

Appeal Decisions

Site visit made on 29 November 2016

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 29th December 2016

Appeal Ref: APP/X5990/W/16/3155736 (Appeal A)

88 Hereford Road, London W2 5AL

- 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 Robert McGuire against the decision of City of Westminster Council.
 - The application Ref 16/00960/FULL, dated 4 February 2016, was refused by notice dated 24 June 2016.
 - The development proposed is the construction of a light-weight glazed rear in-fill extension at ground floor level and lower ground floor, and the removal of an existing brick pier internally to the lower ground floor.
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Appeal Ref: APP/X5990/Y/16/3155739 (Appeal B)

88 Hereford Road, London W2 5AL

- 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 Robert McGuire against the decision of City of Westminster Council.
 - The application Ref 16/00961/LBC, dated 4 February 2016 was refused by notice dated 24 May 2016.
 - The works proposed are the construction of a light-weight glazed rear in-fill extension at ground floor level and lower ground floor, and the removal of an existing brick pier internally to the lower ground floor.
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Decisions

1. Appeal A is allowed and planning permission is granted for the construction of a light-weight glazed rear in-fill extension at ground floor level and lower ground floor, and the removal of an existing brick pier internally to the lower ground floor at 88 Hereford Road, London W2 5AL, in accordance with planning application Ref 16/00960/FULL, dated 4 February 2016, subject to the conditions set out in Annex A to my decision.
2. Appeal B is allowed and listed building consent is granted for the construction of a light-weight glazed rear in-fill extension at ground floor level and lower ground floor, and the removal of an existing brick pier internally to the lower ground floor at 88 Hereford Road, London W2 5AL, in accordance with listed building consent application Ref 16/00961/LBC, dated 4 February 2016, subject to the conditions set out in Annex B to my decision.

Procedural Matter

3. The appeal application is intended to amend an approved scheme for basement and ground floor extensions to the appeal property along with internal and external alterations. It would include a first floor rear addition,
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over an approved basement and ground floor extension, which is the subject of the dispute between the two main parties.

Main Issues

4. 88 Hereford Road comprises a three storey, plus basement and attic rooms, end of terrace house. The house is part of a listed group which includes Nos. 49-107 Hereford Road and is located within the Westbourne Conservation Area (WCA). Having regard to the statutory requirements of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the main issues in this case are:
 - Whether the proposed works and development would preserve the special architectural or historic interest of the grade II listed building, 88 Hereford Road; and
 - Whether they would preserve or enhance the character and appearance of the WCA.

Reasons

5. The appeal site forms part of a terrace of similar properties. It dates from the 1850's, and has a white painted stucco front facade, with Classical detailing and a plainer brick rear elevation. Internally, the principal room arrangement on the ground and lower ground floors is still appreciable. Its significance lies in its age, its Classical form and detailing. This includes its plain rear elevation with closet wing and its similarity to other properties in the terrace, along with the internal arrangement of its principal rooms and uses.
6. The WCA is generally residential, comprised in the main of rows of large terraced and semi-detached villas, some of which are now converted to flats, which front onto mainly tree lined streets. Classical detailing, stucco front facades, raised stepped entrances, and their plainer rear elevations, some with closet wings, all contribute to the character and appearance of the WCA. As the appeal building has these features, as a whole it contributes to the generally urban, cohesive and pleasant character and appearance of the WCA.
7. Even though two storeys in height, the appeal proposal would be small in relation to the main house. It would sit discretely between the closet wing of the appeal property and that of the neighbouring property, No. 90. As it would be lower than the closet wing on the appeal site and set in slightly from its rear elevation and glazed, it would appear as subservient to it and the listed property generally. For the same reasons, it would not appear as a full width rear infill extension at ground floor level. As it would be lightweight and allow views through to the rear elevation of the listed building, appreciation of the historic fabric of that elevation would still be possible. It would be two storeys, modern in material and detailing, with a large expanse of undivided glazing and I appreciate that it would not reflect the style or detailing of the existing building. However, in this case, for the reasons already stated and due to its small size, simple form and low position, it would not appear dominant or obtrusive and would retain large amounts of the plain brick elevation at the rear, which would thereby preserve its generally austere and simply detailed character. For all of these reasons also, the impact of light spill would be limited. As the rear of other properties in the terrace includes areas of glazing, it would not appear out of place. It would enable the history

of the property to be readily understood. For all these reasons, I consider that it would relate appropriately to the plain rear elevation of the appeal property and would not materially affect either the vertical or horizontal rhythm of the rear elevations of the terrace brought about by the projecting closet wings. In coming to this conclusion, I have taken into account that the rear elevation of this appeal site can be viewed from the properties at its rear and side.

8. I was able to observe the internal layout of the ground and first floor of the appeal property on my site visit. I agree with the Council that the layout of the principal rooms is largely intact. However, I consider that this would not be materially affected by the addition of a small rear extension, as the rear walls of the existing kitchen would be retained, along with the existing window opening and cornice. As the proposed rear addition would be glazed it would not materially diminish views from the principal rooms of the house through to the garden. Whilst the loss of the ground floor rear window to the existing kitchen is regrettable, as the existing opening would be retained, and as that window is a later addition, on balance this aspect of the appeal would not result in harm to the significance of the listed building or the character or appearance of the WCA.
9. I conclude that the appeal proposal would generally preserve the special architectural or historic interest of the grade II listed building, 88 Hereford Road and would preserve the character and appearance of the WCA. For this reason, it would generally accord with Policies S25 and S28 of Westminster's City Plan: Strategic Policies (2013) and Policies DES 1, DES 5, DES 9 and DES 10 of City of Westminster Unitary Development Plan (2007) (UDP). Those policies, together, generally aim to respect the listed building's character and preserve or enhance the character and appearance of conservation areas. It would also generally accord with City of Westminster Supplementary Planning Guidance (SPG) brought to my attention, including Repairs and Alterations to Listed Buildings and SPG Conservatories: A Guide to Design, Planning and Procedures, which generally aims to preserve buildings of special architectural or historic interest, their settings and features of special architectural or historic interest. It would also generally accord with SPG Development and Demolition in Conservation Areas, which seeks to achieve the preservation and enhancement of all conservation areas in the City and SPG Conservatories: A Guide to Design, Planning and Procedures, which indicates that conservatories should normally be confined to the rear or least important facades and respect the plan form, period, architectural characteristics and detailing of the original building.
10. In coming to this conclusion, I have had regard to the views of my Colleague in determining an appeal at 90 Hereford Road (Ref APP/K5990/W/15/3008299 and APP/K5990/Y/15/3008306). However, that property had an existing two storey extension at its rear, which differentiates it from the one before me. Where relevant to this appeal, however, I have generally concurred with her views.

Planning Conditions

11. A list of suggested conditions is before me, provided by the appellant. I have agreed with the imposition of most of these, subject to refinement to improve

clarity and ensure consistency with national policy and guidance.¹ A list of conditions to be imposed is set out in Annex A and Annex B to my decisions.

12. Standard time and plans conditions are required to ensure clarity and in the interests of proper planning. A condition requiring samples of materials to be used is necessary to ensure the preservation of the property's special architectural or historic interest. As the proposed addition would be constructed in glass, in association with the previous condition, a condition requiring work to the outside of the building to match the existing is not necessary. A condition to control the time of building works is required as the appeal property is attached to others.

Conclusions

13. For the above reasons, and taking all other matters raised into consideration, I conclude that both appeals should be allowed, subject to the conditions set out in Annex A and Annex B to my decisions.

R Barrett

INSPECTOR

Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with approved plans: 13021S.00; 13021GA.00; 13021GA.01; 13021GE.00; 13021GS.00.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Building work shall be carried out only between 08.00 and 18.00 hours Monday to Friday, 08.30 to 13.30 hours on Saturday, with no work at any other time including Sundays and Public Holidays.

Annex B

- 1) The works hereby permitted shall begin not later than three years from the date of this decision.
- 2) The works hereby approved shall be carried out in accordance with approved plans: 13021S.00; 13021GA.00; 13021GA.01; 13021GE.00; 13021GS.00.
- 3) No works shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.

¹ Paragraphs 203 and 206 of the Framework and PPG paragraphs 21a-001-034

- 4) Building work shall be carried out only between 08.00 and 18.00 hours Monday to Friday, 08.30 to 13.30 hours on Saturday, with no work at any other time including Sundays and Public Holidays.