

Appeal Decision

Site visit made on 16 May 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 7 June 2017

Appeal Ref: APP/X5990/W/17/3169832
25-26 Enford Street, London W1H 1DG

- 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 Frank Montanaro against the decision of City of Westminster Council.
 - The application Ref 16/08957/FULL, dated 16 September 2016, was refused by notice dated 15 November 2016.
 - The development proposed is described as a proposal to extend and convert the existing office building at 25-26 Enford Street into 3 residential apartments (Class C3). The scheme adopts the change of use to residential and extensions approved under application 16/04870/FULL (approved 09/09/2016) with addition of roof terrace to the top floor apartment.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council indicate that planning permission for the erection of an extension at the rear first floor level, alterations to front and rear facades of the building and alteration to rear roof form to create a sheer rear elevation and use of extended and altered building as three flats (Class C3) was granted on 9 September 2016 (Ref 16/04870/FULL).
 3. The Council changed the description of the application which is the subject of this appeal to 'erection of extension at rear first floor level, alterations to front and rear facades of the building and alteration to rear roof form to create a sheer rear elevation, use of extended and altered building as 3 x flats (Class C3) and installation of timber screen measuring 1.7m to the rear elevation and the installation of a balustrade to the front elevation in order to facilitate use of flat roof at fourth floor level as terrace'.
 4. The appeal application is identical to that granted planning permission pursuant to application 16/04870/FULL, identified above, with the exception of the proposed use of the roof terrace and the installation of the timber screen and balustrade. The Council's consideration of the application was restricted solely to those elements relating to the use of the roof terrace and the installation of the screen and balustrade that were not included in the extant permission. I have therefore determined this appeal on the same basis.
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Main Issue

5. The main issue is whether the proposed development would preserve the character and appearance of the Portman Estate Conservation Area.

Reasons

6. The appeal property comprises part of a small group of three storey terraced buildings with mansard roofs located within the Portman Estate Conservation Area. Although the street has an eclectic mix of design styles, the properties in the vicinity do not have any significant structures on the roofscape.
7. The proposed development provides for the replacement of the existing railings on the front elevation of the roof by a proposed metal balustrade, approximately 1.1m high, with tensile cables. This would be set back from the front elevation. In addition, a timber slatted screen, approximately 1.7m high, is proposed. This would be set back from the parapet of the rear elevation for the majority of the width of the roof except in the position of a proposed rooflight over the internal staircase which would provide access to the roof and would result in the screen in this location being positioned close to the edge of the parapet.
8. I agree with the Council that owing to the set back of the proposed balustrade from the front elevation it would not be visible from the street. Moreover as this represents a relatively small, lightweight addition to the roof it would not appear incongruous and would be a considerable visual improvement on the existing railings that are proposed to be replaced. As such, the proposed balustrade would preserve the character and appearance of this part of the conservation area.
9. Although the Council has not raised any concerns regarding the proposed use of the roof as a roof terrace, it is clear from the evidence provided that the acceptability of such use is dependant on a suitable screen being constructed along the rear elevation of the roof. The appellant also considers that such screen is necessary in order to protect the living conditions of nearby residents on Wyndham Street from overlooking from the proposed terrace and to minimise noise travel to those properties.
10. Public views of the proposed screen would be limited. However, owing to its proposed height it would be readily visible from the rear of properties on Wyndham Street where it would appear as a stark addition to the roof structure, projecting above the height of adjacent roofs. It would unacceptably interrupt the relatively small transition in roof heights between the appeal property and those adjacent. Moreover, the screen would appear as a contrasting structure to the design and materials used in the host property. As such, it would lack cohesion with both the host property and the adjacent buildings thereby adding to its incongruity in the roof scape.
11. I accept that the additions proposed to the building as a consequence of the extant planning permission would be constructed of a variety of more modern materials, many of which are also evident in the more recent extensions to properties on Wyndham Street. Whilst modern materials may be acceptably integrated with traditional buildings, I agree with the Council that the use of slatted timber as a screen on the roof would appear as an unacceptable contrasting and incongruous material in an area where more traditional

materials of slate tiles and felt are the prevailing construction materials viewed in the roof scape.

12. Against that background, the proposed screen, due to its position, height and use of materials would appear as a dominant and incongruous structure that would not preserve the character or appearance of the Portman Estate Conservation Area. In the context of the National Planning Policy Framework (the Framework) great weight should be given to the conservation of a designated heritage asset. Although I consider the harm to be less than substantial, any harm should require clear and convincing justification. In this case there are no public benefits that would outweigh the harm.
13. Accordingly, the proposal conflicts with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would not accord with paragraphs 131 and 132 of the National Planning Policy Framework. It would also be contrary to Policies S25 and S28 of the Westminster City Plan (2016) and Saved Policies DES 1, DES 6 and DES 9 of the City of Westminster Unitary Development Plan (2007). These policies, amongst other things, require that development should respect and conserve Westminster's heritage assets and ensure that roof level alterations, installations or enclosures do not adversely affect the architectural character of existing buildings and groups of buildings.

Other matters

14. I have considered the extent to which a split decision could be issued for the element of the development, comprising the proposed balustrade, which both the Council and I have found would preserve the character and appearance of this part of the conservation area. However, this feature, together with the proposed rear screen, is an integral component of the acceptability of the proposed use of the roof as a terrace. As I have found that one of these integral components, the screen, would not be acceptable then it follows that I cannot consider a split decision for a feature that would be formed on the roof in isolation to the rest of the development proposed in the application.

Conclusion

15. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's City Plan and Unitary Development Plan and there are no material considerations of such weight as to warrant a decision other than in accordance with the aforementioned Plans. Consequently, the appeal should be dismissed.

Stephen Normington

INSPECTOR