
Appeal Decisions

Site visit made on 17 January 2017

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC

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

Decision date: 6th February 2017

Appeal No.1: Appeal Ref: APP/X5990/Y/16/3160162
19e, The Lodge, Pembridge Square, London W2 4EJ

- 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 Marco Arosio against the decision of City of Westminster Council.
 - The application Ref 16/06204/LBC, dated 1 July 2016, was refused by notice dated 23 August 2016.
 - The works proposed are to remove a stretch of wall in the middle of the front garden.
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Appeal No.2: Appeal Ref: APP/X5990/W/16/3160161
19e, The Lodge, Pembridge Square, London W2 4EJ

- 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 Marco Arosio against the decision of City of Westminster Council.
 - The application Ref 16/06203/FULL, dated 1 July 2016, was refused by notice dated 23 August 2016.
 - The development proposed is to remove a stretch of wall in the middle of the front garden.
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Decisions

Appeal No.1: Appeal Ref: APP/X5990/Y/16/3160162

1. The appeal is allowed and listed building consent is granted to remove a stretch of wall in the middle of the front garden at 19e, The Lodge, Pembridge Square, London W2 4EJ in accordance with the terms of the application Ref 16/06204/LBC dated 1 July 2016 and the plans submitted with it subject to the conditions attached in the first schedule at the end of this decision.

Appeal No.2: Appeal Ref: APP/X5990/W/16/3160161

2. The appeal is allowed and planning permission is granted to remove a stretch of wall in the middle of the front garden at 19e, The Lodge, Pembridge Square, London W2 4EJ in accordance with the terms of the application, Ref 16/06203/FULL, dated 1 July 2016, subject to the conditions attached in the second schedule at the end of this decision.

Main Issues

3. These are in respect of Appeal No.1 a) whether the proposed works and development would preserve the Grade II listed building known as 19e, The Lodge, Pembridge Square (listed as Pembridge Square, 62/9 (east side)) or any features of special architectural interest that it possesses and b) whether the proposed works and development would preserve the character or appearance of the Bayswater Conservation Area.
4. In respect of Appal No.2, in addition to the above these are, c) whether the proposed development would preserve the setting of the same listed building and that adjacent and d) the effect of the proposed development on the safety of highway users.

Reasons

Significance

5. No. 19 Pembridge Square, to which the appeal building is physically attached and to which it was evidently formally a dependent, is a detached Neo-Classical Villa of the mid C19. It forms an integral component of the formal architecture of the square, and expresses the frothy stucco'd Italianate attributes typical of the Bayswater area for this period. No 19e (The Lodge) is evidently a later adjunct to the house, most probably a coach house with groom's accommodation above. This structure, now separated from the main building and much altered in the C20, is also stylistically different to its former parent. The elevation to the road is much lower key, dispensing with the Italianate detail in favour of a more English Domestic flavour with exposed stock brick and a quarter hip to the front gable.
6. The separate ownership of the Lodge has been progressively defined in the past with the front enclosure to the street (within the greater curtilage fronting Moscow Road incorporating a section of grassed area) being formed of a front boundary wall and railings and the low wall the subject of the appeals, which runs between the front elevation and the aforementioned boundary.
7. Despite these degrees of visual differentiation, the Lodge may still very reasonably be read as an ancillary component of No. 19, and its special interest and significance therefore lies in informing us of the former scope and function of a grand and aspiring metropolitan dwelling of the mid and later C19. Its quirky domestic utilitarianism also lend a measure of variety and contrast to the otherwise formal architecture of the square, and this is a positive contributor to the character and appearance of the Conservation area.

The proposals

8. The proposals are in effect for the removal of the remaining sections of the low wall and railings separating the parking area from the area of grass to the west. Consent has previously been granted for the removal of two sections of this structure, one part parallel to the main dwelling and abutting the lodge to the rear, and a section running perpendicular to it towards the front of the site. Also part of previous consented schemes is the installation of railings demarking the boundary with No. 19 to the west, the enclosure of the light-well with the same, and the widening of the entrance through the relocation of the piers.

Effect on special interest, setting and conservation area

9. It is accepted that the wall itself is constructed of modern materials. In terms of loss of physical fabric therefore there would be no harm to the special interest of the building. Moreover, these vestigial remnants of the structure would in my view lend a sense of congested clutter to the space between the buildings and road that would be considerably eased by their removal. Indeed, such an outcome would return a measure of architectural or functional unity to house and ancillary structure that can be considered a benefit of the scheme.
10. On these terms, the proposed works and development would both preserve the special architectural interest of the buildings and their settings, both in accordance with the joint expectations of both relevant sections of the Act and with paragraph 132 of the National Planning Policy Framework (the Framework) which requires that significant weight be given to the conservation of Designated Heritage Assets and their setting. Insofar as they can be seen as an enhancement in this regard they would also accord with paragraph 137 which encourages proposals that would better reveal the significance of such heritage assets. For the same reasons, I conclude the proposals would, in this regard, preserve the character and appearance of the Bayswater Conservation Area, again in accordance with section 72 of the Act.
11. However, it is not on these precise terms that the Council takes issue with the effect of the proposals in all these regards. It is rather that if permitted, the proposals would in effect give licence for the appellant to use the remaining grassed area to the west for the manoeuvring and perhaps even parking of additional vehicles. This, they argue, would have the effect of degrading of this grassed area, and to the increased and inappropriate presence of motor vehicles in the immediate setting of the listed buildings.
12. Whilst I can understand this apprehension, in my view it is overstated here. On the first count I do not consider that the greater visual openness of the space necessarily lends itself to the enhanced manoeuvring of vehicles. From my observations on site, this could much more readily and conveniently be undertaken on the street, prior to parking in the available space. Moreover, it also seems to me very difficult to envisage the frequent and practical parking of more than one vehicle in the space. Also there is real credence to the appellant's argument that the removal of these sections of wall would reasonably and practically assist in the ease of parking and ingress and egress from the vehicle when so parked. Conclusively, I am persuaded that the potential harm to the character and appearance of the grassed area and setting of the heritage assets could be satisfactorily mitigated through the application of a condition (the one suggested by the Council) limiting parking to the area of hardstanding. This in my view would be necessary, reasonable in light of the council's concerns, and enforceable.
13. Once again therefore, taken in the round, the proposals would preserve the special interest of the listed building, its setting and the character and appearance of the Bayswater Conservation area. This would accord with the statutory expectations of the Act, the policies of the Framework, and with policies S25 and S28 of the Westminster City Plan or policies DES1, DES7, DES9, DES 10 and TRANS26 of the Unitary Development Plan, all of which seek, amongst other matters to safeguard the special interest, setting and

character and appearance of designated Heritage Assets and encourage high standards of design.

Highway safety

14. Also in light of my conclusions in respect of the above matters, I consider the proposals would not result in the material intensification of the use of the access as anticipated by the Council. Indeed, with the improved ergonomics of the space, the already permitted widening of the entrance and the condition restricting parking to the hardstanding only, I anticipate there being a net improvement to the function of the existing facility rather than the reverse. Moreover, even if I were to be wrong here, levels of traffic activity and speeds here are relatively low and no material hazard to road users would in my view result. For these reasons I conclude the proposals would accord with policies TRANS2, TRANS3 and TRANS21 of the Unitary Development Plan which seek amongst other matters to safeguard the interests of highway users.

Conditions

15. Both appeals being allowed I attach a condition on respect of Appeal No.2 requiring that the development be carried out in accordance with the approved drawings to assure certainty. Also in respect of Appeal No.2 I attach a condition restricting the parking of a vehicle on the area demarked 'hardstanding' on the approved drawing only, to safeguard the setting of the listed buildings and the character and appearance of the Bayswater Conservation Area. In respect of both appeals I also attach conditions restricting the hours of building operations to safeguard the living conditions of adjacent occupiers and conditions requiring that all new works match that of the existing, again to safeguard the special architectural interest of the listed building, the setting of the listed buildings and the character and appearance of the Bayswater Conservation Area.
16. For the reasons given above and having considered all matters raised, I conclude that both appeals should succeed.

David Morgan

Inspector

Schedules of conditions

First Schedule

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) You must carry out any building work which can be heard at the boundary of the site only:
 - between 08.00 and 18.00 Monday to Friday;
 - between 08.00 and 13.00 on Saturday; and
 - not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours.

- 3) All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission.

Second Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 524PE_10 and 524PE_56
- 3) You must carry out any building work which can be heard at the boundary of the site only:
 - between 08.00 and 18.00 Monday to Friday;
 - between 08.00 and 13.00 on Saturday; and
 - not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours.

- 4) All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission.
- 5) Vehicles should only park on the area annotated as 'hardstanding' on approved drawing 524PE_P_56.