
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: 14 June 2017

Appeal Ref: APP/X5990/W/17/3168978

Berkeley House, 15 Hay Hill, London W1J 8NS

- 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 Mohamed Fazlanie (Midas Limited) against the decision of City of Westminster Council.
 - The application Ref 16/09493/FULL, dated 20 September 2016, was refused by notice dated 25 November 2016.
 - The development proposed is described as the erection of a two storey extension at roof level to provide four residential units.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on designated heritage assets and in particular the setting of 'Nos 1, 2 and 3 Berkeley Square' which are Grade II Listed Buildings and whether the proposed development would preserve or enhance the character or appearance of the Mayfair Conservation Area.

Reasons

3. The appeal property comprises a substantial nine storey building, including basement and ground floor, with a mansard roof and occupying the full length of the southern side of Hay Hill with smaller return frontages onto Berkeley Street and Dover Street. It is located within the Mayfair Conservation Area and is sited opposite the stone built Grade II Listed Buildings comprising Nos 1, 2 and 3 Berkeley Square. Owing to its position in occupying the junction of Hay Hill with Berkeley Street, its scale, mass, design and the use of red brick in its construction, the building is prominent in views from Berkeley Square and makes a significant positive contribution to the architectural quality of the conservation area and the setting of the nearby Listed Buildings.
 4. The proposed development would involve the construction of two additional storeys above the current roof level to create four apartments. The existing tall chimneys which run through the centre line of the building would be extended upwards to retain a projection above the roof of the proposed ninth floor. The proposed eighth floor would be set back from the existing façade on Hay Hill with the ninth floor having an angled front façade that would slope away from the street. The elevation on Berkeley Street would be set behind the
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existing pediment gable. However, its proposed height would exceed that of the pediment gable. The existing floors above the second floor on the Dover Street elevation have a stepped profile. The proposed floors of the development would also have a stepped profile and as such would be set well back from the existing east façade.

5. The southern façade of the building forms one side of a very small rear courtyard area that is wholly enclosed by the rear elevations of surrounding buildings. As a consequence of this and the height of adjacent buildings, the proposed southern elevation of the development would not be readily seen from public views. Owing to the proposed set back of the two floors from the Dover Street elevation these too would not be easily visible from the street. As such, it would be difficult to notice any appreciable changes to the building as a consequence of the proposed additional floors in views of these elevations from the street level.
6. Due to the change in form and materials the current roof clearly defines the top of the building. The roof is also in proportion to the floors below. The proposed addition of the two floors effectively doubles the height of the current roof. Due to the resultant height of the new roof and the contrasts in design, the proposed development would cause the building to appear as being disproportionately and unacceptably top heavy and unbalanced. In particular there would effectively be three floors in the roof structure above the current parapet between the sixth and seventh floor which defines the transition between the façade on Hay Hill and the roof structure.
7. In addition, the off-set position of the roof extension on the Berkeley Street façade would appear as an incongruous addition projecting above the pediment gable that would be at odds with the dominant symmetry of this façade. Whilst views of the Dover Street elevation would be limited from the street, the modern addition, with fenestration that has some contrast to that of the rest of the elevation, would display little cohesion with the remainder of the building in views from the upper floors of properties on the eastern side of Dover Street.
8. The proposed extensions would be particularly noticeable in views from Berkeley Square from where the extended building would appear prominent and dominant as a consequence of its increase in height and bulk of its roof. As such it would detract from the cohesion of the immediate building group and thus fail to preserve the character and appearance of the conservation area.
9. In views also from Berkeley Square the current building forms an attractive backdrop to the listed buildings at Nos 1, 2 and 3. The proposed additions to the roof would result in the appeal building adopting an increased dominance in relation to the Listed Buildings. Due to the incongruous and awkward nature of the proposed additions the extended property would unduly detract from and compete with the views of the Listed Buildings and therefore detract from their setting.
10. I have taken into account the fact that the property has the benefit of an extant planning permission which was granted on 5 April 2016 for a single storey roof extension to provide two residential units (Ref 15/10518/FULL). As such, I recognise that the Council has accepted the principle of a new residential floor to the building and found that its impact on heritage assets would be acceptable. I also acknowledge the linkage between some of the architectural detailing of the proposal which has legibility with the existing

building. However, these considerations do not outweigh my findings that a further additional floor would result in the appearance of a top heavy building that would unbalance the hierarchy of the existing facades.

11. Against that background, the character and appearance of the Mayfair Conservation Area would be harmed and therefore not preserved or enhanced. 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, the Framework advises that any harm must be weighed against the public benefits of the proposal.
12. In this case the proposal would create four dwellings which would make a modest contribution to housing supply in the Borough. However, this modest benefit would not outweigh the resultant harm that would be caused to the designated heritage assets. The Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. It is made clear in paragraph 7 that sustainable development has economic, environmental and social dimensions, which should not be undertaken in isolation. Despite the fairly modest benefits arising from four dwellings in an accessible location, in this case there would be detrimental effects in relation to heritage assets and conflict with the relevant policies of the development plan and Framework. Because of the adverse environmental impact, in terms of the Framework the proposal would not comprise sustainable development.
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, DES 9 and DES 10 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. In addition, planning permission will not be granted where it would adversely affect the immediate or wider setting of a listed building.

Conclusion

14. 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