



Appeal Decision

Site visit made on 5 August 2019

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2019

Appeal Ref: APP/X5990/W/19/3229526

7 Hereford Road London W2 4AB

- 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 Marc James, D E James & Son Ltd against the decision of Westminster City Council.
 - The application Ref 18/07745/FULL, dated 7 September 2018, was refused by notice dated 12 February 2019.
 - The development proposed is partial change of use from Class A1 shop to Class C3 Residential to the Lower Ground Floor Rear Storage Space Associated with the Existing Shop, Demolition of Existing Single Storey Rear Projection, Erection of Part Two Storey & Part Single Storey Rear Extension with Associated Courtyard Garden/Lightwell & Related Alteration Works to Provide a Self-Contained Residential Unit in the Form of a Two Bedroom Duplex.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would preserve or enhance the character or appearance of the conservation area, and;
 - The effect of the development on the living conditions of neighbouring residents.

Reason

Character and appearance of conservation area

3. The appeal property on the west side of Hereford Road is a four-storey building of Victorian origin positioned within a terrace of retail, restaurants and commercial uses at ground floor. The upper floors are converted into flats. A small single storey extension at the rear of the ground floor shop leads into the garden and directly behind the application site is the mews development of Rede Place. The site is located within the Bayswater Conservation Area and the prevailing character consists of towering mansion flats, grand Italianate style property, stucco facing frontages and square patterns of development. It is from such architectural features that the significance of the conservation area derives.

4. At the ground floor of the property, apart from the small extension, the remainder of the original rear garden remains free from development and is contained by high walls. Infilling has previously occurred within the gardens of neighbouring properties. The rear extension would be demolished to accommodate the development, encompassing the majority of the garden apart from a courtyard that provides outdoor space and light to the internal rooms. The part first-floor extension would sit directly above the majority of the ground floor element and projects from the first floor at the rear of the host building. The rear elevation of the appeal property has been altered with window openings changed but it still retains a number of timber sliding sash windows and the original fenestration pattern can clearly be read. This fenestration lends character to the building and contributes to the architectural merit of the original terrace.
5. Section 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* as amended requires that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. In assessing the development at the height proposed, extending more than one third the way up the rear elevation of the host building with a long projection, I consider the scale and mass of the development would dominate the rear of the building. As a result it would materially harm what remains of the historic integrity of the terrace.
6. I therefore consider that the proposal would fail to preserve or enhance the character or appearance of the conservation area. It would therefore result in less than substantial harm to the conservation area as a designated heritage asset. No public benefits have been cited by the appellant as per Paragraph 196 of the Framework to outweigh this harm. I therefore conclude the proposal would not accord with Policies S25 and S28 of *Westminster's City Plan 2016* (WCP), and Policies DES 1, DES 5 and DES 9 of the *Westminster Unitary Development Plan 2007* (UDP) which amongst other aims, seek to protect the historic environment.
7. I have taken into account the residential development within the rear gardens at the neighbouring properties of 9 and 11 Hereford Road and the appeal decision associated with 11 Hereford Roadⁱ. Whilst a large amount of development has occurred within gardens along the terrace, this has principally been confined to the ground floor level and a limited amount has occurred at first-floor level. This does not directly compare the appeal site to the neighbouring developments at 9 and 11 Hereford Road as the first-floor levels are physically detached from the rear of the host building and abut the parapet wall of Rede Place. Regardless of what development has gone before, I am nevertheless of the view that the proposed development would neither preserve or enhance the character or appearance of the CA.

Living conditions

8. To the rear of 10 Rede Place one window directly faces the rear elevation of the appeal site and I am aware of the occupier's comments in respect of the appeal development. Although the proposed first-floor element is set in from the boundary wall, the outlook from this window would be obstructed by the first-floor level. Due to its height and short distance away from this window, this relationship would result in the outlook from this window becoming significantly compromised as the development would be visually intrusive and lead to a

heightened sense of enclosure, harming the living conditions of the occupants of this dwelling.

9. The appellant has drawn my attention to the Inspector's decision at 11 Hereford Road in respect of intervening distances as they consider this to be a direct comparison to the appeal site. However, I do not consider the appeal site and 10 Rede Place to be directly comparable as the house types and form differ, the layout of development is different, as well as relationship between the sites. I have based my assessment on the circumstances before me to which I consider the development does not meet the objectives of policy S29 of the *Westminster's City Plan 2016* to uphold residential amenity levels.

Conclusion

10. I have considered the arguments put forward by the appellant, however these do not justify allowing the scheme in light of the harm I have identified. For the reasons given, having regard to all other matters raised, I conclude that the appeal should be dismissed.

Alison Scott

INSPECTOR

ⁱ APP/X5990/W/15/3130432