
Appeal Decision

Site visit made on 21 February 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 28 March 2017

Appeal Ref: APP/X5990/W/16/3161962
18-22 Wigmore Street, London W1U 2RG

- 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 Gevacaco International Limited against the decision of City of Westminster Council.
 - The application Ref 16/04742/FULL, dated 20 May 2016, was refused by notice dated 19 September 2016.
 - The development proposed is internal alterations, rear extensions and associated works to create 5 x 2 no. bedroom and 3 x 3 no. bedroom residential apartments and installation of lift with associated works. The development includes:
 1. Retention of the existing commercial and retail uses at ground/basement levels;
 2. Retention of the residential accommodation and replacement of poorly designed rear extensions at first to third levels across no's 18-22;
 3. Creation of window bays at first to third floors at no. 22;
 4. Re-arrangements of fenestration, including re-organisation of existing dormers at fourth floor and removal of modern insertions.
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Decision

1. The appeal is allowed and planning permission is granted for internal alterations, rear extensions and associated works to create 5 x 2 no. bedroom and 3 x 3 no. bedroom residential apartments and installation of lift with associated works. The development includes:
 1. Retention of the existing commercial and retail uses at ground/basement levels;
 2. Retention of the residential accommodation and replacement of poorly designed rear extensions at first to third levels across no's 18-22;
 3. Creation of window bays at first to third floors at no. 22;
 4. Re-arrangements of fenestration, including re-organisation of existing dormers at fourth floor and removal of modern insertions

at 18-22 Wigmore Street, London W1U 2RG in accordance with the terms of the application, Ref 16/04742/FULL, dated 20 May 2016, 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 document and plans: Acoustic Report dated 7 June 2016, Plans: 220, 221 Rev A, 222 Rev A, 223 Rev A, 224 Rev A, 225 Rev A, 226 Rev A, 227 Rev A, 228 Rev A, 230 Rev A
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- 3) No development shall commence until full details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Application for costs

2. An application for costs was made by Gevacaco International Limited against of City of Westminster Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the Harley Street Conservation Area and the appeal building which is identified as an unlisted building of merit.

Reasons

Conservation Area

4. The National Planning Policy Framework ('the Framework') is an important material consideration. Paragraph 132 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a Conservation Area, great weight should be given to the asset's conservation.
5. The appeal site is located within the Harley Street Conservation Area. In the exercising of planning functions the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policy S25 of the Westminster City Plan and policy DES9 of the City of Westminster Unitary Development Plan (UDP) are consistent with this test.
6. In terms of assessing the significance of the Conservation Area and the contribution that the at the appeal property makes to it, I have taken into account the Harley Street Conservation Area Audit (HSCAA), the comments of the main parties and my observations during the site visit. The Conservation Area covers a central part of London with an urban townscape from the Georgian, late Victorian and Edwardian eras. The high quality architecture of the buildings, which are in a variety of uses, reflects the period in which they were built and has created a built environment of distinction. The significance of the Conservation Area is therefore architectural and historical.
7. Nos 18-22 are tall buildings, five storeys in height that form part of the terrace between Wigmore Place and Wigmore Street. They were built in 1892 in the 'Jacobethan' style with their front elevations, which forms part of the street scene, characterised by red brick, stone dressings and Tudor style mullion windows. These buildings therefore contribute positively to the street scene and the character and appearance of the Conservation Area.
8. The rear elevations, only visible in private views from the rear of surrounding buildings, are quite different. They are almost entirely flat, with a chamfered edge on the eastern edge of No 18 and a half canted bay towards the western edge of these buildings providing the only relief. Whilst window openings within the façade of a similar size predominate, when the dormer and other windows are taken into account, there is no regular pattern to the fenestration. Taken together with the array of external pipework, the rear elevations of the

- appeal buildings have a plain, utilitarian, unharmonious appearance that contributes little to their quality or the quality of the Conservation Area.
9. An extant permission exists, granted on appeal, for a full height rear extension above ground floor level to most of the rear of the appeal buildings¹. It would extend these buildings, and No 16, 1.8m to the rear, introduce relief and interest to the rear elevations as a whole, including a full canted bay, whilst tidying up the clutter of pipework and improving fenestration at roof level. As a result, the Inspector found that the scheme would enhance the appearance of the Conservation Area.
 10. The rear extension in this appeal, above ground floor level, would occupy the full height and width of the rear elevations of Nos 18-22. It would extend between 1.4m to 3m to the rear in order to house a lift, with most of the rear elevations extending by 2.5m. Whilst No 16 is not included in the appeal scheme, the projection of the extension would not be so great as to relate poorly to it. The appeal buildings are large in scale and to the rear are enclosed by Nos 12 -14 and the rear of buildings along Wimpole Street. As a result, whilst the proposed extension is big, in private views from the rear of surrounding buildings it would not, on balance, be disproportionately large.
 11. In making this finding, I have taken into account the relatively long undeveloped length of the plot above ground floor level which would avoid the extension appearing cramped. I also note that the varied relief of the extension and the reproduction of the existing half canted bay would provide visual interest. In keeping with the extant permission it would also have an improved arrangement of dormers at roof level, and have a tidy rear elevation free of cluttered pipework.
 12. Reference has been made to a scheme for a first floor extension and external lift to upper floors to the rear of the appeal buildings that was dismissed on appeal in 2001². However, unlike the scheme before me, the external lift would have had a stark, industrialised appearance, that would have failed to have preserved the character or appearance of the Conservation Area. Consequently, reference to this appeal decision has not altered my findings in relation to the proposed development.
 13. Full width rear extensions are not generally supported by the supplementary planning guidance 'Development and Demolition in Conservation Areas' (SPG). This guidance also states that rear extensions should normally terminate at the penultimate storey level, or lower, thereby not altering the existing parapet line. However, in this case, given that the extant scheme, with the exception of a small central section, would extend across the whole width of the rear of the properties and the enclosing effect of nearby buildings that I have described, this would not result in an extension that would be dominant, prominent or alter a parapet line that unifies the appeal property with the terrace as a whole. As a result, whilst the proposed development would be contrary to the SPG, in this instance, it would not result in harm to the Conservation Area.

Building of local merit

14. The appeal properties are identified by HSCAA as unlisted buildings of merit. As it notes, by definition, these buildings are considered to be of value to the

¹ Ref APP/X5990/W/15/3010451

² Ref APP/X5990/A/01/1059006

character and appearance of the Conservation Area and their unsympathetic alteration will normally be resisted. As such, they constitute non-designated heritage assets. Paragraph 135 of the Framework advises that in weighing an application that directly affect such a heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.

15. Built in 1892 in the 'Jacobethan' style the significance of the appeal properties are architectural and historical. However, as I have earlier noted, this significance mainly relates to their front elevations rather than their utilitarian, plain rears which are hidden from public view. Given the large size of the buildings and undeveloped length of the plots above ground floor level, the sympathetically designed extension proposed would be in proportion to the buildings, and the appeal site, and would not cause harm to this non designated heritage asset.

Listed buildings.

16. The rear elevation of the appeal property forms part of the setting of the rear of three neighbouring Grade II listed buildings on Wimpole Street. The statutory test in relation to a listed building is that special regard shall be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. It forms no part of the Council's case that the setting of these listed buildings would be harmed by the proposed development. For the reasons given above, I find that the proposed extension would not adversely affect their setting. As a result, the statutory test in relation to listed buildings would be complied with.

Conclusion on character and appearance

17. The proposal would change the rear elevation of the buildings, which are non designated heritage assets, but it would not cause harm to them, the Conservation Area as a whole, or harm the significance of either. As a result, the objective of preservation would be achieved. Taking all these matters into account, whilst the proposed development would be contrary to aspects of the SPG it would therefore comply with the statutory test in relation to Conservation Areas, policy S25 of the Westminster City Plan, policy DES9 of the UDP and the Framework. As the extension would be in scale with the existing buildings, immediate surroundings and would not visually dominate it would comply with policy DES5 of the UDP. Overall, in my judgement, it would constitute high quality design in compliance with a core planning principle of the Framework, policy S28 of the Westminster City Plan and policy DES1 of the UDP. Policies S28, DES1 and DES5 require the protection of the character and appearance of a locality through high quality design that respects local design features.

Other matters

18. Concerns have been raised regarding increased overlooking between the proposed extension and nearby dwellings on Wimpole Street. However, the orientation of the respective elevations and the separation distances that would exist would be sufficient to prevent material harm in this regard.
19. In terms of noise, an acoustic report has been submitted that demonstrates that air conditioning units can be installed that would be sufficiently quiet not to result in complaint. Should there be excessive noise transference between

adjacent basements, the Council has statutory powers to investigate and resolve such matters.

20. With regard to the effect of the proposed development on the structural stability of neighbouring buildings, extensions are often built in close proximity to other buildings. In such situations controls, such as The Party Wall Act and Building Regulations, prevent structural harm from occurring.

Conclusion

21. For the reasons given above, and having regard to all matters raised, the appeal should therefore be allowed.
22. To provide certainty, development needs to be carried out in accordance with the approved plans and acoustic report. In order that the extension complements the buildings, external materials used in the construction of the extension need to complement the existing buildings. I have required these matters by condition amending the Council's suggested conditions where necessary to better reflect the advice in Planning Practice Guidance.

Ian Radcliffe

Inspector