
Appeal Decision

Site visit made on 25 April 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 04 May 2017

Appeal Ref: APP/X5990/W/17/3167040

Eagle House, St John's Wood Terrace, London NW8 6JJ

- 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 Astonquote Ltd against the decision of City of Westminster Council.
 - The application Ref 16/07566/FULL, dated 19 September 2016, was refused by notice dated 13 October 2016.
 - The development proposed is an extension to the tank room to provide a self-contained studio flat.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to the tank room to provide a self-contained studio flat at Eagle House, St John's Wood Terrace, London NW8 6JJ in accordance with the terms of application Ref 16/07566/FULL, dated 19 September 2016, subject to the attached schedule of conditions.

Procedural Matter

2. I have included the word "flat" in the description of development as this more precisely describes the appeal proposal.

Main Issue

3. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the St John's Wood Conservation Area.

Reasons

4. This part of the St John's Wood Conservation Area (CA) is characterised by mainly three and four storey traditional buildings with commercial premises on the ground floor and residential uses on the upper floors. Whilst the buildings do differ in terms of their design and use of materials there is nonetheless a uniformity and regularity of upper floor window proportions and designs amongst each of the blocks of buildings. This regularity also extends to the roofs of each building block some of which include mansards with dormers. The high quality environment is complemented by trees within the pavements and the black and gold street furniture. Furthermore, commercial signage is confined mainly to ground floor fascia height only. The area is vibrant and busy and includes a number of outside eating/drinking areas. Collectively, these factors give the CA its distinctive character and appearance.
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5. The appeal site relates to the roof of a prominent corner building at the junction of St John's Wood Terrace which is three storeys in height plus a mansard roof storey. It is proposed to enlarge an existing rooftop enclosure to form a one bedroom studio flat. The existing enclosure currently houses the top of the lift shaft, stair access to the roof and a tank room. It is proposed to extend this structure so that it is nearer to the front elevation on St John's Wood High Street and to widen it by just less than 4 metres.
6. I have considered the position of the existing rooftop enclosure. Given its scale, position and set back from the edges of the roof it is not prominent or conspicuous when viewed from surrounding streets. I accept that the proposal would make this structure wider and that it would be slightly closer to the edge of the roof than is currently the case. However, it would be finished in matching slate and given its height above ground level, its set back from the edges of the roof and its overall scale, I do not consider that it would appear prominent or out of place when viewed from surrounding streets.
7. The Council objects to the use of conservation roof lights for the development. I do not consider that this would in itself cause harm to the character and appearance of the building. The windows would align with the existing windows at lower level and they would be less dominant than dormer type windows. I note that the Council has previously approved three dormer windows in the existing rooftop structure (i.e. conversion to a studio flat) as part of planning permission No 06/10152/FULL (now expired). In relative terms, the proposed conservation roof lights would represent a more sympathetic and softer addition to the roof top structure, thereby ensuring that from ground level the eye continues to be drawn to the more imposing parts of the building including its main facades and the existing mansard roof storey (with dormers).
8. In its appeal statement the Council has referred me to the St John's Wood Conservation Audit Supplementary Planning Guidance 2008 (CA Audit SPG). This was not referred to in the Council's refusal notice. The Council has included quotations from this document in its appeal statement and the appellant has been afforded an opportunity to make comments on it. Based on the information provided by the Council, I do not consider that the proposal would conflict with the CA Audit SPG as my site visit revealed that the tank room is noticeable from some streets and hence does form a visible part of the existing roofscape of the building. Furthermore, I am not persuaded that the tank room does represent a particularly unacceptable alteration or extension to the building, and I have found that the extension of it would not cause harm to the CA or to the character and appearance of the host building.
9. For the collective reasons outlined above, I conclude that the proposal would preserve the character and appearance of the CA. Therefore, it would accord with the conservation and design aims of Policies S25 and S28 of the adopted Westminster's City Plan 2016; saved Policies DES1, DES 6, DES 9 and paragraphs 10.108 to 10.128 of the adopted City of Westminster Unitary Development Plan 2007; paragraph 131 of the National Planning Policy Framework and the CA Audit SPG.

Other Matters

10. I have taken into account the representation made by another interested party. Any construction works would be relatively short lived and noise and disturbance issues during this time could be suitably controlled by way of the imposition of a planning condition. Concerns have been raised about use of the roof as a terrace. However, the planning application does not include use of the roof as a terrace.
11. The proposal may put some increased pressure on the area from a car parking point of view. However, I have no evidence before me to indicate that there is an on-street car parking issue in the area and I have no reason to doubt the comment made by the Council that *"given the development is limited to a single studio flat and given the proximity of various modes of public transport in close proximity, it is not considered that in this instance permission could reasonably be withheld on lack of parking grounds"*.
12. The proposal would not reduce the amount of existing communal space in the building. In this case, the proposal seeks to extend an existing roof structure and I have considered its acceptability based on its size and position and its prominence when viewed from surrounding streets. On this basis, I do not consider that allowing this proposal would set a precedent for other proposals in the area.
13. The proposal may have an impact on access to the roof of the host building for maintenance purposes. However, the appellant has commented that *"should access be required to undertake maintenance on the roof, it is anticipated that scaffolding will be erected from the street below, as is commonplace on buildings such as this"*. I do not consider that the proposal would result in any material overlooking issues relative to the occupiers of any of the existing surrounding properties.
14. I note that there is some dispute between the main parties about measurements particularly in respect of the distance of the proposed extension from the front elevation of the building. However, this is not a determinative issue as I have been able to consider the scaled plans that accompany the appeal and therefore to judge how close the extension would be to the outer edge of the main roof. I have concluded that this relationship would be acceptable.
15. None of the other matters raised outweigh my conclusion on the main issue.

Conditions

16. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary, I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
17. Planning permission is granted subject to the standard three year time limit condition. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.

18. In the interests of the character and appearance of the CA, a materials planning condition is necessary. In the interests of the living conditions of the occupiers of properties within the host building, planning conditions are necessary relating to construction hours and use of the main roof/extension roof. In the interests of environmental sustainability, it is necessary to impose a planning condition in respect of waste storage and recycling.

Conclusion

19. For the reasons outlined above, and taking into account all other matters raised, I conclude that the proposal would accord with the development plan for the area. Therefore, the appeal should be allowed.

Daniel Hartley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following plans: Drawing Nos 0706-LOC-01 P1; 0667-EX-01 P1; 0706-PR-01 P1; 0706-EX-02 P1 and 0667-PR-02 P1.
- 3) Except for piling, excavation and demolition work, building work which can be heard at the boundary of the site shall only be carried out at the following times: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays. Piling, excavation and demolition work shall only be carried out at the following times: between 08.00 and 18.00 Monday to Friday; and not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety).
- 4) All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings that have been approved or are required by conditions attached to this permission.
- 5) The roof of the host building or the new extension shall not be used for sitting out or for any other purpose. However, the roofs can be used for escape purposes in the event of an emergency.
- 6) Prior to first use of the flat hereby approved details of how waste would be stored on the site and how materials for recycling would be stored separately shall be submitted to and approved in writing by the Local Planning Authority. The approved waste and recycling details shall be fully implemented prior to first use of the flat hereby approved and thereafter retained.