
Appeal Decisions

Site visit made on 6 November 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 23 November 2017

Appeal Ref: APP/X5990/W/17/3180009

44 Medway Street, London SW1P 2BB

- 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 and Mrs Fahy against the decision of City of Westminster Council.
 - The application Ref 17/01856/FULL, dated 1 March 2017, was refused by notice dated 27 April 2017.
 - The development proposed is the erection of a single storey rear glazed extension and replacement of existing timber fence with new wall between Nos 44 and 45.
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Appeal Ref: APP/X5990/Y/17/3180010

44 Medway Street, London SW1P 2BB

- 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 and Mrs Fahy against the decision of City of Westminster Council.
 - The application Ref 17/01857/LBC, dated 1 March 2017, was refused by notice dated 27 April 2017.
 - The works proposed are the erection of a single storey rear glazed extension and replacement of existing timber fence with new wall between Nos 44 and 45.
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Decisions

1. The appeals are dismissed.

Preliminary Matter

2. The appellants have submitted an amended scheme with the appeal papers which they have asked to be considered as part of the appeals. The amendment relates to the retention of a greater section of the rear wall of the house and is intended to overcome, at least part of, the Council's objection to the scheme. The '*Procedural Guide, Planning Appeals-England*' makes it clear that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application. It adds that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority. I am also mindful of the fact that, within the scope of a Householder appeal such as this, the local planning authority is not able to submit a response to the appellants' statement and cannot therefore comment on this new matter. With these points in mind, I consider that for me to

include the amendment as part of the appeal would be to deprive the Council of the opportunity to comment on the amendment, which may prejudice their case. Therefore, I shall determine the appeals as they were determined by the local planning authority and I shall not consider the amended scheme.

Main Issue

3. The main issue in these appeals is the effect of the proposed extension on the significance of the listed building and the conservation area.

Reasons

4. The appeal property is a 4 storey end house within this short terrace. It is said to date from 1815-1820, is grade II listed and sits within the Medway Street Conservation Area. The house is of a simple but handsome design and contains numerous interesting original or historic features. Its plan form is very simple, with one room front and rear, repeated on all floors. This layout also exists on the lower ground floor, although it would appear that a slightly wider than normal opening has been formed between the 2 rooms, at one side of the dividing wall.
5. The proposal would result in a glazed extension (apart from small sections of non-glazed roof) at the rear taking up about half of the outdoor space here. The existing dividing wall would be altered so that the opening would be central and wider than currently exists. The existing main rear wall of the house would be removed so that the existing rear room at lower ground floor level would run into the proposed extension.
6. In my judgement the proposal would significantly alter the original and important plan form of the building at the lower ground floor level. The rear room would flow into the proposed extension which would result in a room about twice its original size. In addition, although there is an opening at lower ground floor level between the front and rear rooms, the larger and central opening would emphasize the openness of the space within this floor. The compartmented character would be significantly eroded and altered by the proposal. In terms of hierarchy of rooms/floors, the proposal would result in what would originally have been a lower order floor becoming the largest, with the largest room and perhaps appearing the most important. In my view this would significantly and detrimentally affect the character and significance of the listed building.
7. In relation to the external appearance of the proposal, I note that the supporting text of Policy DES 10 of the City of Westminster Unitary Development Plan 2007 (UDP) states that full width extensions to listed buildings will rarely be acceptable, except in some circumstances at basement level. In my judgement, the proposal is not readily described as being at basement level as it is not wholly or mostly below ground level and, as a result of the proposal the rear of the site would be excavated to match the floor level here. Within the context of the modest rooms and the simple plan form, I consider that the proposed addition would appear unduly large in comparison with the building and would have a harmful effect as a result. The use of a contrasting form and modern materials and appearance would emphasise this effect.

8. There is reference to permission being granted for a conservatory at the property in 1995, although I have not been provided with full details of that scheme. It is also pertinent to note that it was granted some considerable time ago, has long since lapsed and was considered under a different development plan than exists currently. Therefore, I attach limited weight to this matter. Therefore, the proposal would diminish the positive contribution that this building makes to the character and appearance of the conservation area, although I accept that it would be largely hidden from view outside the immediate area.
9. The Council also refer to the loss of historic fabric in their objections. Although it appears that the rear elevation has been the subject of some alterations in the past, it also seems that the complete removal of this part of the rear elevation would involve some loss of historic fabric, which adds to my concerns regarding the proposal.
10. I have taken into account the appellants' intended use of the lower ground floor. However, I consider that this is outweighed by the harm that I envisage. Therefore, I conclude that the proposal would fail to preserve the special architectural and historic interest of the listed building and fail to preserve or enhance the character and appearance of the conservation area. As a result, the proposal would harm the significance of these designated heritage assets and this harm is not outweighed by any public benefits. Consequently, I find that the proposal is contrary to Policies S25 and S28 of the Westminster City Plan 2016, and Policies DES 1 and DES 10 of the UDP.

Conclusion

11. As a result of my findings, the appeals are dismissed.

S T Wood

INSPECTOR