
Appeal Decision

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: 9 August 2017

Appeal Ref: APP/X5990/W/16/3166020
125 Westbourne Grove, London W2 4UP

- 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 Deauville Security against the decision of City of Westminster Council.
 - The application Ref 16/03573/FULL, dated 20 April 2016, was refused by notice dated 23 August 2016.
 - The development proposed is erection of mansard roof extension with roof terrace and associated balustrades; use of first floor as Class C3 flat; installation of glazed/stainless steel balustrades and decking to flat roof at rear first floor level in connection with use of roof as terrace by Flats 1 and 2 and balconies with glazed balustrades to rear second and third floor levels; installation of new staircase at first to third floors; alterations to front elevation at ground floor level including wider entrance to residential accommodation and provision of new cycle and bin stores.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above is taken from the Council's decision notice and matches that shown on the appellant's appeal form. This describes the development proposal more comprehensively than the wording on the original application form.
3. In November 2016 the Council adopted a consolidated version of the Westminster City Plan (WCP)¹. This has not altered the wording or numbering of the WCP policies referred to in the Council's reasons for refusal.
4. At the time of my site visit, building works were being carried out to the ground floor and rear of the property such that access to the exterior of the rear of the property was not possible. My decision is based on the submitted evidence and from what I was able to see during the site visit.
5. For the avoidance of doubt I have determined this appeal based on the drawings which are listed on the Council's decision notice.

¹ Westminster City Plan: Consolidated with all changes since November 2013, Revision to Westminster's City Plan. Adopted November 2016

Background and Main Issues

6. The proposed development comprises a number of different elements. The evidence shows that on the same date that the Council refused the proposal which is the subject of this appeal, the Council granted planning permission for a different proposal on the site. The permitted proposal includes a mansard roof extension, use of the first floor as a Class C3 flat; installation of glazed/stainless steel balustrades and decking to flat roof at rear first floor level in connection with use of roof as a roof terrace, alterations to the front elevation at ground floor level including wider entrance to residential accommodation and provision of new cycle and bin stores. Taking this into account, the **main issues** in this appeal are:
- (i) the effect of the proposals on the appearance of the host building;
 - (ii) whether the proposals would preserve or enhance the character or appearance of the Westbourne Conservation Area; and
 - (iii) the effect of the proposals on the living conditions for occupiers of neighbouring properties with particular regard to outlook and privacy.

Reasons

Mansard roof extension

7. The permitted mansard roof extension referred to above does not include a roof top terrace and the front and rear dormers differ in design and materials from the proposal which is before me. However, the permitted scheme confirms that the Council does not oppose a mansard style roof extension in principle.
8. The appeal property lies at the western end of a terrace of some seven properties ("the terrace"). Some of these properties, including the two adjoining buildings to the east of the appeal site have mansard roofs. The terraced properties facing Westbourne Grove share a characteristic fenestration pattern at first, second and third floor levels. Windows diminish in size and embellishment through the rising storeys. Whilst the two dormer windows proposed on the front elevation would align with lower storey windows, they would be taller than those on the floor below. The extent of lead clad dormer over the head of the windows would further draw attention to the size of the proposed windows. The level of the heads and cills of the proposed dormer windows would not align with those of the neighbouring properties to the east.
9. Adjoining the appeal site and occupying the corner site between Westbourne Grove and Chepstow Place is a large building of markedly different design from the terrace. This corner building includes a mansard style roof which incorporates two storeys of windows. The dormers proposed on the front of the appeal property mansard roof do not match the design of the dormers on this corner property. However, as the appeal site clearly forms part of the terrace rather than the corner building, the suggestion that the different style of the proposed dormers would provide a transition between styles is not a convincing justification for the proposal.
10. The main roof line of the mansard would align with that of the terraced property to the east. However, the benefits from filling the apparent gap at roof level would be significantly diminished by the proposed addition of the

glazed stainless steel balustrade which would be clearly visible from street level. Despite the simplicity of the design, the overall height of the roof including the balustrade and the modernity of the design would result in it appearing incongruous in the context of the terrace as a whole.

11. The rear of the appeal property lacks the formality of the front elevation, but nonetheless shares characteristics with the rear elevations of other buildings in the terrace. The proposed fenestration to the rear of the roof extension would fail to reflect these characteristics. The introduction of a large single dormer incorporating glazing of a width and height which would bear no relation to the neighbouring terraced properties to the east.
12. My attention has been drawn to the roof extension at No 115 Westbourne Grove which differs in appearance from those adjacent to the appeal site. I am not provided with details of the planning history of this development and it does not create a precedent of the appeal proposal which I have considered on its own merits.

Rear extension to enclose proposed staircase

13. The proposed staircase extension would be three storeys high, and set on the east side of the rear elevation. Clad in metal panels and with chamfered corners, it would contrast in both style and materials with the existing brick rear elevation of the terrace. Whilst general public views of the extension would be relatively limited, it would be visible from the rear of other properties in the terrace as well as in views from properties in Rede Place at the rear of Chepstow Place. Whilst the design of the extension may draw reference from nearby development at the rear of Chepstow Place, the appeal property clearly relates more closely in terms of its design and appearance to the terrace of which it forms part. As such, the extension would appear out of place.
14. The neighbouring property to the east has three windows and a partially glazed door on the west of the rear elevation. The evidence indicates that the extension has been designed to avoid infringement of the "45 degree" rule. Additional information submitted with the appeal seeks to demonstrate the proposal would not result in unacceptable loss of daylight, sunlight or undue overshadowing, although some assumptions are made regarding the use of rooms in the neighbouring building. Notwithstanding this additional evidence, I note that the rear of the terrace is relatively free from extensions at upper levels. The three storey height of the proposed extension on the boundary would result in it being perceived as overbearing by occupiers of No 123.

Rear balconies

15. Glazed rear balconies are proposed on the upper two existing storeys, together with attendant alterations to the existing windows to create single and double doors onto the balconies.
16. Whilst there are a number of balconies in the vicinity of the appeal site, including those on the developments at the rear of Chepstow Place, those nearest to the site are set behind the face of their respective buildings and do not overlook one another. Whilst I acknowledge that urban developments may result in some compromise with regard to privacy levels and distances, the proposed balconies would result in unacceptable loss of privacy for occupiers of

those parts of 127 – 131 Westbourne Grove/1 Chepstow Place nearest to the appeal site.

Overall assessment

17. The proposed mansard roof would, by reason of the proposed dormers, fenestration and roof terrace, harm the appearance of the host building. With regard to the proposed mansard roof, 'saved' Policy DES6 Unitary Development Plan² (UDP) confirms such extensions may be refused where they adversely affect the character of the building or the unity of a group of buildings.
18. The proposed alterations to the rear of the building would result in the loss of the existing fenestration pattern and a rear extension which in terms of height, design and materials would form a dominant addition to the existing building. Taken together with the proposed roof terrace and large rear dormer, frosted glazed balconies and additional doorways, little would remain of the current character and appearance of the rear of the building.
19. The proposals would therefore harm the appearance of the host building and so would conflict with Policies DES1 of the insofar as they would fail to maintain the character and hierarchy of the existing building and to take account of local character and distinctiveness. The proposal would not comply with those parts of DES5 which require alterations and extensions to not visually dominate the existing building and to reflect the style and details of the existing building including the use of consistent external materials. DES 5 (B) confirms permission may be refused where an extension rises above the penultimate storey of the existing building (excluding roof storeys). Although DES9 permits atypical materials in some circumstances I consider that some of the materials proposed including the metal cladding would not be appropriate in this location.
20. Whilst the appeal site is not a listed building, the Council refute the appellant's evidence which indicates that the appeal property is not worthy of being identified as a non-designated heritage asset. The Council's Conservation Area Audit³ (CAA) refers to the unified townscape which is characteristic of Westbourne meaning that virtually all of the unlisted buildings in it will be deemed to be an unlisted building of merit.
21. The CAA pre-dates the Framework by some years, and therefore does not reflect the terminology of the Framework. The building, and the terrace of which it forms part, does exhibit architectural merit and undoubtedly makes a positive contribution to the conservation area of which it forms part and which is a designated heritage asset. There is a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
22. Although the rear of the appeal property may be less visible in public views than the elevation to Westbourne Grove, the upper part of the rear elevation is visible in some public views and, were vegetation outside the appeal site to be removed, would become more visible. The rear of the building is also visible in views available to occupiers of properties to the south of the site. Appreciation of the character and appearance of conservation areas can be derived from views within dwellings as well as from public viewpoints.

² City Of Westminster: Unitary Development Plan adopted January 2007

³ City of Westminster; Conservation Area Audit 5: Westbourne adopted 20 February 2002

23. The proposals would harm the appearance of the host building and the terrace of which it forms part. The proposals would fail to preserve and so would not enhance the appearance of the conservation area. Paragraph 132 of the Framework makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
24. Although the harm to the conservation area would be less than substantial, this does not mean that the harm would be minor or would not have lasting consequences in this case. There would be some public benefits from the change of use, improvements and enlargements to the residential accommodation associated with the proposed works including the provision of outside space. Cycle storage and improved access arrangements would also be provided. However, there is no evidence to suggest that the proposal before me is the only means of altering this property. The Planning Practice Guidance makes clear that causing the least harm to a heritage asset should be a determining consideration where there is more than one viable use. I find that the public benefits of the proposal are not sufficient to outweigh the harm that would be caused to the conservation area.
25. In addition to the development plan policies referred to above, the proposal would conflict with Policies S25 and S28 of the WCP which require heritage assets including conservation areas to be conserved.
26. I have found there would be harm to living conditions for the occupiers of neighbouring properties. Specifically, there would be harm to the outlook for the occupiers of No 123 Westbourne Grove and harm to the privacy for occupiers of those parts of 127 – 131 Westbourne Grove/1 Chepstow Place nearest to the appeal site. The proposals would therefore conflict with Policy S29 of the WCP which includes resisting proposals that result in an unacceptable material loss of residential amenity. The proposals would also conflict with Policy ENV13 of the UDP which amongst other matters requires developments should not result in a significant increase in the sense of enclosure or overlooking.

Conclusion

27. For the reasons given above and having taken into account all matters raised, I conclude the appeal should be dismissed.

J E Tempest

INSPECTOR