

Appeal Decision

Site visit made on 28 March 2017

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 06 April 2017

Appeal Ref: APP/X5990/D/17/3167962
110 Tachbrook Street, London SW1V 2ND

- 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 Dirk Ormoneit against the decision of City of Westminster Council.
 - The application Ref 16/06944/FULL, dated 16 September 2016, was refused by notice dated 2 November 2016.
 - The development proposed is refurbishment and partial internal reconfiguration, mansard roof extension, two storey infill of light well to the rear, single storey closet wing extension at first floor, shallow closet wing extension between second and third floor, new lobby on lower ground floor under main entrance of ground floor.
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Decision

1. The appeal is allowed and planning permission is granted for refurbishment and partial internal reconfiguration, mansard roof extension, two storey infill of light well to the rear, single storey closet wing extension at first floor, shallow closet wing extension between second and third floor, new lobby on lower ground floor under main entrance of ground floor at 110 Tachbrook Street, London SW1V 2ND in accordance with the terms of the application, Ref 16/06944/FULL, dated 16 September 2016 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: 378/100; 378/120; 378/201 Rev 01; 378/202 Rev 01; 378/203 Rev 01; 378/204 Rev 01; 378/205 Rev 01; 378/210; 378/211; 378/212; 378/213; 378/214; 378/215; 378/300 Rev 01; 378/310 Rev 01; 378/311 Rev 01; 378/400; 378/410 Rev 01; 378/420.
 - 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. The Council granted planning permission in August 2016 for essentially the same development as the appeal proposal except that this did not include the closet wing extension between the second and third floors. This appeal decision will therefore concentrate on this element of the proposals.
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3. Construction works were taking place on site at the time of my site visit.

Main Issue

4. The main issue is the effect on the Pimlico Conservation Area (the PCA).

Reasons

5. The appeal property is a mid-terraced dwelling facing approximately east/west set on a slight curve with accommodation on three floors as well as at lower ground floor which provides access to an enclosed rear yard area. The roof is currently pitched, set behind a parapet at the front.
6. The rear elevation is made up a main, flat, element on the northern side and an element, described as a 'closet wing' on the southern side. This has two different depths, a two storey (lower ground and ground floor) element and a shallower two storey element above that. The configuration is such that above the lower ground floor, these are at 'half' landing heights, so that the whole of the four storey element stops half a storey below the height of the main elevation. This is consistent with the design of similar extensions elsewhere on the overall terrace, although some have been extended above that.
7. The proposal would raise the parapet to the rear across the whole width so that it would be the same height as that on the front. An additional storey would be added to the 'closet wing' to the height of the parapet. With the half storeys there would thus be a larger section of brickwork above the window on the main rear elevation.
8. The development plan for the area includes Policy DES 5 of the City of Westminster Unitary Development Plan (the UDP) dealing with alterations and extensions. This includes criterion (B) 1) which indicates that permission may be refused for development involving the alteration or extension of a building where an extension rises above the penultimate storey of the existing building (excluding roof storeys). The explanatory text to this policy does not give any specific reasoning for this other than the general proposition that extensions should respect the scale of the existing building and to ensure that the appearance of the buildings of the townscape is not spoilt. As the closet wing extension would extend up to the, new, parapet it would contravene this criterion of this policy, but would comply with the other criteria in this policy.
9. The site lies within the PCA and thus within a designated heritage asset. The Council has undertaken a Conservation Area Audit (the CAA). This indicates that the area is characterised principally by squares and terraces from the mid-nineteenth century; the distinctive character of the PCA being further emphasised by its contrast with surrounding post-war development. As Tachbrook Street lies on the perimeter of the PCA with more modern, post-war housing on the opposite side of the road this is particularly true of the appeal site, but this relates to the front elevation rather than the rear.
10. The area to the rear of the properties enclosed by Tachbrook Street and Belgrave Road is a highly urban area. The rear elevations are not generally in the public domain other than through a gap in the terrace on Charlwood Street close to its junction with Belgrave Road. The appeal site can be seen through this gap, but the view is very much a glimpsed view due to the small gap, the distance to the appeal property and intervening vegetation. Without specifically looking for the property it would not be readily identifiable within

the greater building form where there are already a number of full height extensions.

11. Given the agreed change in the roof form, which I concur would be in keeping with other mansard roofs on the wider terrace, the closet wing would appear as a sub-ordinate element on the rear elevation. As it would only cover approximately half of the width of the rear elevation it would respect the scale of the building. It would appear in keeping with the highly urban environment between Tachbook Street and Belgrave Road and preserve the character and appearance of the PCA, and thus its significance, in the sense that it would do no harm; certainly it would not spoil the appearance of the building in the wider townscape. Special attention should be paid to preserving or enhancing the character or appearance of the PCA in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). This compliance outweighs the partial non-compliance with Policy DES 5 of the UDP as set out above.
12. I would concur that the remaining elements of the proposal, that is the two storey infill light well to the rear, the single storey closet wing to the first floor and the new lobby on the lower ground floor under the main entrance to the ground floor would all be in keeping with the character and appearance of the building and the PCA and would thus preserve the character and appearance and thus significance of the PCA.
13. Consequently, the character and appearance, and thus the significance of the PCA, would be preserved. As such the proposal would comply with Policies S25 and S28 of Westminster's City Plan which seek the conservation of heritage assets and the incorporation of inclusive urban design and architecture. While the proposal would fail to comply with criterion (B) 1) of Policy DES5 of the UDP as set out above, it would comply with the other criteria. It would also comply with Policies DES 1 and DES 9 of the UDP in that it would be in keeping with the character, urban grain, scale and hierarchy of buildings and the spaces between them, and use prevalent facing, roofing and paving materials having regard to the CAA. It would also comply with paragraphs 58 and 131 of the National Planning Policy Framework (the Framework) which indicates developments should respond to local character and history and account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness.

Conditions

14. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed a condition requiring the materials match those on the existing building to ensure that the proposals preserve the character and appearance of the building and the PCA.

Conclusion

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

RJ Jackson

INSPECTOR