
Appeal Decisions

Site visit made on 27 February 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 21st March 2017

Appeal Ref: APP/X5990/W/16/3164126

6 Clarendon Gardens, London W9 1AY

- 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 Goldragon Investments against the decision of City of Westminster Council.
 - The application Ref 16/04746/FULL, dated 19 May 2016, was refused by notice dated 14 July 2016.
 - The development proposed is described as "the general refurbishment of the 3 flats in which the property is split, the addition of 2 dormers to the rear of the roof and a new 2 storey rear conservatory extension (to occupy the gap between the existing extension and neighbouring one)".
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Appeal Ref: APP/X5990/Y/16/3164172

6 Clarendon Gardens, London W9 1AY

- 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 Goldragon Investments against the decision of City of Westminster Council.
 - The application Ref 16/04747/LBC, dated 19 May 2016, was refused by notice dated 14 July 2016.
 - The works proposed are described as "the general refurbishment of the 3 flats in which the property is split, the addition of 2 dormers to the rear of the roof and a new 2 storey rear conservatory extension (to occupy the gap between the existing extension and neighbouring one)".
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Decision

1. Appeal A : The appeal is dismissed.
2. Appeal B : The appeal is dismissed.

Preliminary Matters

3. It is clear from the application drawings, and as stated on the Council's Decision Notice, that in addition to the works set out in the banner heading, the proposal included the provision of railings and balcony at the rear; alterations at the front basement level to vaults and lightwell and, in connection with the application for Listed Building Consent, internal alterations including the removal and addition of partitions. I have dealt with the appeal on that basis.
 4. I note that the appeal form refers to the appeal site address as Basement Flat, 6 Clarendon Gardens. However, the proposal includes work at roof level. Accordingly the proposal relates 6 Clarendon Gardens, as a whole.
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5. Subsequent to the refusal of planning permission, the Council granted planning permission and listed building consent for a variety of works including a single storey rear extension, roof level dormer windows and terrace including railings, alterations to the front vaults and lightwell and internal alterations¹. I have taken these decisions into account as a fall-back position, in my consideration of the appeals.

Main Issues

6. The main issues in this case are the effect of the proposal on the special architectural or historic interest of the listed building and, linked to that, whether the proposal would preserve or enhance the character or appearance of the Maida Vale Conservation Area.

Reasons

7. 6 Clarendon Gardens forms part of a terrace of seven properties which is a Grade II listed building dating from the mid-19th century. The building is four storeys in height plus a basement, the top floor being a later addition. It is currently in use as three separate residential units. The significance of the listed building lies in its age and architectural detailing. The front elevation of the terrace as a whole has a formal and unified arrangement that reflects the status of the building at the time it was constructed. At the rear, the rhythm of the terrace is apparent in the regular positioning of a two storey closet wing at each property spanning the lower ground and ground floors. The fenestration pattern at the rear is less formal than that at the front although generally it is still regular. The regularity and rhythm of the detailing at both front and rear makes a positive contribution to the significance of the listed building.
8. The site lies within the Maida Vale Conservation Area, the character of which is defined by the quality of its architecture, including the form and detailed design of the listed terraced properties. The appeal property, which has largely retained its original appearance and detailing, makes a positive contribution to the significance of the Conservation Area as a heritage asset.
9. The starting point for consideration of the proposal is the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Put simply, sections 16(2) and 66(1) require the decision maker, in deciding whether to grant consent for works or development affecting a listed building to have special regard to the desirability of preserving the building, its setting, or any features of special architectural or historic interest it possesses. Section 72(1) requires the decision-maker to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions. In a similar vein, paragraph 132 of the National Planning Policy Framework says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation'.
10. The proposed rear extension, which would be a predominantly glazed structure with an aluminium frame, would be some two storeys in height and would span the space between the projecting closet wings at no's 5 and 6. In addition, the closet wing at no 6 would be modified in terms of its height and fenestration detailing.

¹ Application Refs: 16/06880/FULL and 16/06881/LBC

11. The contemporary design and materials of the extension would contrast with the traditional detailing and appearance of the building. However, because of its height it would be overly assertive and as such would visually dominate the rear of the property. Moreover, the extension, at the height proposed, would visually compete with the closet wings, such that the wings would lose definition. As such, and as a result of the loss of a window which respects the original fenestration pattern, it would disrupt the rhythm of the rear of the listed building as a whole. In addition, the proposal would result in the loss of historic fabric at both basement and ground level, including the loss of the ground floor window and some internal detailing including original timber shutters.
12. I have taken into consideration the more recently approved rear extension. Whilst of a similar design and materials, the approved extension would be single storey in height rather than two storeys as in the appeal proposal. As such it would allow the closet wings to remain visually dominant and would not therefore significantly affect the rhythm of the rear elevation. Moreover, it would be a subservient extension that would allow the building to remain legible.
13. The appellant indicates that there are numerous two storey rear extensions within the wider Conservation Area although I have not been provided with any evidence of the circumstances or policy background that led to their approval. I cannot therefore be certain that the circumstances are directly comparable to the appeal proposal. However, it is apparent that none of the properties at 1-7 have been extended in such a manner and as such the significance of the building has been retained. I recognise that views of the proposed extension would be limited to the surrounding properties and as such would not unduly impose on the street scene. However, listed buildings are protected for their inherent qualities irrespective of whether or not they are visible to the public.
14. The proposal also seeks to reconfigure the lightwell at the front of the property by altering the layout of the steps, reducing the depth of the ledge and in effect increasing the size of the external space at lower ground level. Consent has subsequently been granted for the alteration of the form of the steps from a U to an L shape.
15. I understand that the present configuration of the front garden/lightwell areas is not original. However, from what I saw on site there is a degree of consistency in the size of the ledge at each property and corresponding size of the courtyard space which is seen from street level as a void. Again such detail provides a sense of unity and rhythm to the terrace which is part of its significance. The proposal would reduce the ledge by around half its depth and, in effect, increase in the size of the void. To my mind this would be a small but nevertheless harmful incremental change to the listed building and, because it would be visible in the public realm, would also harm rather than preserve or enhance the appearance of the Conservation Area. I acknowledge that the ledge would still be wide enough to accommodate planters. However, planters are not a permanent fixture and in any event would not mitigate against the harm I have identified to the heritage assets.
16. The Council raises no objection in principle to the addition of dormer windows at the rear or to the metal balustrade which would be painted black. Given the presence of other dormers and railings in the terrace I have no reason to

disagree. My attention has been drawn to the Council's Supplementary Planning Guidance 'Roofs A Guide to Alterations and Extensions on Domestic Buildings' (SPG), which amongst other things advises that dormer windows should normally line up with the windows below and should be of no greater height or width than the window below. In this case, the dormer window would be both higher and wider and as such would be disproportionate and top-heavy when compared with the windows below and as such would not meet the criteria set out in the SPG.

17. I have taken into consideration the Council's concern about the proposed double glazing and its effect on the detailed design of the windows. Had I been minded to allow the appeal, this is a matter which could have been dealt with by way of a planning condition. However, the openings, which would be full height, would be fitted with doors rather than windows and it seems to me that as such they would not reflect the opening pattern of traditional sash windows. As such the structures would appear inappropriate.
18. I note that there is some variety in the form and appearance of the existing dormer windows in the terrace and that there are doors in that at no 4. However, this does not seem to me to be an appropriate example of development to follow, particularly given the advice in the SPG and does not justify the appeal proposal.
19. The proposal also includes internal works at lower ground and ground floor levels, comprising the replacement of the existing staircase with one of a different configuration and design. The Council's Supplementary Planning Guidance, 'Listed Buildings', indicates that staircases are frequently the most important feature of an interior, and their form, position and detailing should always be respected. Secondary staircases may also be of interest and should normally be retained.
20. In this case the staircase in question is simple in terms of its form and detailing. The proposal would introduce a staircase of a contemporary design with wider steps and a more imposing U shaped form. As such it would not reflect that of the original and moreover, its importance and prominence would be elevated above that normally associated with a secondary staircase.
21. For the reasons outlined above the proposal would fail to preserve the special interest of the listed building or to preserve or enhance the character or appearance of the Conservation Area contrary to the statutory requirements of the Act. In addition, for the same reasons the proposal would be contrary to Policies S25 and S28 of Westminster's City Plan: Strategic Policies 2013, and Policies DES 1, DES 5, DES 9, and DES 10 of the Council's Unitary Development Plan 2007 which in various ways, and amongst other things, seek to preserve or enhance heritage assets.
22. As the proposal relates to only part of the Conservation Area and listed building, the harm caused to the significance of the heritage assets would be less than substantial. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal.
23. I acknowledge that the scheme would provide benefits in terms of enhanced accommodation, particularly for the occupiers of the lower ground and top floor

flats. However I am not persuaded that these considerations equate to public benefits, including the need to secure optimum viable use of the building, sufficient to outweigh the harm that I have identified, harm which given the weighty requirements of the Act, carries great weight on the negative side of the balance.

Conclusion

24. For the reasons set out above, and taking into account all other matters raised, the appeals do not succeed.

S Ashworth

INSPECTOR