
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/17/3167121

Flat 4, 69 Inverness Terrace, London WE2 3JT

- 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 Stefano Bonadeo against the decision of City of Westminster Council.
 - The application Ref 16/05767/FULL, dated 20 June 2016, was refused by notice dated 26 July 2016.
 - The development proposed is to extend the second floor to the closet extension.
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Appeal Ref: APP/X5990/Y/17/3167125

Flat 4, 69 Inverness Terrace, London WE2 3JT

- 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 Stefano Bonadeo against the decision of City of Westminster Council.
 - The application Ref 16/05768/LBC, dated 20 June 2016, was refused by notice dated 26 July 2016.
 - The works proposed are to extend the second floor to the closet extension.
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Decision

1. The appeals are dismissed.

Procedural matters

2. The policies referred to in the Council's decision notice refer to the Westminster City Plan July 2016. The Council subsequently adopted the consolidated version of the Westminster City Plan incorporating all changes since 2013¹ (WCP). The Council has confirmed that the relevant policies in the WCP adopted in November 2016 remain unchanged from those referred to in the decision notice.
3. The evidence refers to proposals relating to the neighbouring property, No 71 Inverness Terrace. These are the subject of separate appeals² and I visited the neighbouring property also on 14 June 2017.

Main Issues

4. In respect of both appeals these are (i) whether the proposals would preserve the listed building and the listed terrace of which it forms part; and (ii)

¹ Westminster City Plan consolidated with all changes since November 2013; Revision to Westminster's City Plan adopted November 2016

² APP/X5990/W/17/3167128 & APP/X5990/Y/17/3167132

whether the proposals would preserve or enhance the character or appearance of the Bayswater Conservation Area.

5. In respect of the appeal against the refusal of planning permission a further main issue is the effect of the proposal on the living conditions of occupiers at 71 Inverness Terrace with particular reference to daylight and outlook.

Reasons

Whether the proposals would preserve the listed building and terrace

6. The appeal property is a Grade II listed building dating from the mid C19. It is listed as 41 - 95 Inverness Terrace, W2 as part of a terrace of similar properties. The listing description refers to a balanced terrace with the centre five and end 4 houses to each side set forward. Viewed from the front, the appeal site is a four storey terraced house with basement and roof accommodation. Notwithstanding the alterations and extensions which have taken place to the appeal property, it is an integral element of the imposing listed terrace.
7. At the rear the existing closet wing extension dates from the late 1980s and, from ground level, includes four storeys of windows. The major part of this extension reaches the floor level of the second floor of the main building and above it is a short extension to the second floor. The proposal would enlarge this second floor level extension by some 3 metres in depth, stopping short of the end of the four storey closet wing by some 1.9 metres.
8. There is variety among the alterations and extensions which have taken place to the rear of buildings within the terrace. However, looking north from the appeal property, projecting rear wings at second floor height are for the most part relatively short in length. From what I observed the proposed extension would project beyond the majority of other properties at second floor height. The observable pattern of rear extensions to the south is less clear, but at least two properties immediately to the south of the appeal property have short projecting wings at second storey height.
9. The proposals are accompanied by a heritage statement (HS) which sets out something of the history of the appeal site including reference to the extensions and conversion works carried out in 1987. Whilst the appellant refers to the rear elevation of the building having been demolished, no plans of these works are provided. The HS stops short of a detailed historical analysis of the development and changes to the appeal property or the terrace.
10. The Council draw attention to the unified character of the original rear of the terrace and a pattern to historic extensions of larger projections to the lower floor levels and shallower projections at first and second floor levels with no projection at third floor level. From what I saw, despite the later additions to a number of buildings in the terrace, I concur with the Council's view that this historic pattern of rear elevations with minimal projections at second floor and no projections at the storey below roof level remains discernible.
11. The appeal property has been the subject of a major extension at the rear. From the evidence and what I was able to observe the existing rear extension has a depth, height and bulk greater than many other extensions to the terrace. However, the short projecting element at second storey height, despite its recent date, reflects the form of others in the terrace and mitigates

to some extent the bulk of the addition below. These benefits would be lost by the extension now proposed.

12. The front elevation of the building makes a major contribution to the significance of the building and to the significance of the terrace as a whole. However, this does not mean that the rear elevation of the building has no significance and therefore could not be harmed by further extension. The proposed extension would unacceptably add to the bulk and mass of the existing extension, harming the design and massing of the appeal building as a whole and the wider terrace of which it forms part. This would not be mitigated by there being no loss of historic fabric. The limited visibility of the listed building from public viewpoints is not a relevant consideration.
13. It is suggested that there would be benefits from both this property and its neighbour at No 71 being similarly extended. However, as I have found the proposals would harm the significance of the appeal property, there would be no benefit to the terrace as a whole in enlarging the existing extensions to the two properties concerned. Whilst the two proposals would create a more unified appearance between the two neighbouring properties, the purported benefits would arise principally from the proposed fenestration to the extension to No 71 and improved rain water goods. This does not alter my findings with regard to the harm which the proposed extension would cause to the listed building and to the terrace.
14. The proposals would fail to preserve the special architectural and historic interest of the listed building. As such they would not comply with section (A) of Unitary Development Plan³ (UDP) 'saved' Policy DES 10 as the proposals would not respect the listed building's character and appearance and therefore would not preserve, restore or complement its special architectural or historic interest.

Whether the proposals would preserve or enhance the conservation area

15. The appeal site lies within the Bayswater Conservation Area and adjacent to two other conservation areas. The Council's Conservation Area Audit⁴ (CAA) refers to the area as characterised by a uniform townscape despite differences in building age and developers. The buildings, many of them terraces, draw on the Italianate style.
16. The CAA refers to there being variations in height among historic townscapes but a consistency of height within streets. Variations in height are stated to be related to original functions and reference is made to there being a characteristic scale and townscape. Inverness Terrace is described as featuring many fine mid to late Victorian houses.
17. Public vantage points from which the proposed development would be seen would be very limited. However, the rear of the terrace and the appeal property is visible from the rear gardens of neighbouring properties and from some windows. Furthermore, the rear of the terrace is visible from other properties including those in Queensway. Appreciation of the character and appearance of the rear of the terrace as part of the conservation area can be derived from views experienced by residents and occupiers of the surrounding buildings.

³ City of Westminster: Unitary Development Plan adopted January 2007

⁴ Conservation Area Audit No 6: Bayswater. City of Westminster July 2000

18. Consequently, as set out above, there would be harm arising from the proposals which would add bulk to the existing rear extension at a high level and fail to follow the historic pattern of rear extensions. This would result in attendant harm to the conservation area. Whilst such harm would be limited when considered in the context of the conservation as a whole, the proposals would fail to preserve and therefore would not enhance the appearance of the conservation area.

Living Conditions for occupiers of No 71

19. The existing closet wing extensions to No 69 and No 71 result in the area between the two wings having a strong feeling of enclosure. The existing windows in the main rear wall of No 71 would maintain a west facing outlook but some would have a reduced view of sky to the south. Side facing windows in the closet wing of 71, particularly at lower levels already have a very restricted outlook and in some cases this would be further restricted by the proposed extension.
20. The appeal proposal is accompanied by a report on daylight and sunlight. This concludes that the proposed extension would have no material effect upon No 71 in terms of daylight and sunlight although I note that the report makes some assumptions with regard to the uses of rooms within No 71.
21. There would be some harm to the living conditions for residents of No 71 particularly in flats which have windows below second storey level in the main wall and south facing wall of the closet wing. On the basis of the evidence, this harm would be largely to outlook. Whilst the proposed extension would increase the overbearing nature of the existing closet wing at No 69, on balance I find that the extent of the harm would not be sufficient to warrant refusal of the proposal on these grounds. I therefore find that the proposal would not conflict with Policy ENV13 of the UDP or with S29 of the WCP in this regard.

Other matters

22. The Council refer to an appeal decision at 63 Inverness Terrace⁵. The proposals included an extension to the rear of the property up to third floor level and across the full width of the plot and so are not directly comparable with the current appeal proposal. Consequently, the appeal decision relating to No 63 has not had a bearing upon my decisions on the appeals before me which I have determined on their own merits.
23. The rear of the appeal building faces towards the rear of commercial properties on Queensway. Although these properties include a variety of accretions on the rear elevations, and the appellant provides examples of untidy rear gardens to some Queensway properties, these do not amount to justification for the proposed developments.
24. The design of the proposed windows is raised as a concern by the Council. However, I consider that had the proposals been acceptable in other respects, this matter could have been addressed by condition. Accordingly, this does not alter my findings on the main issues.

⁵ APP/X5990/E/06/2019686 & APP/X5990/A/06/2019683

25. The Council has referred to UDP Policy DES 9 in its reason for refusal. Whilst the policy relates to conservation areas, as the proposal relates to a listed building I find there is limited relevance in the wording of the policy to the appeal proposals.

Overall assessment

26. The proposals would fail to preserve the special architectural and historic interest of the listed building and the terrace of which it forms part. They would also fail to preserve and so would not enhance the appearance of the conservation area.
27. When considered in the context of the National Planning Policy Framework, the harm to the significance of designated heritage assets would be less than substantial. However, the Framework requires that great weight be given to the conservation of heritage assets. Whilst the enlargement of the flat would bring some improvement to the housing stock within the City of Westminster, the public benefits of the proposal would be very modest and are not sufficient to outweigh the harm to heritage assets.
28. The proposals would conflict with Policy S25 of the WCP which requires heritage assets including listed buildings and conservation areas to be conserved. They would also not meet the requirements of WCP Policy S28 which expects exemplary standards of urban design and architecture.
29. Policies DES 1 of the UDP is a wide ranging policy which sets out principles of urban design and conservation. Although the proposal has taken into account some of the character of the existing extension, this is not sufficient to overcome the harm to the architectural quality of the building as a whole and to local distinctiveness.
30. Whilst the proposal would not conflict with part (B) of UDP Policy DES 5, it would fail to comply with part (A) 3) of the policy as the enlarged extension would not be in scale with the existing building and its immediate surroundings.

Conclusions

31. For the reasons given above I conclude that the appeals should be dismissed.

J E Tempest

INSPECTOR