
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: 30th January 2017

Appeal A Ref: APP/X5990/W/16/3157457

Second Floor Flat, 18 Rutland Gate, City of Westminster, London, SW7 1BB

- 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 Blackmor Trader Ltd against the decision of City of Westminster Council.
 - The application Ref 16/00091/FULL, dated 5 January 2016, was refused by notice dated 19 April 2016.
 - The development proposed is described as *'proposed second floor extension on top of existing first floor extension to the left hand side of the rear elevation and minor internal alterations to the flat'*.
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Appeal B Ref: APP/X5990/Y/16/3157458

Second Floor Flat, 18 Rutland Gate, City of Westminster, London, SW7 1BB

- 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 Blackmor Trader Ltd against the decision of City of Westminster Council.
 - The application Ref 16/00092/LBC, dated 5 January 2016, was refused by notice dated 19 April 2016.
 - The works proposed are described as *'proposed second floor extension on top of existing first floor extension to the left hand side of the rear elevation and minor internal alterations to the flat'*.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for proposed second floor extension on top of existing first floor extension to the left hand side of the rear elevation and minor internal alterations to the flat at Second Floor Flat, 18 Rutland Gate, City of Westminster, London, SW7 1BB in accordance with the terms of the application, Ref 16/00091/FULL, dated 5 January 2016, subject to the conditions set out in Appendix A

Appeal B

2. The appeal is allowed and listed building consent is granted for proposed second floor extension on top of existing first floor extension to the left hand side of the rear elevation and minor internal alterations to the flat at Second Floor Flat, 18 Rutland Gate, City of Westminster, London, SW7 1BB in accordance with the terms of the application Ref 16/00092/LBC dated 5 January 2016 subject to the conditions set out in Appendix B
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Procedural Matter

3. The address on the application form does not refer to a particular flat, whereas that on the appeal form refers to the second floor flat. Given the evidence before me, it appears clear that the proposal relates to the second floor flat. Therefore, to provide clarity and for the avoidance of doubt I have used the address provided on the appeal form in the above header.

Main Issues

4. The main issues are whether the proposed works would preserve the special architectural or historical features of the Grade II listed building, and whether the proposed development would preserve or enhance the character or appearance of the Knightsbridge Conservation Area.

Reasons

5. The building containing the second floor flat at 18 Rutland Gate, is a mid-terrace building dating from approximately the late 1830s. It is a seven storey, including basement and attic levels, three bay building. The appellant's heritage statement dated July 2016 details that the front elevation has retained many features that one would expect to see on properties from this period such as pediments above windows and Doric style columns supporting front porches.
6. To the rear of the terrace, there have been a number of alterations and extensions. In particular, at No 18 there is a three storey stepped closet wing style extension, with winter garden at first floor level. There is also extension on the first and second floors which is suspended above a lightwell serving Flat 1. It is clear from the differences in brickwork, finishes and fenestration arrangements that these extensions are not contemporaneous to the original building. Nevertheless, it is still possible to see how the building has evolved from its original rear depth to how it appears now. It is from aspects such as these, that the special architectural features of the listed building and the character of the conservation, and therefore their significance, derive.
7. The appeal schemes seek the erection of a second floor flat roofed extension on an existing closet wing style rear projection. This would extend through the existing ground and first floor elements, retaining the footprint, style and finish of the first floor element. Whilst this would add additional bulk to the rear of the building, the original depth of the building and parts of its rear elevation would still be clearly legible. What is more, due to the restrained nature of the extension proposed, which would still leave a further upper two storeys and the attic level free of the closet wing extension, the overall height of the closet wing would appear in keeping with the tall appearance of the building.
8. Given these factors, and that the original rear wall of the building would remain unaffected, I find that the proposal would not detract from the significance of the listed building or that of the conservation area. Accordingly, it would preserve the special interest of the listed building and the character of the Knightsbridge Conservation Area, as sought by Sections 16(2), 66(1) and 72(1) of the PLBCA.
9. I therefore conclude that the proposed works would accord with Policies S25 and S28 of the *Westminster City Plan 2016*, and Policies DES1, DES5, DES9 and DES10 of the *Unitary Development Plan 2007*, which, amongst other aims, seek to ensure that development respects the character and appearance of

listed buildings and serve to preserve its features of special architectural or historic interest.

10. It would also accord with the Policies of the *National Planning Policy Framework* (the Framework), which include conserving heritage assets in a manner appropriate to their significance.

Other Matters

11. I note the concerns raised by neighbours and will address these here, before coming to an overall conclusion. In terms of security, it is unclear as to how the additional floor proposed through this modestly sized extension would worsen the existing situation. I can only afford this concern limited weight. In terms of views, these are not protected as such under planning legislation. Nevertheless, the extension would not be placed directly in front of windows or openings, and whilst there may be some small reduction in the scope of views, these are likely to be very small given the scale of the proposed extension.
12. I do not, therefore, find that these concerns, whether considered individually or cumulatively, point towards a refusal of the permission and consent sought in this instance.

Conditions

13. The Council has suggested a number of conditions relating to both Appeal A and Appeal B. I have taken into account the guidance provided within the national Planning Practice Guidance and Paragraph 206 of the Framework in terms of the use of planning conditions.
14. Conditions requiring the works to be carried out in accordance with the submitted drawings are necessary to provide certainty. Further conditions requiring the use of matching materials, finishes and construction methods and details of windows for example are necessary for the avoidance of doubt and in order to protect the special architectural and historical features of the listed building and character of the conservation area.
15. A condition restricting hours of work is reasonable given the residential location of the appeal site. A condition restricting the use of the flat roof for emergency/maintenance use only is necessary and reasonable in order to prevent its use as a balcony or terrace and the associated concerns that may arise from such a use which have not been fully considered here. Lastly, the consent and permission would 'run' with the land or building and not a person or organisation. As such, the conditions should be re-worded so that the references to 'you' should be amended. This will enable the conditions to relate properly to the land, be enforceable and provide clarity.

Overall Conclusion

16. For the reasons given above, and taking all matters raised into account, I conclude that both appeals should be allowed.

Cullum J A Parker

INSPECTOR

Appendices

Appendix A – List of conditions; 3157457

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, TWP15-RG-004, TWP15-RG-009, TWP15-RG-010, TWP15-RG-011 and TWP15-RG-012.
- 3) All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance unless otherwise shown on the approved drawings or are required by other conditions attached to this permission.
- 4) Prior to the commencement of any works or development the following details shall be submitted to and approved in writing by the local planning authority:
 - i) New windows, doors and rooflights (drawn elevations / plans and sections at a scale of at least 1:5), and;
 - ii) Overall building profile (drawn elevation and sections at a scale of at least 1:20).

All works shall be carried out in accordance with the approved details.

- 5) Prior to the commencement of any works or development, written specifications of the facing materials to be used, and elevations and roof plans annotated to show where the materials are to be located shall be submitted to and approved in writing by the local planning authority. As a part of this a sample panel of brickwork of no less than 1sq.m in size, must be prepared on-site for inspection by the local planning authority, in order to demonstrate the proposed brick, bonding and pointing (including mortar mix). This must be retained on site as a control for the duration of the build. All works shall be carried out in accordance with the approved details.
- 6) All demolition and/or construction works shall take place only between 08:00 to 18:00 on Monday to Friday, between 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area. It shall only be used for emergency or for limited maintenance purposes only.

Appendix B – List of conditions; 3157458

- 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, TWP15-RG-004, TWP15-RG-009, TWP15-RG-010, TWP15-RG-011 and TWP15-RG-012.

- 3) All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance unless otherwise shown on the approved drawings or are required by other conditions attached to this permission.
- 4) Prior to the commencement of any works or development the following details shall be submitted to and approved in writing by the local planning authority:
 - i) New windows, doors and rooflights (drawn elevations / plans and sections at a scale of at least 1:5), and;
 - ii) Overall building profile (drawn elevation and sections at a scale of at least 1:20).

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