
Appeal Decisions

Site visit made on 14 June 2017

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 26 July 2017

Appeal Ref: APP/X5990/W/17/3167682

72 and 74 Clifton Hill, St John's Wood, London NW8 0JT

- 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 Benjamin Wigoder and Mr Christopher Tabor against the decision of City of Westminster Council.
 - The application Ref 16/08541/FULL, dated 5 September 2016, was refused by notice dated 1 November 2016.
 - The development proposed is alterations to the front boundary walls and front lightwells, creation of a vehicle crossover and adaptation of existing hardstanding to create two off-street parking spaces, relocation of existing on-street parking space, and associated landscaping works.
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Appeal Ref: APP/X5990/Y/17/3167684

72 and 74 Clifton Hill, St John's Wood, London NW8 0JT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Benjamin Wigoder and Mr Christopher Tabor against the decision of City of Westminster Council.
 - The application Ref 16/08542/LBC, dated 5 September 2016, was refused by notice dated 1 November 2016.
 - The works proposed are alterations to the front boundary walls and front lightwells, creation of a vehicle crossover and adaptation of existing hardstanding to create two off-street parking spaces, relocation of existing on-street parking space, and associated landscaping works.
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Decision

1. The appeals are dismissed.

Procedural Matters

2. The Council has drawn attention to policies of the Unitary Development Plan¹ (UDP) which are referred to in the decision notice relating to the refusal of planning permission. The Council states these policies were omitted in error from the decision notice relating to the refusal of listed building consent. As the policies are already included in the consideration of the appeal proposal, I consider there would be no prejudice to the appellants in my taking them into account in the appeal against the refusal of listed building consent.

¹ Unitary Development Plan Adopted January 2007

3. The policies referred to in the Council's decision notice refer to the Westminster City Plan July 2016. The Council subsequently adopted a consolidated version of the Westminster City Plan (WCP) incorporating all changes since 2013². The Council has confirmed that the relevant policies in the WCP adopted in November 2016 remain unchanged from those referred to in the decision notices.

Main Issues

4. In respect of both appeals these are:

- (i) Whether the proposal would preserve the listed buildings known as 72 and 74 Clifton Hill (listed as 68-74 Clifton Hill NW8) and their setting;
- (ii) Whether the proposal would preserve or enhance the character or appearance of the St John's Wood Conservation Area;

and in respect of the appeal against the refusal of planning permission:

- (iii) The effect of the proposal on on-street parking provision.

Reasons

Whether the proposals would preserve the listed buildings and their setting

5. The appeal properties are a semi-detached pair dating from the mid 19th century. A similar pair of properties are sited immediately adjacent to the appeal site. The appeal properties are set behind a short front garden with the boundary marked by a low wall with metal railings above and a pedestrian gate between square pillars leading to the steps up to the front door. The boundary of No 72 is also marked by a Yew hedge.
6. Notwithstanding the formal listing description, which includes a reference to the dwellings being listed only for group value, the pair of dwellings and the corresponding pair of Nos 68 and 70 present themselves as well-detailed villas in an Italianate style. They show a strong sense of symmetry and their relationship to the road is enhanced by the presence of the front gardens and their boundary features, irrespective of their age.
7. The proposal would remove a section of boundary wall and railing in front of each dwelling adjacent to the common boundary. This would result in an interruption to the boundary in the centre of the pair, in addition to the existing pedestrian entrances at the side boundaries. The additional gate piers would be in front of the principal ground floor front windows.
8. The new Yew hedging proposed behind the remaining front wall to 74 and the evergreen planting adjacent to the steps of each property would go some way to retaining the symmetry of the pair of dwellings. The two lightwells would be aligned and there is already a considerable degree of hard surfacing in both front gardens. However, the substantial unbroken length of the boundary wall and railings would be altered. The frontage would be more complicated and less pleasing to the eye as a result of the additional brick piers and the resulting intermittent nature of the remaining low walls. The loss of the central

² Westminster City Plan: consolidated with all changes since November 2013 Adopted November 2016

section of low wall and its replacement with gates, albeit designed to appear as railings, would be a retrograde alteration.

9. The quality of the front garden setting to the pair of houses would be significantly diminished by the changes to the boundary in order to introduce car parking immediately adjacent to the front walls of the houses and partially in front of each of their principal ground floor windows. The positioning of the additional gate piers would appear out of place.
10. The appellants offer to redesign the gates or alter the position of the piers. However, the appeal process is not intended as one of negotiation and I have determined the proposals as they have been submitted. It is suggested that a condition could be imposed to ensure the gates were closed when not in use. I am not persuaded that such a condition would be readily enforceable or reasonable so would not assist in overcoming the principal objections to this proposal.
11. I have noted the off-street parking spaces at other listed buildings in Clifton Hill, including that at No 70, but none of these justify the harm I have identified in relation to the appeal proposals. The proposals would fail to preserve the special interest of the listed buildings as a result of the harm they would cause to their immediate setting.
12. Whilst Policy S28 of the WCP is a wide ranging policy applicable to all development, it requires exemplary standards of urban design and architecture and the proposals would not meet these standards.
13. 'Saved' Policy DES1 of the UDP sets out principles of urban design and conservation. Although the proposal has made efforts to respond to local distinctiveness, these are not sufficient to overcome the conflict with other parts of paragraph (A) of DES1 which state that (amongst other matters) development should improve the quality of adjacent spaces around buildings.
14. DES5 of the UDP relates to alterations and extensions to buildings and, amongst other matters, indicates permission will be granted for development which does not visually dominate the existing buildings, and where design reflects the style and details of the existing building. The policy also indicates that permission may be refused where development occupies an excessive part of the garden or other enclosure. Although the majority of the front garden would remain, I consider that the parking area would be visually prominent and there would therefore be a degree of conflict with this policy.
15. UDP Policy DES10 is specific to listed buildings. The proposals would conflict with this policy as they would fail to respect the listed buildings' character and appearance and would not preserve its features of special architectural interest as required by paragraph (A) of the policy. Paragraph (D) of the policy makes clear that permission will not be granted where development would adversely affect the immediate setting of a listed building or the spatial integrity or historic unity of its curtilage.

Whether the proposals would preserve or enhance the character or appearance of the conservation area.

16. The conservation area has a predominantly residential character, described in the Council's Conservation Area Audit³ as being large semi-detached and detached villas in a variety of architectural styles set in generous gardens and along a network of wide, tree lined streets. The pair of appeal properties and their associated group make a significant and positive contribution to the character and appearance of this part of the conservation area.
17. Front gardens along Clifton Hill, although often short, contribute significantly to the character and appearance of the area including the planting and trees within the gardens. Garden boundaries also play a key role in adding positively to the character of the area, physically separating front gardens from the pavement and road. Where off-street parking exists, the definition has been lost to varying degrees.
18. Given the age of the housing, on-street parking is much in evidence but does not negate the benefits to the character and appearance of the area derived from front gardens. I noted during my site visit the off-street parking at a number of houses on Clifton Hill. The appellants point to these spaces relating to listed and non-listed buildings. However, I am not provided with any planning history relating to the off-street parking on Clifton Hill. The Council state that where boundary walls have been removed to facilitate off street parking, this has been done without the benefit of planning permission.
19. The proposal would be contrary to UDP Policy DES7 (C) as the existing boundary walls and railings form an important feature of the townscape and make a positive visual contribution to the street scene. There would also be a conflict with DES7 (D) which resists off street parking and hard standings in front gardens that are important to the character and appearance of the conservation area or immediate setting of a listed building.

The effect of the proposal on on-street parking

20. The site lies within an area of parking control where weekday day time parking is restricted to residents' parking. UDP Policy STRA 25 prioritises parking for essential and priority users within the objectives of traffic restraint and reduction. The supporting text to this policy sets out the reasons underlying this policy which include helping to minimise the adverse social, economic and environmental impacts of vehicular traffic, improving road safety and balancing the needs of residents and other special cases. The Council's evidence shows that across Westminster as a whole demand for residential on-street parking permits exceeds the number of designated spaces. The council provide survey information from 2015 relating to occupancy levels of on-street spaces within a 200 metre radius of the site.
21. The Council's Highway Planning Manager indicates that the proposal would result in the loss of at least one on-street space, and potentially two when visibility splays are taken into account. These on-street spaces are currently available to residents with parking permits. Two private off-street spaces would be provided which the appellants' state would reduce the demand for on-street spaces accordingly.
22. I have taken into account that the appellant's proposals include a plan showing a suggested re-arrangement of on-street parking bays. This would require

³ City of Westminster: St John's Wood Conservation Area Audit 24 Adopted SPD, 2008

measures outside the appellants' direct control. Even if this could be secured, the Council point to the reduced visibility for cars using the off-street space at No 76 by consequence of suggested arrangements.

23. Policy TRANS 26 of the UDP resists the use of front gardens for parking vehicles unless authorised or as part of an approved overall development proposal or a comprehensive scheme of environmental traffic management or street scene enhancement. The proposals would not meet these criteria.
24. The proposal would result in a reduction in on-street parking available to all residents with parking permits and I consider that this would not be adequately mitigated by the provision of the two private car parking spaces. Consequently, the proposal would conflict with the Council's development plan policies with regard to parking control and resisting the use of front gardens for parking other than in specific circumstances which are not applicable to the current proposal.

Other matters

25. The appellants direct me to a decision made by the Council relating to a dwelling in Marlborough Hill, also in the St John's Wood Conservation Area. Whilst the evidence provides the decision notice relating to a planning permission, there is no indication that this property is a listed building and so it is not clear that the development which the Council allowed is directly comparable with the proposal before me.
26. The Council provide appeal decisions from 2003 relating to 48 Marlborough Place⁴, a listed building within the conservation area. I have noted the appellants' evidence with regard Policy DES16 of the UDP referred to in the decisions no longer being relevant.
27. However, neither of the above decisions has carried any significant weight in the determination of the appeals before me which has been based on their own merits.
28. UDP Policy DES9, although addressing conservation areas, is of limited relevance in this case as the application is not in outline and the buildings concerned are not unlisted.

Overall Assessment

29. The proposals would fail to preserve the setting of the listed buildings. Given the positive contribution which the buildings make to the conservation area, it follows that the proposals would fail to preserve and so would not enhance the appearance of the conservation area. The proposals would conflict with a number of policies in the development plan as set out above and with Policy S25 of the WCP which requires heritage assets including listed buildings and conservation areas to be conserved.
30. In the context of the National Planning Policy Framework (Framework), the proposals would result in less than substantial harm to designated heritage assets. However, the harm caused would have lasting and adverse consequences and any harm to heritage assets requires clear justification. The conservation of designated heritage assets is a matter to which I give great

⁴ APP/X5990/E/03/1118498 & APP/X5990/A/03/1118026

weight. Paragraph 134 of the Framework requires the harm to be weighed against the public benefits of the proposal. In this case any public benefits arising from the reduction in two cars seeking on-street parking would be very limited and would not outweigh the harm resulting from the proposals. The proposals would fail to comply with Framework.

Conclusions

31. For the reasons stated above, and having taken all matters raised into account, I conclude that the appeals should be dismissed.

J E Tempest

INSPECTOR