



Appeal Decision

Site visit made on 25 June 2019 by S Watson BA (Hons) MSc

Decision by R C Kirby BA (Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/X5990/D/19/3226107

58 Lancaster Mews, London, W2 3QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Hayden Nuttall against the decision of City of Westminster Council.
 - The application Ref 18/09257/FULL, dated 18 October 2018, was refused by notice dated 19 February 2019.
 - The application sought planning permission for the demolition of existing mews building behind retained front facade and party walls and reconstruction of mews building over basement, ground, first and second floors, with terrace at rear second floor level without complying with a condition attached to planning permission Ref 18/01851/FULL, dated 6 June 2018.
 - The condition in dispute is No 1 which states that: *The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.*
 - The reason given for the condition is: *For the avoidance of doubt and in the interests of proper planning.*
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing mews building behind retained front facade and party walls and reconstruction of mews building over basement, ground, first and second floors, with terrace at rear second floor level at 58 Lancaster Mews, London, W2 3QG in accordance with the application Ref 18/09257/FULL, dated 18 November 2018, without compliance with condition No 1 previously imposed on planning permission Ref 18/01851/FULL, dated 6 June 2018 and subject to the 11 conditions in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The appellant is seeking the variation of condition No 1 to allow the alteration of the approved plans. It is proposed that the approved three rear dormers would be replaced instead by one single, long dormer across the rear pitch of the roof.
4. The main issue in this case is effect of the proposal on the character and appearance of the existing dwelling and surrounding area, including the Bayswater Conservation Area, having particular regard to the siting and design of the new dormer.

Reasons for the Recommendation

5. The appeal site is part of a terrace in Lancaster Mews, behind Lancaster Gate and Craven Terrace. The site contains a mews dwelling which is connected to neighbouring properties to the north south and west, and is an unlisted building of merit. Lancaster Mews forms a triangle around this block of buildings and is accessed from Craven Terrace which is noticeably higher.
6. The site is within the Bayswater Conservation Area, the *Conservation Area Audit No 6: Bayswater* characterises the area as generally uniform and in the Italianate style. The audit describes Lancaster Mews as a complex area, having the qualities almost of a separate development. In contrast with the tall, grand buildings set on wide streets, Lancaster Mews is a much smaller and quieter place with a simpler, although varied style. I noted from my inspection that the majority of buildings had been altered in more recent times.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework. At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness.
8. Permission has previously been granted for the demolition and rebuilding of the dwelling, retaining only the original front elevation. The permission included the formation of three dormers on the rear facing roof pitch and a roof terrace. The appeal before me relates to an amendment which proposes a single, long dormer. The amended scheme would be of a similar height and position on the roof to the approved scheme.
9. Due to the close, enclosed nature of the mews development of which the host property forms part, the roofscape is largely hidden, except for those features which project forward of the roof plane, such as firewalls and front facing dormer windows. The pitched roofs are angled out of most views at street level. Given the location of the new dormer at the rear of the site within a sheltered location below the ridge lines and firewalls of the surrounding buildings, it would be screened from public views and would not be visually intrusive in the street scene.

10. While the dormer would be larger than the previously approved scheme, and in a relatively modern design, it would be read against the mix of roof types which create the roofscape of Lancaster Mews. Private views of the proposal would be at distance and the proposal would be unlikely to have a significantly greater impact than the previously approved dormers upon the roof, being largely screened by the existing surrounding development. Furthermore, the use of lead cladding would soften its appearance and tie it in to the slate roof of the property. The proposal would not unacceptably alter the character of this unlisted building of merit or the contribution it makes to the locality or conservation area.
11. Given my findings, I conclude that the proposal would not have an unacceptable impact on the character and appearance of the existing building or the surrounding area. It would have a neutral impact on the character and appearance of the Bayswater Conservation Area and would therefore preserve it. The proposal would therefore comply with Policies S25 and S28 of the Westminster City Plan 2016 and Policies DES 1, DES 6 and DES 9 of the Unitary Development Plan 2007 which collectively seek sustainable and inclusive design that respects Westminster's heritage and local distinctiveness.

Other Considerations

12. While I note that the proposal was amended during the application process for the extant, original, permission (18/01851/FULL), this does not affect the proposal before me or the determination of this appeal, which I have considered on its merits.

Conclusion and Conditions

13. In light of the foregoing I consider that the requirement to undertake the development in accordance with the previously approved details is not necessary to protect the character and appearance of the host property and area in general, including the significance of the Bayswater Conservation Area. The revised design of the scheme would not conflict with the development plan for the reasons set out above. I have therefore altered the wording of the disputed condition to reflect the revised drawings.
14. I have considered the conditions attached to the original permission (18/01851/FULL) against the advice on conditions set out in the National Planning Policy Framework and the Planning Policy Guidance. I have amended some of the suggested wording to reflect this advice.
15. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

Recommendation

16. For the reasons given above I recommend that the appeal should be allowed. I shall vary the planning permission by deleting the disputed condition and substitute it with an amended condition No 1 to reflect the plans showing the new dormer.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

R C Kirby

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the 6 June 2018.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed: 17-1051-LOC; 17-1051-010; 17-1051-011; 17-1051-012; 17-1051-013; 17-1051-020; 17- 1051-021; 17-1051-022; 17-1051-030; 17-1051-031; 17-1051-109; 17-1051-110; 17-1051-111; 17-1051-112 Rev C; 17-1051-113 Rev C; 17-1051-120 Rev D; 17-1051-121 Rev B; 17-1051-122 Rev B; 17-1051-130 Rev B; 17-1051-131 Rev B; 17- 1051-132 Rev A; Daylight and Sunlight Report; Design and Access Statement; Roof Condition Report.
- 3) Except for piling, excavation and demolition work, any building work which can be heard at the boundary of the site must be carried out:
 - only between 08:00 and 18:00 Monday to Friday;
 - between 08:00 and 13:00 on Saturday; and
 - not at all on Sunday, bank holidays and public holidays.Piling, excavation and demolition work must be carried out:
 - only between 08:00 and 18:00 Monday to Friday; and
 - not at all on Saturday, Sunday, bank holidays and public holidays.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall demonstrate how the proposal would comply with the Council's Code of Construction Practice. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) Details of permanent waste and recycling storage areas within the site shall be submitted to and agreed by the Local Planning Authority in writing, prior to the creation of the waste and recycling areas. The stores for waste and recyclable materials shall then be provided in accordance with these details and made permanently available for this purpose prior to the first occupation of the development.
- 6) Other than where external materials, method of construction and finishes have been referred to in the approved plans, all work to the outside of the building associated with the hereby approved dormers shall match the existing, original work in terms of materials, construction and finished appearance.
- 7) The pitched roof hereby approved shall be clad in natural slates, and the fascia, roof and cheeks of the hereby approved dormers shall be clad in lead.

- 8) All new windows and doors on the front elevation, and on the rear elevation at second floor level must be formed of painted timber and, any sash windows must comprise vertically sliding timber sashes.
- 9) The roof area between the cable balustrade and lightwell, as shown on drawing No 17-1051-112 rev C, of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
- 10) The hereby approved cycle parking spaces shown on the approved drawings shall be provided prior to first occupation of the development . Thereafter the cycle spaces shall be retained, and the space used for no other purpose.
- 11) The first floor windows facing onto the internal lightwell and serving the hall and 'guest room' as shown on plan No 17-1051-111 shall not be installed until a sample (at least 300mm²) of the fixed, obscured glazing has first been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be installed prior to the first occupation of the development. Thereafter, the windows shall be permanently fixed shut and obscure glazed in accordance with the approved plans.