
Appeal Decision

Site visit made on 28 March 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 31st March 2017

Appeal Ref: APP/X5990/D/17/3170284
46 Bathurst Mews, London W2 2SB

- 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 Rob Carter against the decision of City of Westminster Council.
 - The application Ref 16/09885/FULL, dated 17 October 2016, was refused by notice dated 17 January 2017.
 - The development proposed is extension to existing dormer and associated alterations including new roof.
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Decision

1. The appeal is allowed and planning permission is granted for extension to existing dormer and associated alterations including new roof at 46 Bathurst Mews, London W2 2SB in accordance with the terms of the application, Ref 16/09885/FULL, dated 17 October 2017, subject to the following conditions:
 - 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: 16011-010 P1, 16011-011 P1, 16011-100 P1, 16011-020 P1 and 16011-101 P1.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. A plan has been submitted with the appeal (Ref: 16011-101 P1) which the Council indicates was not considered as part of the original planning application. Nevertheless, the plan does not seek to amend the development, rather it shows the front elevation and roof plan of the proposal. I am satisfied, therefore, that no party would be prejudiced by my consideration of the plan and I have therefore taken it into account in my decision.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Bayswater Conservation Area.
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Reasons

4. The appeal site lies within the Bayswater Conservation Area (BCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
5. The significance of the BCA largely derives from the historic townscape of a wide largely residential area. The area broadly comprises a mixture of buildings, with large areas of nineteenth century architecture including stuccoed terraces and grand classical buildings set within tree-lined streets and landscaped squares. There are also many narrow mews located to the rear of larger properties which generally contain smaller terraces.
6. Bathurst Mews is one such mews, located behind the terrace of Sussex Gardens and a large, modern block of flats on Clifton Place. Like many mews in the area, it comprises modest, two-storey terraced housing and has a quiet, intimate character. There is a degree of consistency in the proportions, detailing and fenestration of the properties along the mews, though several properties have roof additions. The modest scale of built form in Bathurst Mews, as well as the intimate character of a quiet haven contrasts profoundly with the busier and more ostentatious streets beyond. This makes an important, positive contribution to the significance of the BCA. Indeed, this view is reflected in the Bayswater Conservation Area Audit (BCAA) which also identifies the appeal property within a designated area for unlisted buildings of merit and landmark buildings.
7. The existing property, however, stands apart somewhat from the prevailing character of Bathurst Mews. It is an end-terraced dwelling with a partial second floor beneath a pitched roof with a brick dormer on the front elevation and a predominately glazed dormer to the rear which is around 2.9m in width. Although the existing dormer is slender in width, its use of timber and glazing appears as a somewhat alien feature in the street scene. The scale of the property and the fenestration to the front elevation is larger and of a different style to the prevailing character of Bathurst Mews, as is the steeper roof pitch. The rear elevation of the property, and indeed the remainder of those on this side of the mews are generally featureless facades which are rendered. Nevertheless, the unique character of the property provides a feature of some interest.
8. It is proposed to alter the existing dormer window with an increase in width by around 2.3m to an overall width of 5.2m. This would increase the floorspace of the second floor level by around 6.1m². The BCAA states that roof extensions in the area will be unacceptable and I note the proposed dormer would extend to over half of the width of the building – a considerable increase in scale from the existing dormer. I also note that it would have a somewhat solid appearance.
9. However, the proposed dormer would be set in from either side of the roof and the pitch of the roof would be maintained at its existing height. A considerable proportion of the roof would remain unaltered. The dormer would also have painted timber frames whilst the existing position and sizes of the property's windows would be maintained. Moreover, the rear elevation of the dormer would be rendered to match the existing rear elevation of the property and the

side elevations would comprise slate cladding to match the existing roof. A solid roof comprising slate tiles would also replace the somewhat unattractive timber and glazing of the existing dormer. The proposal would therefore alter and, in my view, improve the appearance of an existing roof addition. Consequently, I am satisfied that the proposal would not harm the appearance of the property itself.

10. In addition, whilst the dormer would be visible from the block of flats to the rear and the private road behind, it would not be widely visible along Bathurst Mews nor would it be readily visible within the public realm. As a result, it would not appear as a prominent or obtrusive feature within the street scene.
11. I conclude, therefore, that the proposal would preserve the character and appearance of the Bayswater Conservation Area. As a consequence, it would accord with Policies S25 and S28 of the Westminster City Plan 2016 which state that Westminster's conservation areas will be conserved and that development must incorporate exemplary standards of design. It would also accord with Policies DES1, DES 6 and DES9, including paragraphs 10.108 to 10.128, of the Westminster Unitary Development Plan 2007 (UDP) which seek to preserve or enhance the townscape of Westminster with proposals which use traditional materials and ensure that roof extensions are not visually intrusive and are sympathetic to the building in architectural character, form, detailing and design.
12. Policy DES 5 of the UDP states that permission may be refused for extensions which rise above the penultimate storey of the existing building. However, in this instance the proposal would alter an existing roof extension. In addition, the proposal would accord with the criteria under the policy which states that extensions must not visually dominate the existing building, must be in scale with the existing building, reflect the style of the existing building and must use materials consistent with the existing building. As such, I consider the proposal would accord with Policy DES 5 as a whole.

Other Matters

13. I note the concerns of local residents with regard to the potential for the proposal to set a precedent for roof extensions with Bathurst Mews, however, the appeal property has a character which is somewhat distinct from the remainder of the mews and I have not been made aware of other properties where similar circumstances would exist. In any case, I have dealt with this appeal on its own merits.

Conditions

14. In addition to the standard time limit condition, I consider a condition relating to the approved plans is necessary to provide certainty. A condition requiring matching materials is also necessary to preserve the character and appearance of the BCA.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

Jason Whitfield

INSPECTOR