

Appeal Decision

Site visit made on 5 December 2016

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 15 December 2016

Appeal Ref: APP/X5990/D/16/3160884

16 Archery Close, London W2 2BE

- 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 Philip Dayer against the decision of Westminster City Council.
 - The application Ref 16/05908/FULL, dated 23 June 2016, was refused by notice dated 17 August 2016.
 - The development proposed is the replacement of the existing roof structure with a new front mansard incorporating two dormer windows and a new rear dormer, and enlargement of basement rear windows.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Along with this appeal there are 3 other current appeals involving broadly similar roof constructions in Archery Close at nos. 21, 22 and 25. In determining this appeal I have considered this scheme's impact in isolation, as well as its impact should all or any of those other appeal schemes be built.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the area, including whether or not it would preserve or enhance the character or appearance of the Bayswater Conservation Area.

Reasons

4. The Bayswater Conservation Area covers a large area to the north of Hyde Park and Kensington Gardens. It is described in some detail in the Bayswater Conservation Area Audit No. 6 SPG 2000, but in broad terms comprises a mixture of buildings, with large areas of nineteenth century architecture, and including stuccoed terraces and grand classical buildings set back from sometimes tree-lined streets and landscaped squares. There are also many narrow mews, usually located to the rear of larger properties, and which generally contain terraced buildings on a much smaller scale.
5. Archery Close is one such mews, which is discretely located between the grand roughly four storey buildings on Connaught Square, and the more modern apartments set in landscaped grounds at St George's Fields. The residential

terraces on both sides of Archery Close are broadly of a two storey form, albeit some have additional internal space at roof level. However, given the front parapet line, and the limited height and scale of that roof level development, it is barely visible if at all from street level.

6. Given its very consistent fenestration, proportions and architectural detailing the western terrace presents a very uniform and cohesive appearance in the streetscene. The appearance of the properties on the eastern side is more varied, no doubt partly due to their conversion from former stables.
7. The proposed roof construction at no. 16 would be significantly taller than the one it would replace, and it would have a much steeper roof pitch to the front, which would contain two dormer windows. Given those combined elements of the scheme's height, roof pitch and design, it would have a greater bulk than the structure it would replace. Although the submitted section drawing does not clearly show how visible it would be from street level, in my judgement, that scale of development in that position would be quite apparent in Archery Close's streetscene.
8. Notwithstanding the proposed use of matching materials, the northern party wall upstand would be quite prominent in the streetscene looking along the terrace from that direction. The development would also be seen from the nearby upper floor windows in Connaught Square and from those on other nearby properties at this end of Archery Close.
9. Although no. 16 is located at the end of the row, with the flank wall of a much taller building to the south, looking along the terrace from the north and from those nearby properties, the proposal would appear as a bulky roof level addition which would significantly disrupt the cohesion, rhythm and visual harmony of this terrace. I appreciate that the proposal would replace the existing roof structure which provides restricted loft space, and that it is one of four broadly similar proposals for roof level accommodation on this side of the terrace – all of which are subject to appeal. Additionally the appellant states that four other residents in this terrace would be interested in carrying out similar schemes, although I have limited evidence of that. Nevertheless, even considered alongside those broadly similar appeal schemes, this proposal would result in the terrace having a disjointed and awkward appearance.
10. The Council is additionally concerned that the proposed windows would be asymmetrically positioned and would not line up with those in the floors beneath. In my view, part of the charm of this property and the terrace it forms part of, is the regular pattern of its windows and other front-facing architectural features. As those windows would not align that adds to the harm that would be caused to the balance and unity of the property and the row.
11. The Council's SPG 'Roofs: A Guide to Alterations and Extensions on Domestic Buildings' 1995 states in section 5 that roof form should be appropriate to the building and the terrace, and that although mansard roofs may be acceptable in some cases, it is important to consider the style and character of the particular building. The Council's SPG 'Mews – A Guide to Alterations' 2004 also notes that roof level alterations can have a significant impact on a mews' established character. It continues at paragraph 6.5 that whilst there are no rigid rules for positioning dormer windows, a symmetrical arrangement which relates to the

windows on the first floor is a good general guide. Although this scheme would replace an existing roof structure, as I have concluded that this mews' established character would be significantly harmed, both when the scheme is considered individually and alongside the other broadly similar appeal schemes, the proposal would conflict with the advice in those two documents.

12. As I walked around the area I observed many mansard roof extensions and dormers, some of which are referred to at section 6.9 of the appellant's statement. In particular I noted a number of mansards with dormer windows in Hyde Park Gardens Mews. However, the properties with those features are broadly arranged in two continuous rows at either end of the mews, and they therefore do not have the disjointed appearance that would result here. The mansards and dormer windows that I observed at Albion Mews and Frederick Close are also broadly in continuous rows of similar development, and in the case of Frederick Close there is significant variety in terms of the scale and form of the buildings.
13. The mansard roofs, dormers and other alterations to the rear of some of the Connaught Square properties are on buildings of a different style and much greater scale than here, and whilst no.14's mansard with dormers is prominently positioned close to this site at the end of Archery Close, that property is not part of a long cohesive row and forms a 'full stop' at the end of the mews. Consequently the context of those examples is different from here, and they do not justify the harm that this scheme would cause.
14. Amongst other matters, policy DES 6 of the City of Westminster Unitary Development Plan 2007 ('UDP') sets out that permission may be refused for roof level alterations and extensions to buildings where the architectural character or unity of a building or group of buildings would be adversely affected. For the reasons above the scheme would not comply with that policy. It would also conflict with the general design requirements, and the need to respect local distinctiveness and character, in policy S28 of the Westminster City Plan 2016 ('City Plan') and UDP policy DES 1. That includes policy DES 1's requirement to consider the character, scale and pattern of mews.
15. In harming this characteristic part of the Bayswater Conservation Area, the scheme would fail to preserve the conservation area as a whole. Consequently it would conflict with City Plan policy S25's requirement to conserve heritage assets, and with UDP policy DES 9's aim of preserving or enhancing the character or appearance of conservation areas, including its advice at paragraph 10.115. It would also fail the similar statutory test. The harm that would be caused to this designated heritage asset is a matter to which I give considerable weight. However, having regard to the proposal's scale and its location, the harm would be less than substantial.
16. The existing property is described by the appellant as in a poor and dangerous state of repair and in need of extensive refurbishment. From the evidence of my visit I agree. However, I am not satisfied that this scheme is the only way in which improving the property's dilapidated condition and boarded-up appearance, and ensuring its preservation through bringing it back into use as a family home, could be achieved.

17. Although at paragraph 6.5 of his statement the appellant states that no. 16's restricted lower ground floor ceiling height does not lend that floor to use as a bedroom, that is what is shown on the proposed plans, with the provision of enlarged rear windows to enhance natural light and an increased floor to ceiling height.
18. Notwithstanding that discrepancy, I agree that the proposal would provide additional habitable space in what would be a small two bedroom family home in a sustainable location. It could encourage families to remain in the area, and would contribute towards the National Planning Policy Framework ('Framework') objective of delivering a wide choice of high quality homes, and would address UDP policy H 3 and City Plan policy S14's objectives of increasing residential floorspace. That is a limited public social benefit which weighs in favour of the scheme. However, having considered the Framework's paragraph 134, and having paid special attention to the statutory test of preserving or enhancing the character or appearance of conservation areas, I am not satisfied that the scheme's limited public benefits are sufficient to justify allowing the appeal.
19. I have considered the representations from local residents, including those in support which cite, amongst other things, the family accommodation that would be provided, and the wider benefits arising from bringing a disused and derelict property back into use. However, the matters raised do not outweigh the harm that would be caused as a result of the scheme's impact on the character and appearance of the host building, the terrace, and the area. Given the significant harm that I have found and the conflict with the development plan, the proposal does not benefit from the Framework's presumption in favour of sustainable development.
20. Although I have considered this proposal alongside the three broadly similar appeal schemes currently before me, that does not change my conclusions on this issue. For the above reasons the proposal would not accord with the development plan as a whole, and having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR