see no evidence from any party which points me to a different conclusion, or any evidence that the roof extension proposals would be required to secure the optimum viable use of the properties.
24. For the reasons given and having regard to all other matters raised, I conclude that both of the appeals should fail.

Mike Fox

INSPECTOR

⁷ Council's Statement, paragraph 34.