
Appeal Decision

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: 2nd February 2017

Appeal Ref: APP/X5990/W/16/3158706
11-12 Dover Street, London, W15 4LJ

- 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 Quassia Limited against the decision of City of Westminster Council.
 - The application Ref 15/10987/FULL, dated 17 November 2015, was refused by notice dated 20 April 2016.
 - The development proposed is described as *'installation of new shopfronts at ground floor level, use of basement and ground floor as one retail unit, demolition behind retained front façade of upper levels and redevelopment with extensions at all floors, including roof extension, for use as office accommodation (Class B1) with associated works including the installation of plant and creation of terraces at rear of first and second floor levels and at main roof level'*.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It is clear from both main parties cases that the second reason for refusal, relating to mixed uses, is no longer contested between the parties given the adoption of the most recent City Plan on 13 July 2016. I see no reason not to concur, and have therefore focussed my assessment to the first reason for refusal on the Council's decision notice.

Main Issues

3. The main issue are whether the proposed development would preserve or enhance the character or appearance of the Mayfair Conservation Area, and whether it would preserve the setting of nearby listed buildings.

Reasons

4. The appeal building is a mid-terrace property located on the east side of Dover Street. It is within the Mayfair Conservation Area, which covers a large area. In particular, the buildings in the immediate vicinity of the appeal property are generally four storeys in height with attic level above and this is replicated at Nos 11-12, although rather than the two or three bay width, Nos 11-12 is a six bay wide building. It is the relatively uniform height of buildings within this part of the conservation area from which it's significant in part derives.
 5. The proposal seeks the introduction of a sixth storey (or fifth floor). Visually this would have a mansard pavilion style roof as shown on drawing PL(05)110
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- (Proposed front elevation Dover Street). The appellant considers that being set back from the front elevation and slightly behind the chimney stack would reduce its visibility within the street scene. However, the proposal would still increase the overall height of the building by another storey and this would be directly at odds with the prevalent four storey form (with attic) character of the eastern side of Dover Street.
6. What is more, whilst height and setting back of this extension would mitigate in part the visibility of the roof extension, it would be clearly visible from a number of public and private viewpoints within the wider locality, including when looking northwards from the southern end of Dover Street. The additional bulk and height proposed in this case would result in an incongruous feature that would be at odds with the prevailing character of building in this part of the conservation area. This incongruity would be further exacerbated by the introduction of two door length openings in the front elevation which would fail to align with those below, reinforcing the awkward relationship between the sixth storey and those below. For similar reasons there would be a limited, but negative, impact on the setting of the adjacent listed building at No 10 Dover Street.
 7. I note the comments within the Heritage Statement November 2015 by Morse Heritage which identifies the only harm identified in their view is the loss of the existing rear elevation as an historic feature. However, given that the proposal would see its replacement with an appropriately designed rear elevation, which the Council does not raise detailed concerns over, I see no reason to conclude that this element of the proposal would result in a neutral impact at worse.
 8. Nevertheless, this does not overcome my findings in respect of the proposed additional storey. I therefore find that the proposal would fail to preserve the character of the Mayfair Conservation Area and the setting of the adjoining listed building. Although in both cases, given that the heritage assets would not be completely vitiated, this would result in no more than less than substantial harm to their significance.
 9. Paragraph 134 of the *National Planning Policy Framework* (the Framework) indicates that where less than substantial harm is identified this should be weighed against the public benefits. In this case, the appellant has not clearly cited any public benefits that this current scheme would result in beyond indicating that the fifth floor extension would outweigh any harm by providing further floor space. However, I have not been provided any detailed evidence which substantiates the case that the fifth floor is fundamental to the redevelopment of the building as a whole.
 10. In giving considerable importance and weight to the statutory duty to preserve the settings of listed building and the character or appearance of conservation areas, as set out in Sections 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, and in the absence of any identified public benefits, I do not find that the less than substantial harm identified has been outweighed in this case.
 11. I note the history of the site including an earlier redevelopment of the site approved under 14/10350/FULL, but I do not find that this provides justification for the approval of the appeal scheme before me, which I have considered on its own merits.

12. I therefore conclude that the proposed development would fail to preserve the character and appearance of the Mayfair Conservation Area, and would fail to preserve the setting of nearby listed buildings. Accordingly, the proposal would be contrary to Policies S25 and S28 of the *Westminster City Plan (Consolidated with Basement and Mixed Use Revisions)* 2016 and Policies DES1, DES6, DES9 and DES10 of the *Unitary Development Plan* 2007, which, amongst other aims seek to ensure that additional floors do not adversely affect the architectural character or unity of a building or group of buildings. It would also be contrary to the Policies of the Framework, which include conserving heritage assets in a manner appropriate to their significance.

Conclusion

13. For the reasons given above, and having taken into account all matters raised, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR