
Appeal Decisions

Site visit made on 17 January 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 26th January 2017

Appeal A Ref: APP/X5990/W/16/3157803

74 Balcombe Street, London, NW1 6NE

- 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 Ms Kate Hill against the decision of City of Westminster Council.
 - The application Ref 16/03966/FUL, dated 28 April 2016, was refused by notice dated 5 August 2016.
 - The development is described as '*railings to rear closet wing*'.
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Appeal B Ref: APP/X5990/Y/16/3157901

74 Balcombe Street, London, NW1 6NE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) against a refusal to grant listed building consent.
 - The appeal is made by Ms Kate Hill against the decision of City of Westminster Council.
 - The application Ref 16/03967/LB, dated 28 April 2016, was refused by notice dated 5 August 2016.
 - The works are described as '*railings to rear closet wing*'.
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Decisions

1. The appeals are dismissed.

Main Issue

2. The main issue for both appeals is whether the development preserves the special architectural or historical features of the Grade II listed building, and for Appeal A whether it preserves or enhances the character of the Dorset Square Conservation Area.

Reasons

3. The appeal building is a mid-terrace Georgian property located within the Dorset Square Conservation Area and is a Grade II listed building. The significance of the listed building and this part of the conservation area derives in part from the architectural style of the buildings and the contrasting difference between the front and rear elevations. In particular, the former tend to be grander with the rear elevations having a plainer appearance. This is generally typical of buildings of this type and from this period.
 4. During my site inspection I was able to see that to the rear of No 74 is a rear multi-storey extension, described as a closet wing. It currently has timber decking on its surface, with simple black painted metal railings which are secured in part into the rear wall of the property and also within the capping stones on the short parapet. The roof area is accessed by climbing through a
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- timber six-over-six vertical sliding sash window that is located adjacent to the landing on the main staircase.
5. The appellant wishes to replace the timber decking with a planted green roof. They do not intend to use the roof as a seating area, but seek the railings as a safety feature for maintenance purposes to ensure that occupiers or contractors doing such work would be prevented from falling over the edge of the roof. However, whilst there are some examples of railings on the flat roof areas on the rear of buildings along Balcombe Street, these are the exception rather than the norm and do not provide justification in themselves for the appeal scheme.
 6. I acknowledge the appellant's point that there appear to have been railings in this location previously and have been provided with details of the history of the site. I also note that the appellant has made a laudable effort to finish restoration of the listed building they acquired in 2012. Nevertheless, the railings in this case are of a height which makes them prominent when viewed from other properties along Balcombe Street and also from the rear of properties along Boston Place which faces onto Marylebone Station.
 7. In practical terms this means that the relatively plain and more austere rear elevation at No 74, starts to become more cluttered and this detracts from the architectural significance of the listed building, and the contribution it makes to the significance of the wider conservation area. This is further compounded by the height of the railings which increase their visual prominence. In this respect, I find that the railings fail to preserve the special interest of the listed building, and for similar reasons fail to preserve the character or appearance of this part of the Dorset Square Conservation Area.
 8. The *National Planning Policy Framework* (the Framework) sets out degrees of harm to heritage assets at Paragraphs 131 to 134, which is either substantial or less than substantial. Clearly given the historic heart of the heritage assets would remain fairly unaffected I consider that the proposal would result in no more than less than substantial harm. However less than substantial harm does not equate to less than substantial planning objection, and I am required to give considerable weight and importance to the desirability of preserving the listed building and conservation area, as set out in Section 16(2), 66(1) and 72(1) of the PLBCA.
 9. Paragraph 134 of the Framework sets out that where less than substantial harm is identified, this should be weighed against the public benefits of the proposal. In this case, the public benefits are limited to the use of the roof area as a green roof. I acknowledge that this would provide a limited, if helpful, addition to the biodiversity of this city central location. However I do not find that this would outweigh the less than substantial harm I have identified from the inappropriate height of the railings.
 10. I also acknowledge the other benefits put forward by the appellant in terms of health and safety considerations. However, I have not been provided with any specific details as to why different locking mechanisms may not work on the window, or that other means or types of enclosure would not work as effectively without resulting in the harm to heritage assets identified here.
 11. I therefore conclude that the development and works in this case would fail to preserve the special architectural or historical features of the listed building and

fail to preserve or enhance the character of the conservation area. Accordingly, the development is contrary to Policies S25 and S28 of the *Westminster City Plan: Strategic Policies 2016*, and Policies DES1, DES5, DES9, DES 10(A) of the *Unitary Development Plan 2007*, which, amongst other aims, seek to ensure that applications for development will demonstrate that they respect the listed building's character and appearance. It would also fail to accord with the Policies of the Framework, which beyond those already cited; include conserving heritage assets in a manner appropriate to their significance.

12. For the reasons given above, I conclude that both appeals should be dismissed.

Cullum J A Parker

INSPECTOR