

Appeal Decision

Site visit made on 30 July 2019

by G Powys Jones MSc FRTPI

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

Decision date: 13th August 2019

Appeal Ref: APP/X5990/D/19/3230360

26 Montpelier Place, London, SW7 1HW

- 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 Timothy Demchenko against the decision of the City of Westminster Council.
 - The application Ref 19/01759/FULL, dated 6 March 2019, was refused by notice dated 2 May 2019.
 - The development proposed is infill of existing lightwell to rear elevation to create additional accommodation at first and second floor levels and replacement of railings to existing roof terrace.
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Decision

1. The appeal is allowed and planning permission is granted for infill of existing lightwell to rear elevation to create additional accommodation at first and second floor levels and replacement of railings to existing roof terrace at 26 Montpelier Place, London, SW7 1HW in accordance with the terms of the application, Ref 19/01759/FULL, dated 6 March 2019, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. The appeal property is located within the Knightsbridge Conservation Area (CA) and is adjacent to a terrace of properties, 1-6 Sterling Street, which is listed as being of special architectural or historic interest (*Grade II*). The Council's Audit and Management Proposals for the CA, a Supplementary Planning Document (The Audit), identifies the appeal property as an unlisted building of merit.
3. The Council has not objected to the replacement of the railings at roof level, and I see no reason to object either.

Main issues

4. The main issues are the effect of the proposals on the host property's appearance and the setting of the listed building (LB), and whether the character or appearance of the CA would be preserved or enhanced.

Reasons

5. The appeal property is a terraced dwelling comprised within the densely developed heart of the CA. The Council's principal concerns are two fold. Firstly, the rear elevation of the appeal and adjacent properties is characterised by an established pattern of what the Council describes as closet wings, or protrusions. Although some infilling of the spaces between them has taken place at low level, the closet wings, in the Council's view, are still perceived as
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subsidiary elements to the main terrace, an arrangement that contributes to the character and appearance of the CA. The infill development proposed, in the Council's view, would result in harm in that '*..the closet wing's functioning as a subsidiary element to the main house would be lost and the closet wing and its infill would no longer be legible as two separate entities/phases of development.*'

6. Secondly, the Council considers the mansard treatment proposed to the infill to be a non-traditional and uncharacteristic form. It is claimed that the proposed roof level alterations to the closet wing would be visually intrusive in private views from surrounding properties and the alterations at roof level would alter the roofline of this building, not only resulting in harm to the host building but in harm to the character and appearance (visual amenity) of the conservation area and the setting of the adjacent listed buildings.
7. As part of a scheme to improve the amount and standard of his family's accommodation the appellant, as well as making internal alterations, proposes infilling the space between one of the property's two closet wings and the adjacent properties of 1 Sterling Street and 25 Montpelier Place. Given that the space is secluded, being tucked away in a corner between buildings it has, in my view, no inherent townscape value.
8. Moreover, I have not been provided with persuasive reasons that encourage me to share the Council's enthusiasm as to the architectural or townscape significance of the property's rear protrusions, such so as to warrant their preservation. In any event, one of the property's protrusions would remain intact and the proposed development would be well screened by extant structures. Taking account of its height, the proposal would remain subservient to surrounding buildings, and would not materially affect and certainly not harm the principal rooflines seen locally.
9. The Council's objection to the mansard form of the proposal's roof is not justified. This is a characteristic form of development in the locality, as is amply demonstrated in The Audit¹ and as seen at my site visit. The development would not be discernible in the public realm, and it would thus have no effect upon it. Whilst a handful of local residents would perceive changes when viewing the development from their rear windows, the changes would not be significant and what they would see, in my view, would be well designed and visually acceptable.
10. Whilst development would take place adjoining and at the rear of a terrace of listed buildings, I note from the listing description that the architectural or historic interest is derived from the terrace's appearance as it affects the public realm. The development would have no effect whatever on this aspect, and on balance, I conclude that the setting of the listed terrace, whilst slightly affected at the rear, would not be harmed.
11. I therefore conclude that the development would not prove harmful to the appearance of the host property or the visual amenities of the CA so that its character and appearance would be preserved. The setting of the adjacent listed building would not be harmed. Accordingly, no conflict arises with those provisions of policies S25 and S28 of Westminster's City Plan and policies DES1, DES 5, DES 9 of the Council's Unitary Development Plan, directed to

¹ Fig 75 – Roof Profiles in the Conservation Area

achieving high quality design and to protecting the area's heritage assets from inappropriate development.

Conditions

12. The Council has suggested the imposition of several conditions. One is necessary, in the interests of certainty, to ensure that the development is carried out in accordance with the approved plans. The suggested condition relating to external materials is necessary in the interests of visual amenity as, for the same reason, is the Council's requested condition of more detailed information in relation to openings and the replacement railings.
13. So as to protect neighbouring residents from noise and nuisance during the evenings, night and week-ends, a condition limiting the times when construction activities may take place is imposed, albeit that it takes a different form to the one suggested by the Council

Other matters

14. All other matters raised in the representations have been taken into account, including the comments made by local residents and the Knightsbridge Association. I have already dealt with most of the planning-related comments raised. In terms of comments made as to effects on privacy, I note that the officer report dealt with this aspect at length. I share the officer assessment that the development would not materially affect neighbouring living conditions, for the same reasons.
15. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 100; 101; 150; 200; 201; 202; 250 Rev B; 251 Rev B; 252 Rev B; 300; 301; 302; 350 Rev A; 351 Rev A; 352 Rev A; 400; 401; 402; 450 Rev A; 451 Rev A & 452 Rev A.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
4. Prior to their insertion detailed drawings of the following features of the development shall be submitted to the Local Planning Authority for its approval, in writing:
 - i) New windows, elevation scaled 1:10 and section scaled 1:5.
 - ii) Replacement railing to roof terrace, elevation scaled 1:10, section scaled 1:5 and plan showing exact position of railings.

5. No building works which can be heard at the boundaries of the site shall be carried out:
- outside the hours of 08.00 and 18.00 Monday to Friday;
 - outside the hours of 08.00 and 13.00 on Saturday;
 - at any time on Sundays, bank holidays and public holidays.