

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: 14th August 2019

Appeal Ref: APP/X5990/D/19/3228416

81 Hamilton Terrace, London, NW8 9QX

- 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 William Fattal against the decision of the City of Westminster Council.
 - The application Ref 18/09983/FULL, dated 21 November 2018, was refused by notice dated 14 February 2019.
 - The development proposed is a single-storey ground floor extension to the rear of the property; a replacement wrought iron stair and additional Italianate columns at garden level.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey ground floor extension to the rear of the property; a replacement wrought iron stair and additional Italianate columns at garden level at 81 Hamilton Terrace, London, NW8 9QX in accordance with the terms of the application Ref 18/09983/FULL, dated 21 November 2018, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. Reference has been made to the planning history of the site, including several appeals determined in 1992¹, 1998² and 2018³ respectively. The planning history of the site is material to my considerations, attracting due weight.
3. The appeal property is located within the St. John's Wood Conservation Area (CA).

Main issues

4. The main issues are the effect of the proposals on the host property's appearance and whether the character or appearance of the CA would be preserved or enhanced.

Reasons

5. The appellant says that attempts have been made in this design to address some of the comments raised by the Inspector conducting the most recent appeal, most notably in reducing the bulk of the structure by removing the

¹ APP/X5990/E/91/807984/P7 & A/91/186744/P7, dated 6 July 1992

² APP/X5990/A/97/284049 & A/97/288227, dated 22 April 1998

³ APP/X5990/D/18/3199880, dated 22 June 2018

lower ground accommodation previously proposed, and by adopting a different treatment to openings. The Council acknowledges this to be the case in part, but nevertheless considers the amended scheme to be unacceptable on several grounds, of which the principal reasons are précised below.

6. Although the extension is now limited to ground level the Council, in view of its width and depth, considers this an excessively large extension projecting well beyond the rear building line of the building. Its bulk is considered wholly excessive, failing to be subordinate in the context of the host property.
7. The Council claims that the position of the extension, set at ground floor level and overhanging the lower ground floor level below, is considered extremely poor in terms of how it integrates with the composition of the main building. It says that *'..the composition of the rear elevations to mid-19th century buildings such as this, is formed by a restrained character with in this case the rendered base and exposed brickwork above, with simply detailed window openings and little elaboration in design giving a balanced and restrained character to the building.'*
8. Further, the Council considers that the extension's design is such that it would fail to marry properly with the tall bay feature at the rear of the building. It says that the bay structure would be largely visually truncated by the extension proposed, *'..giving it an awkward poorly integrated appearance'*.
9. Whilst the Council describes the host property as a mid 19th century building, the planning history shows that it has been subject to significant modification and alteration, the most dramatic of which came just over a quarter of a century ago. At that time, an additional floor was added to the property, a new roof was put in place and a substantial extension⁴ built at the side. These modifications were opposed by the Council at a public inquiry, with the support of English Heritage. Clearly, as I saw, the Inspector's positive perception of the proposals in the context of the CA designation has stood the test of time; additionally, the Council now apparently treats the development permitted in a favourable light.
10. More recently, in 1998, permission was forthcoming, again on appeal, for a covered swimming pool to serve No 81. This projects well beyond the main rear elevation, and was said at the time to be of an unacceptable design and to go against the grain of other established development. Yet it now looks perfectly acceptable in its context.
11. Significant recent changes have also taken place next door. There, at No 85, a two storey dwelling was demolished to make way for a significantly higher and bulkier replacement. The shape of the rear protrusion's profile seen at ground and lower ground level of the new dwelling is one that the appellant seeks to replicate. In recommending the grant of planning permission for this development about 5 years ago I note that officers complemented the contemporary design of the lower floor protrusion which they said would be read as a coherent addition to the rest of the new villa buildings. I do not disagree.
12. I take a similar view here. Unlike the Council, I do not regard the proposed extension as an example of poor design. On the contrary, its horizontal emphasis would pleasantly and acceptably contrast with the overall verticality

⁴ Two storey at the front, three storey at the rear.

of the host property. Viewed from the rear the extension would be perceived as a subordinate, light and elevated structure apparently floating above the spacious rear garden, albeit resting on slender pillars. It would be perceived as a striking and impressive addition to those who could see it at the rear, who would be few – limited to the appellant and his family, and immediate neighbours - none of whom have objected. The detailing of the openings takes its cues from the host property, and I find them proportionate and acceptable. The detailed treatment of the junctions with the rear bay is far preferable to that put before the previous Inspector, and is considered acceptable.

13. Turning to the wider scene, the parties agree that views of the extension would be limited to the rear. I regard this as significant since I share the 1992 Inspector's opinion that the attractive character and appearance of this part of the CA stems from the width of the street, its mature street trees and the impressive scale and design of the villas fronting the street. The proposed extension would have no effect on the extant vistas obtained north and south along Hamilton Terrace.
14. To the rear, views into the site are limited and materially affected by the screening afforded by the abundant trees and vegetation apparent in local gardens. Where glimpses of the development would be seen from a few adjacent dwellings and gardens that seen, as has already been explained, would prove visually pleasant.
15. Conservation is an active process of maintenance and managing change⁵. As the planning history amply demonstrates, significant changes have taken place relatively recently at the appeal property and alongside it, which I regard as examples of the successful management of change within the CA. In allowing this appeal, another chapter is added to the local management of change, which I am confident will also successfully stand the test of time.
16. I therefore conclude that the proposal would sit acceptably in its visual and spatial contexts without harming the character and appearance of the host property or the wider CA. The CA's character and appearance would thus be preserved. Accordingly, no conflict arises with those provisions of policies S25 and S28 of Westminster's City Plan and policies DES 5, DES 9 and DES 1 of the Council's Unitary Development Plan directed to achieving high quality design and the protection of the area's heritage assets from inappropriate development.

Conditions

17. The Council's suggested conditions have been considered. A condition in respect of materials is imposed in the interests of visual amenity. For the avoidance of doubt it is also necessary that the development be carried out in accordance with the approved plans.
18. In the interest of protecting neighbouring privacy I shall also impose a condition to restrict the use of the roof of the extension, as suggested by the Council, albeit that it is worded differently.

Other matters

⁵ Planning Practice Guidance (Rev 2019).

19. All other matters raised in the representations have been taken into account, including the references to the Council's CA Audit and the comments made by the St John's Wood Society. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.
20. Accordingly, for the reasons set out above, the appeal is allowed.

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. OS-01; EP-00; EP-01; EP-02; EP-05; EE-08; ES-11; AP-01; AP-02; AP-03 Rev A; AP-04; AE-01; AE-02 Rev A; AE-03 Rev A & AS-01 Rev A.
4. No use shall be made of the roof of the extension, hereby permitted, other than for emergency purposes as a means of escape or for occasional building maintenance.