

Appeal Decisions

Site visit made on 20 June 2017

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 6th July 2017

Appeal Ref: APP/X5990/D/17/3176229 (Appeal A)

16 Hall Road, London NW8 9RB

- 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 R Hanan against the decision of City of Westminster Council.
 - The application Ref 16/11706/FULL, dated 8 December 2016, was refused by notice dated 28 February 2017.
 - The development proposed is 'retention of infill dormer structure to the front roof'.
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Appeal Ref: APP/X5990/D/17/3176227 (Appeal B)

16 Hall Road, London NW8 9RB

- 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 R Hanan against the decision of City of Westminster Council.
 - The application Ref 16/11707/FULL, dated 8 December 2016, was refused by notice dated 28 February 2017.
 - The development proposed is 'retention and modification of infill dormer structure at rear roof'.
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Appeal Ref: APP/X5990/D/17/3176223 (Appeal C)

16 Hall Road, London NW8 9RB

- 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 R Hanan against the decision of City of Westminster Council.
 - The application Ref 16/11705/FULL, dated 8 December 2016, was refused by notice dated 28 February 2017.
 - The development proposed is 'installation of paved deck and concealed hatch to front garden and alteration to front railings to create a gate'.
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Appeal Ref: APP/X5990/D/17/3176221 (Appeal D)

16 Hall Road, London NW8 9RB

- 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 R Hanan against the decision of City of Westminster Council.
 - The application Ref 16/11702/FULL, dated 9 December 2016, was refused by notice dated 28 February 2017.
 - The development proposed is 'retention of alterations to first and second floor rear bay windows'.
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Decisions

1. The four appeals are dismissed.

Procedural Matters

2. All the above appeals relate to the same site. Whilst I have considered each proposal on its own merits, given that they have much in common, and in the interests of brevity, I have dealt with them in one document.
3. In relation to Appeal A, a dormer on the front roof is in place. However, as I cannot be assured that the appeal plans fully accord with the development on site, I am determining that appeal on the basis of the appeal plans before me.
4. Appeals B, C and D propose alterations to development previously carried out, with which the Council has concerns. In relation to all the appeals, I have had regard to an approved planning permission¹, which sought to regularise some of that development, along with case law brought to my attention².
5. Previous appeal decisions relating to the appeal site and some of the appeal developments are before me³. My decisions generally accord with the views of those Inspectors.

Main Issue

6. In respect of all the above appeals, the main issue is whether the appeal proposal would preserve or enhance the character or appearance of the St John's Wood Conservation Area (CA).

Reasons

7. The appeal site includes a semi-detached house set back behind decorative railings which fronts onto Hall Road. It is four storeys with accommodation in the basement and roof space. Being Victorian Gothic in style, its upright form, distinctive steeply pitched roof, regular and hierarchical fenestration pattern and white timber painted traditionally detailed sash windows, along with its red brick elevations with rich stone detailing, all contribute to its character and appearance. The same level of care and high quality detailing and materials are a feature of all the elevations of the appeal building. Its similarity in form, proportions and detailing, including the elements referred to above, to its attached neighbour No. 18, significantly contribute to that character and appearance. That the pair are relatively unaltered as seen from the street, adds to that contribution.
8. The appeal site and its attached neighbour are located within the St John's Wood Conservation Area. That is a large Conservation Area, which represents the first example of suburban development in inner London. There is some variation in its character and appearance throughout, although there is a general cohesion in its low density, mainly Victorian, suburban domestic townscape, comprising development of mainly detached and semi-detached villas, set within generous gardens along a network of tree lined streets. Incorporating a variety of architectural styles, there is consistency in the use of traditional details and a limited pallet of natural materials in streets, rows and terraces of similar buildings. The appeal site, its rich Victorian Gothic architecture, including its distinctive roof form, upright chimneys, rich detailing and high quality natural materials, along with its similarity to its neighbour, No.

¹ 16/01982/FULL

² Burroughs Day V Bristol City Council [1996] 19 EG 126 (QBD)

³ APP/X5990/D/15/3023024 and APP/X5990/C/16/3142232

18, significantly contributes to this character and appearance. This assessment generally accords with the City of Westminster Conservation Area Audit St John's Wood No.24 (CAA), which indicates that the semi-detached pair, at 16-18 Hall Road, are Unlisted Buildings of Merit within that Conservation Area.

Appeal A

9. The proposed roof addition at the front of the appeal building would be large and visible from the street; a matter that I was able to assess on my site visit. It would erode the upright form of the chimney stack and its silhouette, which was designed to be seen against open sky. Further, as it would sit within the steep valley of the roof between the pair of semi-detached properties, it would diminish the distinctive steeply pitched roof form of the appeal building and its neighbour. Its flat roof would appear awkward against the mostly steeply pitched roofs seen elsewhere on the appeal building. Relating to one of a similar pair, it would damage the similarity between the two and their integrity as a pair; a harm that the use of lead as proposed would exacerbate as the materials of the roof do not include similarly large areas of lead, seen from the street. For all these reasons and as it could be readily seen from the street, it would be highly visible. For this reason, the appeal development would not fall within the definition of minor. As the appeal development would result in unacceptable harm to the appeal property and its neighbour, as those buildings positively contribute to the CA, it follows that it would fail to preserve the character or appearance of the CA.
10. The CAA at figure 56 indicates that roof extensions on the appeal property would not normally be acceptable. Whilst this is a guideline only, it adds weight to my conclusions.
11. I have taken into account the proposed small set back of the appeal development from the roof parapet. However, it would still be visible and would result in unacceptable harm to the character and appearance of the appeal building and its attached neighbour.
12. I conclude that the roof extension proposed at the front of the appeal building would fail to preserve the character and appearance of the CA. For this reason it would fail to accord with Policies S25 and S28 of the Westminster City Plan Consolidated with all changes since November 2013 (2016) and Des 1 and Des 6 of the City of Westminster Unitary Development Plan (2007). Those policies, together, aim to conserve Westminster's extensive heritage assets and for new development to incorporate exemplary standards of sustainable and inclusive design and architecture.

Appeal B

13. The proposed rear roof addition would be large in relation to the roof slope on which it would be located. Even though it would be set back from the eaves, it would be likely to be visible from the ground. In any event it would be visible from the upper floors of building nearby. It would be very close to the party wall with the adjoining neighbour, No. 18 and sited within the steep valley between the two properties. For these reasons, it would diminish the distinctive steep roof form of the appeal building. As it would include large areas of glass, through which some light may shine, it could appear particularly out of place in the dark and appear highly visible. As it would be triangular in

shape, it would diminish the regular and hierarchical pattern of fenestration seen on the rest of the appeal building. For all these reasons, it would erode the similarity between the two semi-detached properties and erode their integrity as a pair of similar buildings. As the appeal development would result in unacceptable harm to the appeal building and its attached neighbour, and those buildings positively contribute to the CA, the appeal development would fail to preserve the character and appearance of the CA.

14. I have had regard to the fact that the appeal development would be at the rear of the appeal site, set in from the rear elevation and adjacent to a central chimney stack. I acknowledge that it would not be visible from Hall Road and trees at the rear would reduce some views. I have also noted the garages at the rear. However, as the rear of the appeal building contributes positively to the CA, for the reasons set out above, those matters do not significantly reduce my concern. I am mindful that the appeal development would allow retention of some study space to the second floor, which would be a benefit for the existing and future occupiers. However, that matter does not outweigh my concern.
15. I conclude that the roof extension proposed at the rear of the appeal building would fail to preserve the character and appearance of the CA. For this reason it would fail to accord with Policies S25 and S28 of the Westminster City Plan Consolidated with all changes since November 2013 (2016) and Des 1 and Des 6 of the City of Westminster Unitary Development Plan (2007). Those policies, together aim to conserve Westminster's extensive heritage assets and for new development to incorporate exemplary standards of sustainable and inclusive design and architecture.

Appeal C

16. The proposed mechanically operated hatch is proposed to allow access to the basement, which the appellant considers would be intermittent and emergency access. It also suggested that it could be mechanically operated to ensure that it would not be left open. However, its frequency of use could not be reasonably controlled through a planning condition. Therefore, if it were to be used on a frequent basis, it would allow views to the basement area, which would unbalance the principal elevation. Further, it would be a very unusual feature in the front garden, which would appear out of place. As it would be very visible from the street, it would significantly detract from the symmetry and similarity between the semi-detached pair. The proposed gate within the front railings would interrupt an otherwise uninterrupted line of decorative railings and, together with the proposed hatch, would draw attention to the presence of a basement. All in all, together, for all of the above reasons, they would result in unacceptable harm to the CA.
17. I acknowledge that the proposed development could conceal refuse from the street, that the proposed material for the paved front garden area would be acceptable (flagstones) and that the impact of the hatch would be considerably reduced when closed. I acknowledge that it would provide a fire exit which would be a benefit of the appeal scheme. However, I have limited information on this matter to understand whether this would be the only fire exit. I have taken into account similar commercial development brought to my attention. However, none of these matters outweigh my concern.

18. I conclude that the hatch and gate proposed at the front of the appeal site would fail to preserve the character and appearance of the CA. For this reason it would fail to accord with Policies S25 and S28 of the Westminster City Plan Consolidated with all changes since November 2013 (2016) and Des 1 and Des 6 of the City of Westminster Unitary Development Plan (2007). Those policies, together aim to conserve Westminster's extensive heritage assets and for new development to incorporate exemplary standards of sustainable and inclusive design and architecture.

Appeal D

19. The proposed bay at the rear of the appeal building would be larger than that recently granted planning permission⁴, such that it would appear overly bulky. It would be wider, cover a significant part of the rear of the building and give a distinctly horizontal appearance to the rear of the building. For this reason, it would disrupt the upright proportions of the rear of the building and the bay, which is a prominent feature of that elevation. Further, being four windows wide, it would erode the regular and hierarchical pattern of fenestration, which generally diminishes in the size of windows and their number within the upper floors of the building. For all these reasons, it would detract from the composition of the appeal building. As it would be close to the appeal building's attached and similar neighbour, it would diminish the similarity and symmetry between the two and reduce the integrity of the pair.
20. I am aware that the appeal development would not be seen from Hall Road, that it would be solely to the rear and would be open to limited public view. However, it would be open to views from neighbouring buildings, which are still views within the Conservation Area. I have taken account of other development to the rear of semi-detached property in the locality, brought to my attention, but none replicate the circumstances of this appeal. I have also taken into account that the windows on the side of the bay (as approved)⁵ would not be present and the appellant considers that would reduce overlooking. However, I have limited evidence of a problem with overlooking from those widows, which were a previous feature of the appeal building.
21. I conclude that the alterations to the bay proposed at the rear of the appeal building would fail to preserve the character and appearance of the CA. For this reason it would fail to accord with Policies S25 and S28 of the Westminster City Plan Consolidated with all changes since November 2013 (2016) and Des 1 and Des 6 of the City of Westminster Unitary Development Plan (2007). Those policies, together aim to conserve Westminster's extensive heritage assets and for new development to incorporate exemplary standards of sustainable and inclusive design and architecture.

Public Benefits-Appeals A, B, C and D

22. In accordance with paragraph 132 of the National Planning Policy Framework (the Framework), I accord great weight to the conservation of designated heritage assets. I consider that the harm to the significance of the St John's Wood Conservation Area, in relation to each development, would be less than substantial; a matter to which I attach considerable importance and weight,

⁴ 16/01982/FULL

⁵ 16/01982/FULL

mindful of my statutory duties⁶. However, in relation to each of the appeal cases, no public benefits, as identified in paragraph 134 of the Framework, are before me sufficient to outweigh that harm.

Other Matters

23. The Council does not raise concern regarding the living conditions of neighbouring occupiers as a result of the appeals. On the basis of the size and location of the proposals in relation to nearby properties and positioning of windows, I have no reason to take an alternative view.
24. I have noted that there is no objection from local residents to the appeal proposals and that there is some support. However, there is objection from the St John's Wood Society. In any event, my concern is the effect on the CA as a whole. I am aware that No. 18 may wish to carry out similar development in the future, which would reduce the impact of the appeal developments on the symmetry of the pair. However, those proposals are not before me, and I have no certainty that they would be carried out, so I attach extremely limited weight to that matter.
25. The reasons for refusal, in relation to each appeal, together with the officers report, clearly set out the harm that would result from the appeal development, and in this regard are precise and accord with Article 35(b) of the Town and Country Planning (development Management Procedure) (England) Order 2015.

Conclusions

26. For the above reasons, and taking all other matters raised into consideration, I conclude that all four appeals should be dismissed.

R. Barrett

INSPECTOR

⁶ section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990