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# Appeal Decision

Site visit made on 8 February 2016

**by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC**

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

**Decision date: 15 February 2017**

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## **Appeal Ref: APP/X5990/D/16/3164957**

### **6 Artesian Road, London, W2 5AP**

- 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 W Keswick against the decision of Westminster City Council.
  - The application Ref 16/09372/FULL, dated 29 September 2016, was refused by notice dated 14 November 2016.
  - The development proposed is dormer to rear roof slope.
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### **Decision**

1. The appeal is allowed and planning permission is granted for dormer to rear roof slope at 6 Artesian Road, London, W2 5AP, in accordance with the terms of the application, Ref 16/09372/FULL, dated 29 September 2016, and the plans submitted with it, subject to the following conditions:
  - 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: 15029 000, 15029 020 P3, 15029 021 P3, 15029 022 P3 and 15029 023 P3.
  - 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

### **Main issue**

3. The main issue is the effect of the proposal on the character and appearance of the conservation area.

### **Reasons**

4. 6 Artesian Road is at one end of a short terrace of three storey houses of brick and stucco with shallow pitched roofs, hipped at each end of the terrace. It is in the Westbourne Conservation Area which is characterised by substantial three or four storey terraced houses with a range of distinctive architectural detailing which gives them a cohesive and imposing appearance. The small terrace of which No. 6 is part has a simpler and more modest character.

5. At the time of my visit substantial building works were in progress. The whole of the interior has been stripped out, apart from the floors. Planning permission was granted in 2016 for these works which include a replacement two storey extension and single storey extension.
6. Planning policies relevant in this case include S25 of Westminster's City Plan 2016 (the City Plan) which states that the City's heritage assets will be conserved, and S28 which relate to standards of urban design. Policy DES1 of the City of Westminster Unitary Development Plan 2007 (the UDP) sets out a number of criteria to be met by new development in order to maintain the principles of urban design and conservation. UDP policies DES6 and DES9 relate to alterations at roof level and development in conservation areas.
7. The supporting text for policy DES9 states that new development will be considered in the light of its effect on the character and appearance of the conservation area and that alterations to buildings in conservation areas should preserve or enhance the character or appearance of the area.
8. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty that special regard be had to the desirability of preserving or enhancing the character or appearance of a conservation area.
9. The National Planning Policy Framework (the Framework) requires proposals affecting heritage assets to be considered having regard to any harm caused to their significance. Where a proposal would lead to less than substantial harm to the asset, this harm should be weighed against the public benefits of it, including securing its optimum viable use.
10. The proposal is for a modest sized dormer window which is a revised version of one recently refused planning permission. It would be located on the rear slope of the roof, with a sliding sash reflecting the style of other sash windows in the rear elevation.
11. I consider that, although it would create a new form extending from the existing unbroken slope of the roof, it would not cause substantial harm to the significance of a heritage asset. In this case, the heritage asset is the conservation area which in itself has substantial significance. The property is an unlisted house in the conservation area. The Westbourne Conservation Area Audit 2002 (WCAA) describes the character of the area as a unified townscape where virtually all unlisted buildings will be deemed to be of merit and worthy of retention. It does not preclude alterations to such buildings.
12. In my opinion, the proposed dormer would have a very limited impact on the character and appearance of the building because of its modest size, its design and its location to the rear of the building. The original roof form would remain clearly expressed and the dormer would not be readily visible from street level. In views from surrounding properties it would be seen in the context of a variety of rear extensions and roof alterations and the raised party wall. Consequently, I consider that it would not harm the character and appearance of the building itself. It would not be visible in important views within the conservation area. It would cause less than significant harm to the conservation area and would provide additional accommodation in a family dwelling.

13.I conclude that the proposal would preserve the character and appearance of the conservation area. It would be consistent with policies S25 and S28 of the City Plan and DES1, DES6 and DES9 of the UDP and the advice in the Framework and the WCAA.

**Conditions**

14.I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. The Council suggested a condition requiring the external materials to match those of the existing building. As the proposed dormer is to be clad in lead which would not match other materials in the building, I consider that it is necessary to impose a condition requiring the submission and approval of materials in order to ensure the satisfactory appearance of the development.

*PAG Metcalfe*

INSPECTOR