
Appeal Decision

Site visit made on 14 November 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 21 December 2017

Appeal Ref: APP/X5990/W/17/3181777

Flat 3, 88 Tachbrook Street, London SW1V 2NB

- 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 M Terrinoni against the decision of City of Westminster Council.
 - The application Ref 17/01829/FULL, dated 1 March 2017, was refused by notice dated 30 May 2017.
 - The development proposed is installation of roof terrace.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address used in the heading above differs from that used on the application form (Flat A, 88 Tachbrook Street) but is consistent with the address used on the Council's decision notice and on the appeal form submitted by the appellant. I am satisfied from the submitted plans and from my site visit that the site address used in the heading above is the correct one and I have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host building, the wider terrace and the surrounding area.

Reasons

4. The appeal site is located within and on the edge of the Pimlico Conservation Area (CA). The CA covers a large area and the Council's Pimlico Design Guide (PDG) states that the area was developed with stucco-fronted terraces of mid-nineteenth century classical design built along straight streets. It further states that although it has been redeveloped around the edges with modern housing estates, most of the original nineteenth century core of Pimlico still remains. With regard to roof terraces, the PDG states that terraces at roof level are not normally permitted except in locations where permitted precedent has been set.
5. The appeal site comprises a traditional three storey plus lower ground floor and mansard roof Victorian mid terraced property located within a long terrace of similar properties, all of which are within the CA. The majority of properties

along this part of Tachbrook Street have mansard roofs with some variation in their size, position and design. Notwithstanding this variation, the terrace retains a largely consistent appearance. Roof terraces and guard railings do not appear to be a common feature along the street and are not characteristic of the wider terrace or the immediate surrounding area. A modern large scale block of flats of a very different character and incorporating balconies is located on the opposite side of the road outside of the CA.

6. Though the roof terrace and railings would be set back from the edge of the existing mansard roof, having regard to their height and position and the height of the host building and neighbouring buildings, I consider it likely that the railings would be visible from street level from the opposite side of Tachbrook Street and that the terrace and railings would also be visible from the upper floors of surrounding properties. The railings and terrace in such an elevated position would be out of keeping with and harmful to the character and appearance of the host building, the wider terrace and the immediate surrounding area and the proposal would be harmful to the character and appearance of the CA. I do not consider that the existence of more modern buildings of a different character to the CA on the opposite side of the road to the appeal site minimises the harm that would result to the host building, the terrace and the CA.
7. My attention has been drawn by the appellant to the existence of roof terraces and railings elsewhere within the CA, including at 92 Tachbrook Street. However I am unaware of the details or particular circumstances relating to these other sites and as stated, roof terraces and railings are not common features within the area immediately surrounding the site. I have also been provided with a copy of an appeal decision relating to 81 Cumberland Street (Ref APP/X5990/W/15/3070015) where an Inspector granted permission for a roof terrace in the CA. However it appears that this proposal concerned a corner building and not a mid-terrace and that the height and design of nearby terraces were not uniform as is the case with the proposal before me. I have therefore afforded limited weight to the other examples referred to and in any event I must determine the proposal before me on its own merits.
8. In reaching my decision I note that the appellant states that access is required to the roof for maintenance purposes and that he would be willing to position the railings further back by 0.5 metres were I to consider it necessary. Though the proposal would offer the benefit of providing access to the roof for maintenance, this would not outweigh the harm that I have identified and could likely be achieved by a more modest proposal. No amended plans have been submitted with the appeal re-positioning the railings further back and in any event such plans were not before the Council when it made its decision. I have therefore determined the proposal as shown on the submitted plans.
9. I consider that the harm to the significance of the CA that would result from the proposal would be less than substantial. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the CA in accordance with Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Paragraph 134 of the National Planning Policy Framework (the Framework) states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. There

are no public benefits that would result from the proposal and therefore none to outweigh the great weight to be given to the harm to the heritage asset.

10. Taking the above matters into consideration, I conclude that the proposal would fail to preserve the character and appearance of the CA and would not meet the requirements of section 72 of the Act. For the same reasons it would not accord with paragraph 132 of the Framework or with policies S25 and S28 of Westminster's City Plan and policies DES 1, DES 5 and DES 6 of the City of Westminster Unitary Development Plan. These policies seek, amongst other things, to ensure that new development including roof level alterations is of the highest standard of design, reflects the existing building and its immediate surroundings and conserves heritage assets including conservation areas.

Conclusion

11. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR