
Appeal Decision

Site visit made on 15 May 2017

by Richard McCoy BSc MSc DipTP MRTPI IHBC

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

Decision date: 23 June 2017

Appeal Ref: APP/X5990/D/17/3172939

3 Guildhouse Street, London SW1V 1JE

- 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 the estate of Felicia Tizard against the decision of the Council of the City of Westminster.
 - The application Ref 17/00014/FULL, dated 3 January 2017, was refused by notice dated 28 February 2017.
 - The development proposed is the erection of a mansard roof extension.
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Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Pimlico Conservation Area.

Reasons

3. The appeal site forms part of an early 19th century terrace (nos. 1 to 6 consecutive) located in the Pimlico Conservation Area. The 6 no. dwellings that make up the terrace have been identified as 'unlisted buildings of merit' in the *Pimlico Conservation Area Audit* (PCAA). Proposed is the erection of a mansard roof extension that would match the style of comparable nearby developments and respect the materials of the host building. I note that the Council considers that the proposal would comply with the principles of good neighbourliness and the protection of existing residential amenities, and from my assessment I have no reason to disagree.
 4. The Conservation Area is characterised by terraces of cream stucco housing and parades of shops, laid to a distinctive diagonal grid pattern, and punctuated by verdant squares and 2 no. Gothic revival churches. I observed, and note from *Figure 33* of the PCAA, that a significant number of properties within the Conservation Area have undergone roof alterations, many with mansard roof extensions (including other dwellings within the terrace) such that this type of roof is common place within the general area.
 5. However, the Council pointed out that no. 3, along with its neighbours at 4 and 5, retains its original roof form and profile. While not specifically identified in *Figure 33* as a building on which a roof extension would not be acceptable, the PCAA (which has the status of adopted Supplementary Planning Guidance) nevertheless makes clear that 'unlisted buildings of merit' are considered to be
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- of particular value to the character and appearance of the Conservation Area and their unsympathetic alteration will be resisted.
6. To this end Policy DES9 of the adopted Unitary Development Plan (UDP) seeks to preserve or enhance the character or appearance of conservation areas and their settings. In addition, UDP Policy DES 6 sets out the circumstances in which roof extensions would be considered unacceptable, including where historically significant or distinctive roof forms would be lost.
 7. The original roof form, profile and unbroken parapet line of no. 3 is a very distinctive characteristic and a strong element in the positive contribution it makes to the character and appearance of the terrace and the wider Conservation Area. While I note the appellant's argument that the proposal would be subservient to the host building, I consider that it would detract from local character and distinctiveness. This would be apparent from the manner in which it would serve to further erode the roof line of the terrace, resulting in the loss of a traditional roof form when seen from Guildhouse Street.
 8. Notwithstanding the appellant's claims that the visual impact of the proposal would be limited by surrounding development which includes modern buildings of a larger scale and the nearby presence of mansard roof extensions, I consider that it would nevertheless fail to preserve a traditional roof form that is a relevant defining characteristic of the Conservation Area, resulting in an adverse effect, thereby failing to preserve its character and appearance.
 9. This would conflict with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Furthermore, in my judgment, the proposal would cause less than substantial harm to the Pimlico Conservation Area, a designated heritage asset.
 10. In which case, under paragraph 134 of the National Planning Policy Framework (NPPF) this harm should be weighed against any public benefits of the proposal, including securing the asset's optimum viable use. The appellant claimed that the proposal would improve insulation to the dwelling in accordance with Policy S28 of the adopted Revision to Westminster's City Plan (WCP) and would recover the original roof form to the rear of the host. However, the public benefits arising would be limited and it has not been demonstrated that the extension would be necessary to secure the optimum viable use of the heritage asset. As such, I attribute little weight to these considerations which would not be sufficient to overcome the identified less than substantial harm.
 11. Giving considerable weight to paying special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area means that despite my conclusion that less than substantial harm would arise from the proposal, the presumption against granting planning permission remains strong. It can be outweighed by material considerations if powerful enough to do so but in this instance, notwithstanding my conclusion that the proposal would not be harmful to the living conditions of the occupiers of adjacent dwellings, none are of sufficient weight.

12. Accordingly, the proposal would conflict with NPPF paragraphs 131 and 134, WCP Policy S25 and UDP Policies DES1, DES6 and DES9, which reflect the approach of Section 72 of the Act.

Conclusion

13. For the reasons given above and noting the letter in support of the proposal, I conclude that the appeal should be dismissed.

Richard McCoy

Inspector