
Appeal Decision

Site visit undertaken on 10 July 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 9 August 2019

Appeal Ref: APP/X5990/W/19/3224829

Garden Flat, 105A Hamilton Terrace, London NW8 9QY

- 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 Osman Shafi against the decision of the City of Westminster Council.
 - The application, ref. 18/09506/FULL, dated 7 November 2018, was refused by notice dated 20 February 2019.
 - The development proposed is the Erection of single storey rear extension at lower ground floor level, installation of new windows, replacement of existing windows and front door and security railings to side elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of the proposal from the appellant's appeal form which corresponds with the description on the Council's Decision Notice as this more accurately describes the proposed development.

Main issue

3. The main issue is the effect of the proposed development upon the character and appearance of the building and the locality, with particular regard to the St John's Wood Conservation Area (CA).

Reasons

Character and appearance, including the St. John's Wood CA

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in respect of development affecting conservation areas, states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area.
5. The CA's significance is highlighted in the St. John's Wood CA Audit, where relevant components of the significance in relation to the appeal site relate to the development of large detached and semi-detached villas, which combine to create a formal picturesque townscape where classical architecture predominates. Many of the dwellings are set within generous gardens, with open gaps providing glimpses between buildings to trees and

greenery beyond. Hamilton Terrace is noted as being particularly wide and having the grandest character of the CA with design and depths of plots, with some of the designs of the buildings being influenced by Nash's Regent's Park.

6. The actual details of the architecture are also discussed in the CA audit with the most prevalent shape of window being rectangular but in the south of the area and in particular Hamilton Terrace, round-headed windows appear more frequently. Bay windows are found in buildings of all styles, although these are most prevalent in later villas and terraces. The appeal site is also noted within the CA audit as an 'Unlisted Building of Merit' which would take the designation of a non-designated Heritage Asset as per paragraph 197 of the National Planning Policy Framework (the Framework). Whilst not appraising each building, the general reasoning given by the CA audit for such designation is due to the building's *'value within the townscape, their architectural qualities or local historical and cultural associations.'*
7. The appeal property makes up the lower ground floor and rear garden of the larger Villa property, however the entire building taken as a whole displays a number of positive qualities of significance to the CA, being a high quality and large detached building which was constructed as one of the original buildings of the grand boulevard of Hamilton Terrace. The appeal property maintains a large vegetated rear garden and possesses largely original and authentic high quality design and detailing, large setbacks from property boundaries, and tall boundary walls. Architectural detailing such as the canted bay window to the rear, balconies and original fenestration, symmetry and classical detailing are other important architectural features which are retained in this building which are positive attributes to the architectural authenticity of the building and the greater character and appearance of the CA.
8. I note the submission by the appellant of a number of planning decisions and appeal decisions for rear extensions to properties along Hamilton Terrace which intend on demonstrating a precedent for allowing extensions to the rear. It is acknowledged that there are a number of rear extensions to properties along Hamilton Terrace, however it is noted that in each of the cases, whilst they are not exactly the same as the appeal site, that they have each been designed in order to adapt to the style and architectural authenticity and detailing of the host building. Whilst designs may appear similar to the appeal proposal in terms of width, height and visual appearance, they must provide an appropriate relationship to the host building, all of which have their own specific constraints and architectural detailing.
9. Whilst a contemporary extension to a historic building such as the appeal site can be an appropriate and honest approach which distinguishes the new from the old, it must be undertaken with an appreciation of the design, authenticity and architectural elements of the host building. The proposal would result in an extensive loss of historic fabric such as the canted bay window and rear wall to the lower ground floor, and would result in an uncomfortable relationship to the balcony above which would no longer project from the rear façade, but have a poor separation and instead appear amalgamated with the proposed extension.

10. The proposed windows to either side of the flank walls are also quite poorly related to the existing building in terms of their elongated appearance with different widths and heights and pastiche soldier course lintels above which together bear no relationship to the existing form and architectural detailing of the building. In this particular building, symmetry and the remaining original architectural elements are key components of the building's architectural authenticity and character which make a positive contribution to the experience of the building and the CA which can be from both a private or public realm.
11. Whilst I agree that the depth of the extension which has a green roof would still enable a large rear garden to predominate, the overall width, size and relationship of the extension to the existing building is problematic and, in my opinion, would cause harm to the architectural authenticity of the existing building and the character and appearance of the CA.
12. Consequently, the proposal would be contrary to S25 of Westminster's City Plan 2016 (WCP) (which seeks to recognise the greater historic environment and conserve heritage assets); Policy S28 of the WCP (which seeks design of new development to respect Westminster's heritage and local distinctiveness; Policy DES 5 of the Unitary Development Plan 2007 (which amongst a number of principles, seeks that development show careful attention to definition and scale); Policy DES 9 of the UDP (which amongst a number of criterion, seeks the successful integration of new development such as detailing, scale and massing; and Policy DES 1 of the UDP (which sets design principles which should reflect the character, urban grain, scale and hierarchy of existing buildings.
13. I therefore disagree with the appellant's Statement of Case and Heritage Appeal Statement¹ that 'no harm' would be caused. Although serious, the harm to the CA in this case would be 'less than substantial,' within the meaning of the term in paragraph 196 of the Framework. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
14. Furthermore, in accordance with paragraph 197 of the Framework, I afford weight to this identified harm to the non-designated heritage asset as part of this determination.
15. I note that the benefits of the scheme would relate to the development of small sites and making effective use of urban land. The proposal would also deliver larger residential accommodation, as well as result in short term employment opportunities in the construction of the extension, and the contribution to local expenditure from future occupiers. However, these benefits may also be present in a more appropriately designed scheme.
16. That said, I therefore find that there are no public benefits that would outweigh the harm to the CA. The scheme therefore conflicts with the Framework, which directs, at paragraph 193, 'that great weight should be

¹ Heritage Appeal Statement – 105A Hamilton Terrace, By Bidwells, Dated March 2019

given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance'.

17. To summarise, I consider the proposed development would cause less than substantial harm to the significance of the CA as well as causing harm to a non-designated heritage asset. It has not been shown that public benefits would outweigh this harm and so the proposal would conflict with Policies S25 and S28 of the WCP, and Policies DES1, DES 5 and DES9 UDP; and National Planning Policy in the Framework.

Conclusions

18. For the reasons given above the appeal is dismissed.

J Somers

INSPECTOR