
Appeal Decision

Site visit made on 16 May 2017

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 22 June 2017

Appeal Ref: APP/X5990/W/17/3170291

79 Wilton Road, London, SW1V 1DL

- 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 George Leonidou against the decision of the City of Westminster Council.
 - The application Ref 16/10929/FULL, dated 15 November 2016, was refused by notice dated 11 January 2017.
 - The development proposed is the erection of a rear single storey extension at first floor level.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear single storey extension at first floor level at 79 Wilton Road, London, SW1V 1DL, in accordance with the terms of the application, Ref 16/10929/FULL, dated 15 November 2016, subject to the conditions below:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in complete accordance with the details shown on the following approved plans: Site Location Plan, Drawing Nos. 03 (Proposed Plan), 05 (Proposed Front Elev), 07 (Proposed Rear Ele), 09 (Proposed Longmoore Rd) & 11 (Proposed Roof Plan), all dated 15/04/2016.
 3. Except for piling, excavation and demolition work, any building work which is audible at the boundary of the site may be undertaken only 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 may be undertaken only:

- 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.
5. No development shall commence until full details of the new windows and rooflights, at a scale of 1:5, have been submitted to and approved in writing by the local planning authority. The development shall not be completed otherwise than in accordance with the details approved.
6. The design and structure of the development shall be of a standard to protect residents within from existing external noise, so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

In order to achieve this standard, no development shall commence until details of sound insulation measures and a Noise Assessment Report to demonstrate that the residential unit will comply with the Council's noise criteria, have been submitted to and approved in writing by the local planning authority. The works must be undertaken in accordance with the details approved, and be completed before the residential unit is occupied and thereafter retained and maintained.

Main Issue

2. The main issues are;

- Whether the proposed development would have an adverse effect on the appearance of the appeal property, and as a consequence would preserve or enhance the character or appearance of the Pimlico Conservation Area; and,
- Whether the living conditions of the future occupiers of the proposed extension would be safeguarded, having regard to noise and disturbance.

Reasons

Conservation area

3. The appeal site accommodates an unlisted building, which is in retail use at basement and ground floor levels, with the first floor occupied as a residential unit. The property is set within a commercial street and a terrace of mixed use properties of varying appearance, albeit of relatively consistent height and scale. There have been a number of existing rear extensions to nearby neighbouring properties including the appeal property. The building is located within the Pimlico Conservation Area.
4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
5. The Pimlico Conservation Area is identified as being characterised principally by Cubitt's squares and terraces from the mid 19th Century, and is derived from the combination of cream stucco terraced housing, parades of small shops, and lush squares. Paragraph 4.15 of the Pimlico Conservation Area Audit 2006 (the CA Audit) highlights the importance of gaps within the street scene on the return frontages to the principal Pimlico terraces, from the smaller scale properties on the side streets by a gap above ground floor level. This is

- considered to be an important townscape feature helping to prevent an unrelieved built edge and marking the separation between two different types of terrace as well as the change in architectural treatment.
6. The proposed extension would represent an enlargement of the existing rear addition, and whilst it would not be visible from Wilton Road, it would essentially infill the existing gap between the rear of the two-storey element of No. 79 Wilton Road, and the substantial three-storey buildings on the southern side of Longmoore Street. I note that the position of the proposed extension would be set back from the street frontage by the plot width of No. 78 Wilton Road, and that whilst not of a particularly traditional appearance, its design would be comparatively simple in its form and not visually obtrusive.
 7. I have carefully considered the impact of the proposed extension on the character and appearance of the conservation area in light of the Council's submissions and references to the CA Audit. I accept that the principle of maintaining gaps on return frontages, whilst stated to be principally in reference to the Cubitt Terraces, should reasonably also be applicable as a principle in other locations within the conservation area.
 8. However, I note that whilst the CA Audit highlights the importance of gaps on the return frontages between the principal Pimlico terraces and smaller scale properties on the side streets, in this instance the building on the side street is significantly larger in both height and scale than the 'principal' property facing on to Wilton Road. Furthermore, I also find that a combination of the substantial scale and form of the existing ground floor elements to the rear of No. 78 Wilton Road, the existing approved conservatory extension on the appeal site, and full length extension at No. 81 Wilton Road, has already significantly compromised any positive contribution that the gap might have made to the significance of the conservation area.
 9. In this respect, I consider that the proposed extension would effectively 'tidy' up a relatively messy gap within the street scene which has a neutral effect on the character and appearance of the conservation area, and which as a consequence of the comparatively modest height of the extension and set back from Longmoore Street, would avoid the introduction of an unrelieved built edge, whilst maintaining the sense of a gap between the more substantial two and three storey buildings. I do not therefore consider that the proposal would be harmful to the character or appearance of the conservation area.
 10. I have had regard to the Council's reference to the visual harm which it considers arises from the approved conservatory and contended unauthorised, but historical extension at No. 81 Wilton Road. However, in the absence of any suggestion regarding the intention or ability to seek enforcement action against either of the structures, both are considered to be a constituent part of the street scene, and form the baseline for considering the proposed development.
 11. As a consequence, I therefore conclude that the scheme would preserve the character and appearance of the Pimlico Conservation Area, in accordance with the requirements of s72(1) of the Act. Accordingly, I find the proposed extension to not conflict with Policies S25 and S28 of the 2016 Westminster City Plan: Consolidated with all changes since November 2013, (the City Plan), and saved Policies DES 1, DES 5, DES 9 and paragraphs 10.108 to 10.128 of the City of Westminster Unitary Development Plan 2007 (the UDP). These policies seek to secure the conservation of Westminster's heritage assets

through exemplary standards of urban design and architecture, which reflect the style and details of the existing building, and which preserve or enhance the character or appearance of conservation areas. In addition, given the great importance of the heritage asset, the scheme would accord with the core planning principles of the Framework, that require, amongst other things, the conservation of heritage assets in a manner appropriate to their significance.

Living conditions

12. The Council recognises that the increased level of floorspace will improve the overall standard of the residential accommodation for the two-bedroom flat, and I would agree with this conclusion. However, as a consequence of the proposed design of the extension and incorporation of two windows facing towards Longmoore Street, the Council has expressed concern over the relationship between the accommodation and the nearby extract duct to the commercial unit at No. 78 Wilton Road. As a consequence, I have carefully considered the Council's concerns, and in particular the absence of any submissions from the appellant on the noise relationship between the residential accommodation and the extract duct.
13. Whilst the existing conservatory style extension to the property incorporates a solid wall facing towards Longmoore Street, the roof appears to be comprised of a corrugated-style plastic, with more limited noise insulating characteristics than a solid roof would possess. However, even allowing for the existing solid wall facing the extract duct, I am not persuaded that the introduction of appropriately insulated windows and a more permanent and fully insulated roof would not improve the noise insulation within the residential accommodation. Furthermore, and being mindful that the Council has conceded that the extract duct appears to represent unauthorised works, there is no evidence that the existing extract duct has resulted previously in noise complaints from existing and neighbouring occupiers. In this instance, I have no reason to believe that there is not an available technical solution to address the issue of noise, and I am therefore satisfied that the use of conditions to secure a scheme of noise insulation would be appropriate.
14. I have noted that the appellant has also considered the potential impact of odours as a consequence of the proximity of the extract duct. However, the Council has not raised any objections to the proposed development on this basis, and I am in any event satisfied from the appellant's submissions that odour emissions from the extract duct would be dispersed appropriately away from the proposed windows.
15. I am satisfied that, subject to the imposition of appropriate conditions, the proposed development would safeguard the living conditions of future occupiers of the residential accommodation, having regard to noise and disturbance. The proposals would therefore accord with Policies S29 and S32 of the City Plan, and saved Policies ENV 6 and ENV 7 of the UDP. These policies seek to secure a healthy environment from development resisting a material loss of residential amenity by providing an acceptable noise climate for occupants, and minimising exposure to external noise sources.

Conditions

16. I am satisfied that conditions securing the use of matching materials and the submission of details of the proposed windows and rooflights would be

reasonable and necessary in the interests of preserving or enhancing the character of appearance of the Pimlico Conservation Area. I also consider that the imposition of controls over timings for piling, excavation and demolition work, and all other works would be in the interests of safeguarding the living conditions of neighbouring occupiers. In respect of the living conditions of future occupiers, securing a standard of design and structure to maintain appropriate internal noise levels, along with the submission of details of a scheme of noise insulation measures and a noise report would safeguard the amenity of future occupiers.

Conclusions

17. For the reasons given above, and subject to the conditions listed, the appeal is allowed.

M Seaton

INSPECTOR