
Appeal Decision

Site visit made on 9 May 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 2 June 2017

Appeal Ref: APP/X5990/Y/16/3166193

17 Cunningham Place, London NW8 8JT

- 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 Sivaraman against the decision of City of Westminster Council.
 - The application Ref: 16/08823/LBC, dated 10 October 2016, was refused by notice dated 7 December 2016.
 - The works proposed comprise the installation of a 54 cm diameter satellite dish on the rear elevation (relocation of existing dish).
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Decision

1. The appeal is allowed and listed building consent is granted for the installation of a 54 cm diameter satellite dish on the rear elevation (relocation of existing dish) of 17 Cunningham Place, London NW8 8JT in accordance with the terms of the application Ref: 16/08823/LBC dated 10 October 2016 subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
 - 2) The works hereby permitted shall be carried out in accordance with the following approved plans entitled: 'Rear Elevation of 17 Cunningham Place' and 'Proposed Relocation on Flat Roof'.
 - 3) The dish and all mountings shall be matt black in colour and this finish shall be maintained in perpetuity.
 - 4) All wiring shall be taken directly into the building, or directly down to the flat roof and then into the building, from the point at which the dish is attached to the rear elevation.

Preliminary Matters

2. The Council has modified the description of the proposal in its decision notice and this is the one used by the appellant on the appeal form. As this more accurately reflects the works and is not disputed by the appellant, I have used it for the purposes of this appeal.
3. As the works are in a Conservation Area and affect a Listed Building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are whether or not the proposed works would preserve a Grade II listed building, 11-18 Cunningham Place NW8 and any of the features of special architectural or historic interest that it possesses and the extent to which such works would preserve or enhance the character or appearance of the St John's Wood Conservation Area.

Reasons

5. The host property is part of a terraced, residential building. The proposed works relate to the relocation of an existing satellite dish with an approximate diameter of 54 cm. The dish is currently situated near a staircase window above a two storey, rear outrigger that has a flat roof with a low parapet. The proposed relocation would move the dish closer to the roof of the outrigger and the adjoining property. This would place the central mounting bracket approximately 27 cm above the parapet and around 50 cm from the projecting rear wall of the adjoining property.
6. The St John's Wood Conservation Area (CA) is predominantly residential and has a relatively low density of housing arranged within a pleasingly spacious and verdant setting. Its significance is not only derived from these characteristics but also the scale of its buildings which are generally limited to three stories. The main building material comprises yellow London stock brick with stucco Italianate and rustic facings. Given the above, I find the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the use of traditional materials and architectural forms.
7. The terrace was listed in 1970 and dates from the early - mid 19th century. It is constructed from yellow stock brick and has a stucco ground floor with dressings and first floor, iron balconies. The regular rhythm of its central bays and wings, with their repeating architectural features, gives rise to an elegant, balanced composition to the front elevation. The rear elevation has a more functional, utilitarian quality with outriggers of variable proportions that lack the finesse and regularity of architectural form that characterises the front elevation. Given the above, I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the utilitarian character and materials of the rear elevation.
8. I observe from the plans and site visit that the dish would be mounted on a part of the rear elevation that is obscured from view by the outrigger parapet of the host property and the projecting rear wall of the adjoining property, No 18. The angle of view from the surrounding properties, including the lower, outrigger 'balcony' roof of No 16, is such that the dish would not be prominent once relocated and it would cease to be an intrusive, incongruent element. As such, I am satisfied that the proposal would not have a 'cluttering and intrusive appearance' as suggested by the Council. As it would not be visible from the public domain and have highly constrained, if any, private views from the surrounding dwellings, I am also satisfied that it would not have any negative impact on the significance of the CA when considered as a whole.
9. I acknowledge the suggested location and the fact that other occupants of the terrace have dishes located on the main roof. However, each case must be judged on its individual merits. In this particular instance there would be no material difference in terms of the visual effect of the dish on the rear elevation

of the building if it were to be placed in either the proposed or the suggested location given its lack of visual prominence. Any other proposal would need to be similarly considered and the outcome of this appeal would not consequently set a precedent.

Conclusion and Conditions

10. Given the above, I conclude that the proposed works would preserve the special architectural interest of the Grade II listed building as well as the character and appearance of the St John's Wood Conservation Area, thus satisfying the requirements of the Act, paragraph 134 of the Framework, development plan policies and supplementary planning guidance insofar as relevant.
11. In addition to the standard time limit condition [1], a condition requiring the works to be carried out in accordance with the plans is necessary to ensure that they are implemented as approved [2].
12. A further two conditions [3-4] are necessary to ensure that the visual impact of the contrasting materials of the satellite dish and its wiring, against the historic fabric of the building, are minimised.

Roger Catchpole

INSPECTOR