

## Appeal Decisions

Site visit made on 5 October 2016

**by Mr J P Sargent BA(Hons) MA MRTPI**

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

**Decision date: 16 December 2016**

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### **Appeal A: APP/X5990/W/16/3154298**

#### **4 Halkin Place, London SW1X 8JG**

- 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 J & H Turnbull against the decision of City of Westminster Council.
  - The application Ref 16/02572/FULL, dated 21 March 2016, was refused by notice dated 7 June 2016.
  - The development proposed is the erection of a new 4<sup>th</sup> floor mansard storey with associated internal alterations to provide stair access from the 3<sup>rd</sup> floor.
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### **Appeal B: APP/X5990/Y/16/3154299**

#### **4 Halkin Place, London SW1X 8JG**

- 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 J & H Turnbull against the decision of City of Westminster Council.
  - The application Ref 16/02573/LBC, dated 21 March 2016, was refused by notice dated 7 June 2016.
  - The works proposed are the erection of a new 4<sup>th</sup> floor mansard storey with associated internal alterations to provide stair access from the 3<sup>rd</sup> floor.
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## **Decisions**

### **Appeal A: APP/X5990/W/16/3154298**

1. The appeal is allowed and planning permission is granted for the erection of a new 4<sup>th</sup> floor mansard storey with associated internal alterations to provide stair access from the 3<sup>rd</sup> floor at 4 Halkin Place, London SW1X 8JG in accordance with the terms of the application, Ref 16/02572/FULL, dated 21 March 2016, subject to the conditions in the Conditions Schedule below.

### **Appeal B: APP/X5990/Y/16/3154299**

2. The appeal is allowed and listed building consent is granted for the erection of a new 4<sup>th</sup> floor mansard storey with associated internal alterations to provide stair access from the 3<sup>rd</sup> floor at 4 Halkin Place, London SW1X 8JG in accordance with the terms of the application 16/02573/LBC, dated 21 March 2016 subject to the conditions in the Conditions Schedule below.

## **Procedural matters**

3. As part of the works the Appellants intend to address the air-conditioning in the building. Plans were submitted with an acoustic report showing 2 air-conditioning units on the roof within the side of the proposed mansard while the Design and Access Statement included a further plan indicating the units were to be located differently, at the back corner of the mansard next to the
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chimney stack (with a consequent change in the mansard's shape). However, on the plans that were formally submitted with the applications and were listed on the decisions they were not shown on the roof. Rather only one air-conditioning unit was marked and that was on the rear second floor balcony – an element that is to be removed in the near future by the construction of a lift shaft approved in 2015.

4. The Appellants have confirmed they wish 2 units to be in the position shown in the Design and Access Statement instead of the rear balcony, and plans to that effect have been submitted with the appeals. Adjacent residents have been given opportunity to comment on this revision and, having taken account of the responses received, I have considered the scheme on that basis.

## **Main Issues**

5. Having regard to sections 16, 66 and 72 in the *Planning (Listed Buildings and Conservation Areas) Act 1990* and the guidance in the *National Planning Policy Framework* (the Framework), the main issue common to both appeals is whether the works would preserve the special architectural or historic interest of this Grade II listed building, whether they would preserve the character or appearance of the Belgravia Conservation Area and whether they would harm the significance of either of these designated heritage assets.
6. A further issue in relation to Appeal A is the effect of the development on the living conditions of adjacent residents.

## **Reasons**

### ***Effect on historic environment***

7. This appeal concerns an attractive townhouse from the early 19<sup>th</sup> Century. It has undergone various alterations over time, but it still retains finishes, detailing and openings on its front elevation that reflect those originally found on the property, while the broad plan form appears to be still intact. To my mind these factors contribute to the building's heritage value. A 3<sup>rd</sup> floor with a butterfly roof was added in the late 19<sup>th</sup> Century, and although that extra storey undoubtedly changed the building, it nonetheless complements the rest of the frontage with its detail, finishes, proportions and window arrangement.
8. The site is within the Belgravia Conservation Area, the significance of which lies, in part, in the way it is characterised by buildings of similar appearance and age set in terraces around open squares and crescents. No 4 is not part of a long uniform terrace but rather it is on what the Appellants term a 'secondary street' within a row of properties of a range of styles, proportions and heights. In this position it does not make an appreciable contribution to the skyline or to the rhythm of a row. Despite this, when seen from the front its appearance, age and scale broadly reflect what is typically found throughout the conservation area, and so it adds to the significance of that designated asset.
9. In 2015 planning permission and listed building consent were granted for extensive works to No 4 and those works are now underway. The proposal before me is to add a fourth storey mansard with an associated extension to the building's main stair case.
10. The existing roof structure appears to have been significantly restored in the later half of the 20<sup>th</sup> Century. The Appellants said this work had not been

undertaken with particularly high quality materials and based on my observations that is a view I share. Therefore, on the evidence before me its removal does not result in an unacceptable loss of historic fabric.

11. However, the Council contended that the form of the butterfly roof added to the significance of No 4. Other properties nearby do not have such a roof treatment and so it is therefore an isolated feature that reflects the individual nature of the building. From the evidence before me though its age was unclear, and while the parties seemed to agree it was at least from the late 19<sup>th</sup> Century, I have no firm basis to find it reflects the roofing that was originally on the house before the top floor was added. Therefore, I consider that while the form may not be common in this area its contribution to the significance of No 4 is not sufficient to mean its loss would erode the value of this designated asset or its heritage interest.
12. Turning to the impact of the proposed mansard, I consider its dimensions and arrangement would be broadly suitable for a treatment of this type. It would be substantially concealed behind the parapet, being only visible when further away at, for example, the junction of Halkin Place/West Halkin Street or when on Belgrave Mews West. Moreover, from those points only the top portion would be seen, and it would be a subservient element that sat within the varied and diverse silhouette of this row of properties. It would also reflect the many other mansard roofs that are found elsewhere in the vicinity. Therefore, taking these factors together it would not be a discordant element and would not constitute a jarring addition to either the property or the locality.
13. The chimney stack is to be raised as well, but I see no reason why that need be harmful if undertaken with suitable materials. The air-conditioning units would not be unsightly as they would be below the parapet. Finally, inside the building the extension of the staircase up to the mansard would be acceptable if adequately detailed.
14. Accordingly I conclude the works would preserve the special architectural or historic interest of this Grade II listed building, they would not fail to preserve the character or appearance of the Belgravia Conservation Area and they would not harm the significance of either of these designated heritage assets. As such the works would not conflict with Policies DES1, DES6, DES9 or DES10 in the *City of Westminster Unitary Development Plan* (the UDP), Policies S25 and S28 in *Westminster's City Plan* (the City Plan) or the Framework.

### ***Living conditions***

15. Windows to flats are immediately across a narrow well area behind No 4. However, the rear-facing rooflight would not cause overlooking as it would be above the staircase and given the height of the parapet the mansard would not result in an unacceptable impact on light. Whilst the chimney would be raised its size and its relationship to the windows in the neighbouring flats mean it would not cause those occupiers an unreasonable loss of daylight or sunlight.
16. With regard to the potential noise and vibration from the air-conditioning units, the Appellants' consultants consider their location to be acceptable while the Council's Environmental Health Officer says that insufficient information has been submitted to demonstrate compliance with the Council's standards. I note that the units would be on an open part of the roof, and to a great extent they would be shielded from the windows of flats behind by the deep parapet.

There is also opportunity for additional details to be agreed by conditions, and the Appellants have not stated that complying with those suggested by the Council would be problematic. Furthermore, there has already been an air-conditioning unit on this rear elevation, albeit at a lower level. Given these points and mindful of the site's location in an urban area I find it has not been shown that the units need cause harm to those living nearby.

17. Accordingly I conclude that the scheme need not have an unreasonable impact on the living conditions of adjacent residents, and so would not conflict with UDP Policies ENV6 and ENV7 or Policies S29 and S32 of the City Plan.

***Other matters***

18. I have no reason to consider that parking pressures would result from this development.

**Conditions**

19. The Council has suggested a number of conditions be imposed in the event of me allowing the appeals. I consider that the scheme should be in accordance with the approved plans for the avoidance of doubt, while, to safeguard the listed building, the stair details should be agreed, features not shown to be disturbed should be retained, and any external finishes should match those on the property at present (rather than necessarily the original finishes as those might not be known).
20. Mindful of other legislation I am aware of no specific planning reasons for the raising of the chimney or controlling the hours of construction, and so conditions concerning those aspects are unnecessary.
21. With regard to the air conditioning apparatus, there is no need to agree the location of the units as that is shown on the approved drawings. However, the units should not project above the parapet and their noise should be controlled as should restrictions on possible vibration nuisance. I see no reason though for any such condition to include details as to what is necessary for a fixed maximum noise level to be approved, because other information may be required or what is stated may not be needed. I also consider there is no need for the Appellants to demonstrate they have complied with this requirement, as compliance rests with the developer in any event.

**Conclusions**

22. For the reasons stated the appeals should be allowed.

*J P Sargent*

INSPECTOR

### **Appeal A: Conditions Schedule**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless modified under the conditions below, the development hereby permitted shall be in accordance with the approved drawings numbered 1501-P01, P23 RevA, P24 RevA, P25 RevA, P26 RevA, P27 RevA, P28 RevA, P153 RevA, P154 RevA, P155 RevD, P156 RevD, P157 RevB, P158 RevE, P159 RevB & P161 RevB.
- 3) Unless otherwise approved in writing by the local planning authority, all new works and all works of making good to the fabric shall be finished to match the adjacent existing fabric with regard to methods used, colour, material, texture and profile.
- 4) No air-conditioning units shall project above the height of the parapet.
- 5) No vibration from any air-conditioning apparatus shall be transmitted to the adjoining premises through the building structure so as to cause a vibration dose value in any residential property or other noise-sensitive property of greater than 0.4m/s(1.75) 16 hour day-time or 0.26 m/s (1.75) 8 hour night-time, as defined by BS6472(2008).
- 6) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) when operating at its noisiest, shall not exceed a value of 10dB below the minimum external background noise at a point 1m outside any window of any residential or other noise sensitive property, unless a fixed maximum noise level has been approved in writing by the local planning authority.

Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) when operating at its noisiest, shall not exceed a value of 15dB below the minimum external background noise at a point 1m outside any window of any residential or other noise sensitive property unless a fixed maximum noise level has been approved in writing by the local planning authority.

The background level should be expressed in terms of the lowest LA90, 15 minutes during the proposed hours of operation, and the plant-specific noise level should be expressed as LAeqTm and be representative of the plant operating at its maximum.

### **Appeal B: Conditions Schedule**

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless modified under the conditions below, the works hereby consented shall be in accordance with the approved drawings numbered 1501-P01, P23 RevA, P24 RevA, P25 RevA, P26 RevA, P27 RevA, P28 RevA, P153 RevA, P154 RevA, P155 RevD, P156 RevD, P157 RevB, P158 RevE, P159 RevB & P161 RevB.
- 3) Unless otherwise approved in writing by the local planning authority, all new works and all works of making good to the fabric shall be finished to match the adjacent existing fabric with regard to methods used, colour, material, texture and profile.
- 4) The spindle, banister and stair detail shall be in accordance with that shown on Drawing 1501-P161B.
- 5) Existing ornamental features must be left in their present position unless changes are shown on the drawings approved under this consent, and they must be protected properly during site works.