

Appeal Decisions

Site visit made on 1 March 2017

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 12th April 2017

Appeal Ref: APP/X5990/W/16/3162620

123 Warwick Way, London SW1V 4HS

- 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 and Mrs Nicholas and Tilly Dobbs against the decision of City of Westminster Council.
 - The application Ref 16/06487/FULL, dated 8 July 2016 was refused by notice dated 22 August 2016.
 - The development proposed is described as 'enclosure of rear balcony with glazed screen, widening of access to rear balcony, enlargement of rear mansard window, new rooflight above shower room and reinstatement of brick window arches above stairwell windows'.
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Appeal Ref: APP/X5990/Y/16/3162617

123 Warwick Way, London SW1V 4HS

- 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 Mr and Mrs Nicholas and Tilly Dobbs against the decision of City of Westminster Council.
 - The application Ref 16/06488/LBC, dated 8 July 2016 was refused by notice dated 22 August 2016.
 - The development proposed is described as 'enclosure of rear balcony with glazed screen, widening of access to rear balcony, enlargement of rear mansard window, new rooflight above shower room and reinstatement of brick window arches above stairwell windows'.
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Decision

1. Both appeals are dismissed.

Main Issues

2. The appeal building is a grade II listed building located within the Pimlico Conservation Area (PCA). Its neighbours are also listed buildings. Therefore, having regard to the statutory requirements of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the main issues in this case are:
 - whether the proposed extension would preserve the special architectural or historic interest of the grade II listed building, 123 Warwick Way and the setting of neighbouring listed buildings; and
 - whether it would preserve or enhance the character or appearance of the PCA.
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Reasons

3. The appeal site includes a grade II listed building, which sits in a terrace of listed buildings. It is listed for group value, along with houses in Cambridge Street and Alderney Street. At the rear, the part width closet wing and adjacent 'flying extension', along with the recess below, contribute to the listed building's significance as a heritage asset. Although features of the rear elevation are not mentioned in the listing description, that is for identification purposes.
4. The features of the rear elevation identified were designed as part of neighbouring properties. As the appeal site has a very close relationship with its terraced neighbours that are of a similar ilk, they contribute to the setting of each other and their significance as heritage assets.
5. The appeal building is located within the PCA. The appeal property's scale, form, design and detailing, including the features at its rear identified, contribute to the high quality historic domestic residences that help define the character and appearance of the PCA.
6. The appeal proposals, although they would retain the flying extension and closet wing projection, would enclose the recess below the flying extension and significantly diminish the projection of the closet wing. Whilst the proposed glazing would be distinguishable from the historic fabric and allow some views to the rear elevation, its enclosing form would seriously diminish the characteristics of the rear identified. It would result in an extensive area of glazing, which would compete with the light-weight appearance of the flying extension and would be at odds with the more solid appearance of the rest of that elevation. As it would result in a large area of glazing, the appeal proposals would have a modern appearance, which would jar against the traditional detailing and materials of the rest of the building.
7. Moreover, as a modern aluminium double glazed screen with doors would enclose part of the rear, I cannot be assured that it would replicate the qualities of the traditional timber framed and single glazed windows on the rest of the elevations, which have a pleasing reflective quality as a result of the depth of the glazing bars and three dimensional 'lively' quality of the historic glass. This matter adds to my concern. All in all, these matters would diminish the flying extension and closet wing as significant features of the rear elevation and render the proposals out of place with the rest of that elevation and its neighbouring buildings, which would adversely affect their settings.
8. In coming to this conclusion, I have taken note that the proposed glazed screen would not impact on the front elevation or the street scene. However, although it would not be visible from the public realm, it would be visible from other properties at the rear. I have also taken into account improvements proposed including replacing the brick arches above the stairwell windows. However, that matter does not outweigh the harm that I have identified.
9. I have had regard to similar development and works nearby that have been brought to my attention. In particular, that at No.125 was allowed some time ago and the circumstances and considerations that led to it are not before me. Neither are the circumstances that led to other development and works

brought to my attention. In this regard, I concur with the views of my Colleague in determining previous appeals at the appeal site.¹

10. I have found that the appeal proposals would result in unacceptable harm to the appeal building. I have also found that the appeal building positively contributes to the character and appearance of the PCA. Therefore, it follows that the appeal proposals would fail to preserve the character and appearance of the PCA.
11. I conclude that the appeal proposals would fail to preserve the special architectural or historic interest of the grade II listed building, 123 Warwick Way and the setting of neighbouring listed buildings. They would also fail to preserve the character and appearance of the PCA that I have identified. For all these reasons, they would be contrary to Policies S25 and S28 of Westminster's City Plan Consolidated with Basement and Mixed Use Revisions (2016) and Policies DES1, DES5, DES9 and DES10 of the City of Westminster Unitary Development Plan (2007). Those policies, together, aim to recognise Westminster's wider historic environment and conserve its extensive heritage assets, including listed buildings and conservations areas. They also seek to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

Public Benefits

12. In accordance with paragraph 132 of the National Planning Policy Framework (the Framework), I accord great weight to the conservation of designated heritage assets. I consider that the harm to the significance of the heritage assets identified would be less than substantial, a matter to which I attach considerable importance and weight. However, in this case, no public benefits as identified in paragraph 134 of the Framework, are before me, which would outweigh that harm. I note that the appellant suggests that the appeal proposal would contribute towards sustaining the current optimum viable use of the appeal site. However, I have no substantive evidence before me to demonstrate the way in which the proposed addition would contribute to that.

Other Matters

13. I am aware that the appeal is designed to overcome the Council's concerns on a previous scheme and those expressed by my Colleague in determining previous appeals.² I acknowledge the efforts made to address those. However, I have found that unacceptable harm would still be a consequence of these appeals.

Conclusions

14. For the above reasons, and taking all other matters raised into consideration, including the absence of neighbour objection, I conclude that both appeals should be dismissed.

R Barrett

INSPECTOR

¹ APP/X5990/A/10/2121107 and APP/X5990/E/09/2118198

² APP/X5990/A/10/2121107 and APP/X5990/E/09/2118198