
Appeal Decision

Site visit made on 23 October 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 07 November 2017

Appeal Ref: APP/X5990/W/17/3178996
63c Lisson Street, London NW1 5DA

- 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 Jacob Green against the decision of City of Westminster Council.
 - The application Ref 16/11488/FULL, dated 5 December 2016, was refused by notice dated 13 January 2017.
 - The development proposed is the erection of an additional storey.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the development would add to the demand for on-street car parking in the area.

Reasons

Character and appearance

3. The appeal relates to a mid-terrace Georgian property which currently presents three storeys to the street scene, with additional mansard roof accommodation above. The plan provided by the Council shows that the site lies outside of but immediately adjacent to the Lisson Grove Conservation Area, which is largely characterised by historic terrace buildings of high quality design.
4. There is a mix of architectural styles within the street scene, with varying scale and massing. Nevertheless, the appeal property essentially appears as a complete composition and relates well to and complements the scale of the neighbouring Georgian terraces at 65 and 67 Lisson Street as well as the attractive former Brazen Head public house on the corner with Bell Street, all of which fall within the adjacent Conservation Area.
5. The appeal proposal would significantly alter the proportions of the building by elongating its main façade and introducing a fourth storey mansard roof extension. In contrast to the existing third storey mansard roof, where its lower part is obscured by a parapet wall, the full storey height of the proposed

mansard roof would be visible above the main façade, contrary to the design advice in the Council's 'Roofs: A Guide to Alterations and Extensions on Domestic Buildings'. This would result in a much more dominant and imposing roof form which would appear disproportionally large and out of scale with the storey below, creating a top heavy design and appearance which would be harmful to the architectural composition of the building. Such harm would not be acceptably overcome or mitigated by the use of conditions as suggested.

6. Although falling outside of the Conservation Area, paragraph 132 of the Framework makes clear that great weight should be given to the conservation of designated heritage assets, and to their setting. In this regard the appeal proposal would be clearly seen within views into and out of the Conservation Area. In these views the existing deferential scale and proportions of the building would be lost, with the enlarged building drawing undue attention to itself and creating material harm to the setting of the Conservation Area.
7. I appreciate that the building would remain narrower and lower than the adjacent Bedford House, but this is a building which does not make a positive contribution to the street scene and in my view is not a good example to follow. It clearly interrupts the visual continuity of the main flanking three storey scale of Georgian terrace buildings, and the appeal proposal would significantly increase the extent of this disruption up to the Conservation Area boundary. The existence of Bedford House does not therefore justify compromising the character of the surviving historical buildings further and any benefits arising from obscuring part of the side elevation of Bedford House would not outweigh the harm I have found.
8. In the context of paragraph 134 of the National Planning Policy Framework (the Framework) I would categorise the level of harm to the setting of the Conservation Area as less than substantial. In such circumstances the Framework requires the harm to be weighed against any public benefits associated with the development. I have considered those brought to my attention, including optimising the use of the site to create additional residential accommodation, which the appellant suggests would be high quality, close to public transport, facilities and services. However, these matters do not outweigh the harm I have identified to the street scene and the consequential harm to the character and appearance of the setting to the Conservation Area.
9. I appreciate that the Council's pre-application advice is that an additional floor and replacement mansard roof may be acceptable in design terms and that Planning Practice Guidance (PPG) states¹ that at this stage a prospective applicant should expect a clear, timely, and authoritative view on the merits of a proposed development. However, the PPG also states² that pre-application advice provided cannot pre-empt the democratic decision making process or a particular outcome, in the event that a formal planning application is made.
10. I have noted the appeal decisions referred to by the Council and the comments made by the appellant in relation to the same, but it is a fundamental principle of the planning system that each case is determined on its individual merits, and this is what I have done in this case.

¹ Reference ID: 20-010-20150326

² Reference ID: 20-011-20140306

11. I therefore conclude on this main issue that the proposal would result in material harm to the character and appearance of the host building and the surrounding area. This would be contrary to Policies S25 and S28 of the Westminster City Plan and Saved Policies DES 1, DES 6 and DES 9 of the Westminster Unitary Development Plan (UDP) and to the advice contained within adopted and published Supplementary Planning Guidance, namely 'Roofs: A Guide to Alterations and Extensions on Domestic Buildings' and 'Development and Demolition in Conservation Areas'. These state, amongst other things, that: development should be of the highest standards of sustainable and inclusive urban design and architectural quality; that roof level alterations and extensions may be refused in circumstances including where additional floors would adversely affect either the architectural character of a building or group of buildings and; that development will not be permitted which, although not located within a designated conservation area, might nevertheless have a visibly adverse effect upon the area's recognised special character or appearance.

Car parking

12. The area around the appeal site is covered by a Controlled Parking Zone. No off-street parking provision is proposed.
13. UDP Policy STRA25 aims to ensure control over on and off-street car parking, giving preference to the special requirements of residents, people with disabilities and those essential Central London Activities for which the use of private vehicles is necessary. UDP Policy TRANS 23 states that for any new residential development the Council may take into account the likelihood of additional demand for on-street parking arising from the development. The Council will normally consider there to be a serious deficiency where additional demand would result in 80% or more of available legal on-street parking places being occupied during the day or at night in the vicinity of the development.
14. The Council make reference to their most recent day time survey in 2015, which indicates a parking occupancy of 84 percent within a 200m radius of the site. No evidence is provided by the appellant to dispute this position. The effect of such high demand for limited on-street parking can result in drivers being forced to circulate around an area, 'trawling' for empty spaces, thereby causing unnecessary congestion and environmental pollution. It can also lead to drivers being tempted to park in dangerous or inconvenient locations or having no choice but to park some distance from their homes causing inconvenience especially for elderly and less mobile residents.
15. In such circumstances where the 80 percent threshold is breached, UDP Policy TRANS 23 states that the Council will normally seek to resist development unless the potential impact of additional cars being parked on-street in the vicinity is mitigated. I have noted that the development is proposed to be 'car-free' and given the site's excellent access to public transport facilities it would be suitable in this regard. For this, the appellant contends that the issue of car parking could be resolved by way of condition by restricting the ability of residents to have access to resident parking permits. A suggested condition is presented to this effect.
16. Although the decision notice for planning permission 13/07543/FULL provided by the appellant applies a negative condition requiring measures to mitigate the impact of the development on-street parking demand, I have limited

information of the circumstances of that case and whether such measures were to include the preclusion to apply for a residents parking permit. Moreover, the PPG advises³ that a '*negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases.*' It also states that '*in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk.*' Such exceptional circumstances would not apply to the appeal proposal for a single bed flat.

17. Therefore, in the absence of a planning obligation or other agreement which would preclude future occupants from applying for a parking permit, I cannot be certain that the proposal would not add to the demand for on-street car parking in the area, which would affect people already living in the area. This would be contrary to Saved UDP Policies STRA 25 and TRANS 23.

Conclusion

18. For the reasons explained, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR

³ Reference ID: 21a-010-20140306