
Appeal Decision

Site visit made on 3 April 2017

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 13th April 2017

Appeal Ref: APP/X5990/W/16/3165959

23 Nottingham Street, London W1U 5ES

- 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 Partha Kar against the decision of the City of Westminster Council.
 - The application Ref 16/07381/FULL, dated 3 August 2016, was refused by notice dated 8 November 2016.
 - The development proposed is demolition of existing building and redevelopment behind a retained façade to provide a new building, including a new 4th floor mansard, for use as a single dwelling house (class C3).
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building and redevelopment behind a retained façade to provide a new building, including a new 4th floor mansard, for use as a single dwelling house (Class C3) at 23 Nottingham Street, London W1U 5ES in accordance with the terms of the application, Ref 16/07381/FULL, dated 3 August 2016, subject to the conditions set out in the Schedule to this Decision.

Background and Main Issue

2. Planning permission was granted in March 2016 for a basement extension and replacement windows at the appeal property (Ref 15/10108/FULL), whilst in June 2016 permission was granted for demolition and redevelopment to form a dwelling behind the retained façade (Ref 16/03503/FULL). The appeal proposal differs to the scheme approved in June 2016 in terms of the design and form of the rear elevation and roof.
3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Harley Street Conservation Area.

Reasons

4. The appeal site forms part of a small perimeter block located in Harley Street Conservation Area (the Conservation Area). The Conservation Area is characterised by residential development, interspersed with health and commercial uses, within terraced buildings of a largely consistent scale laid out in a dense, regular grid pattern of streets. The appeal property, which is identified in the Harley Street Conservation Area Audit (the CAA) as an Unlisted Building of Merit, is in residential use and comprises 4 storeys set above a basement. It adjoins a similar building to the east at 24 Nottingham Street and a larger mansion block to the west.
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5. The proposed development behind the retained façade would have a straightforward contemporary appearance which would not compete with the variety of architectural styles apparent to the rear of the perimeter block. It would sit alongside the adjoining much taller and wider mansion block and in that context its height, width and massing would not appear out of place. Closet returns are not prevalent in the immediate vicinity, and the full width form of the proposed building would echo much of the existing development within the surrounding area.
6. The proposed fenestration on the rear elevation would reflect the proportions and hierarchy of the floor heights, with the windows decreasing in height on the upper floors. The tripartite design of the larger windows would take reference from the existing fenestration at ground floor level on the front elevation with vertical emphasis provided by the glazing bars, while the series of tall single windows would add to the verticality of the elevation as a whole.
7. Buildings within the perimeter block have a wide variety of roof designs, and butterfly roofs are not a notable feature of surrounding development. The appeal property is identified in figure 74 of the CAA as a building where a roof extension would normally be considered acceptable. The rear elevation of the proposed mansard roof would be set well back from the main rear elevation and predominantly glazed. As such, it would have a recessive and lightweight appearance which would not dominate the appeal property or neighbouring development.
8. The Council makes reference to a number of recent appeal decisions. I have not been provided with full details of these schemes, however, from the information before me it appears that they all relate to extensions to existing buildings rather than to substantial redevelopment as in this case. Therefore, these other schemes are not directly comparable with the appeal proposal and so I have afforded the Inspectors' findings only limited weight. Besides, I am required to determine the appeal on its own merits and have done so.
9. For the reasons set out above, I conclude that the proposed development would respect the predominant scale and architectural detail of the appeal property and surrounding buildings and would therefore preserve the character and appearance of the Harley Street Conservation Area. As such, the appeal proposal accords with the heritage conservation and enhancement and design aims of Policies S25 and S28 of Westminster's City Plan, Policies DES 1, DES 5, DES 6 and DES 9 and paragraphs 10.108 to 10.128 of the City of Westminster Unitary Development Plan, the City of Westminster Development and Demolition in Conservation Areas Supplementary Planning Guidance and the City of Westminster Roofs – A Guide to Alterations and Extensions on Domestic Buildings.

Conditions

10. I have considered the Council's suggested conditions against the tests set out within paragraph 206 of the National Planning Policy Framework and the advice provided by the Planning Practice Guidance, and have amended them where necessary in order to meet these tests.
11. I have imposed a condition specifying the relevant drawings as this provides certainty. A pre-commencement condition requiring details of how those parts of the building which are to be retained will be protected and supported during

the construction phase is necessary to preserve the character and appearance of the Conservation Area. In order to ensure the suitable appearance of the development and preserve the character and appearance of the Conservation Area, I have imposed conditions relating to windows and materials. A condition restricting permitted development rights in relation to machinery or associated equipment, ducts, tanks, satellite or radio aerials to be installed on the roof and in relation to flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to be attached to the outside of the building facing the street is reasonable and necessary to enable the local planning authority to consider the effects of such development upon the character and appearance of the Conservation Area. Finally, I have imposed a condition restricting the times at which demolition and construction work can take place in order to protect the living conditions of neighbouring residents.

Conclusion

12. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

CL Humphrey

INSPECTOR

Schedule of 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: Location Plan [Drawing No. nth lp 001]; Existing Plans, Elevations and Section – for demolition [Drawing Nos. pl x d 001, pl x d 002, pl x d 003 Rev. A, e x d 001 Rev. A and s x d 001 Rev. A]; Proposed Plans, Elevations and Section [Drawing Nos. pl 101 Rev. E, pl 102 Rev. E, pl 103 Rev. E, e 101 Rev. E and s 101 Rev. E].
- 3) Prior to the commencement of development, detailed drawings showing how those parts of the building which are to be retained will be supported and protected during the construction phase shall be submitted to and approved by the local planning authority in writing and implemented in accordance with the approved details. Those parts of the building which are to be retained will be supported and protected in accordance with the approved details for the duration of the construction phase.
- 4) Notwithstanding the approved plans, prior to the commencement of any work on the new windows within the development hereby permitted, detailed drawings (scale 1:20 and 1:5) of the new windows shall be submitted to and approved by the local planning authority in writing. The development hereby permitted shall be carried out and thereafter retained in accordance with the approved details.
- 5) Notwithstanding the approved plans, prior to the commencement of any superstructure works on site, samples, specifications and annotated elevations and roof plans indicating the facing materials and glazing to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The development hereby permitted shall be carried out and thereafter retained in accordance with the approved samples, specifications and annotated elevations and roof plans.
- 6) All new work to the outside of the development hereby permitted must match existing original work in terms of the choice of materials, method of construction and finished appearance unless differences are shown on the approved plans or are required by conditions to this permission.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification):
 - (a) No machinery or associated equipment, ducts, tanks, satellite or radio aerials shall be installed on the roof, except those shown on the approved plans; and
 - (b) No flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes shall be attached to the outside of the building facing the street, except those shown on the approved plans.
- 8) Any demolition or construction work which can be heard at the boundary of the site shall only take place between 08.00 and 18.00 Monday to Friday and between 08.00 and 13.00 on Saturday and not at all on Sundays or on Bank or Public Holidays.