



Appeal Decisions

Site visit made on 12 August 2019

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State

Decision date: 6 September 2019

Appeal Ref: APP/X5990/F/18/3209970

84b Carlton Hill, St John's Wood, NW8 0ER

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs F Silver against a listed building enforcement notice issued by City of Westminster Council.
 - The enforcement notice was issued on 31 August 2018.
 - The contravention of listed building control alleged in the notice is the removal of the internal wall/doorway at ground floor level, and the installation of fenestration to the north facing elevation of the ground floor rear extension which does not accord with the consents granted on 23 April 2013 (ref 13/00485/FULL and 13/00486/LBC) but accords with the plans attached to the refused consents dated 28 March 2017 (ref 16/11461/FULL and 16/11460/LBC).
 - The requirements of the notice are a) remove the double glazed, sliding folding doors installed on the rear extension and b) rebuild the north facing wall of the ground floor rear extension so that it matches the detailed design shown on the approved drawing numbers (BL/Carlton/2013/01revC and BL/Carlton/2013/07revC attached to planning permission and listed building consent granted on 23 April 2013 (ref 13/00485/FULL and 13/00486/LBC), to include (i) the two central brick and rendered piers shown in the approved plan and elevation drawings (Plan nos BL/Carlton/2013/01 rev C and BL/Carlton/2013/07revC) and (ii) timber framed, single glazed fenestration with fan lights above to match the detailed design and size of the fenestration shown in approved elevation drawing (plan no BL/Carlton/2013/07 rev C and C) reinstate the internal wall/doorway at ground floor level, shown highlighted in red on the approved plan (plan no BL/Carlton/2013/02revC attached to planning permission and listed building consent granted on 23 April 2013 (ref 13/00485/FULL and 13/00486/LBC) and is also highlighted in red in photo B attached to the enforcement notice, in materials and detailing to match the existing fabric of the building.
 - The period for compliance with the requirements is 6 months.
 - The appeal is made on the grounds set out in section 39(1)(a) (e) and (j) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
-

Appeal Ref: APP/X5990/C/18/3209970

84b Carlton Hill, St John's Wood, NW8 0ER

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs F Silver against an enforcement notice issued by City of Westminster Council.
- The enforcement notice was issued on 27 July 2018.
- The breach of planning control as alleged in the notice is failure to comply, since the date of the permission, with extant conditions 4 & 5 attached to the planning permission dated 28 March 2017 (Ref 16/11456/FULL).
- The requirements of the notice are a) install the sedum roof covering on the ground floor rear extension, in the area outlined/highlighted in red on the approved plan (plan

no 2009-01-A3-181 Rev F) attached to planning permission dated 29 March 2017 (Ref 16/11456/FULL) and shown highlighted in blue on photograph C of the enforcement notice and b) remove the slate tiles from the pitch roof above the side extension as highlighted in yellow on the approved plan (plan no 2009-01-A3-181 Rev F) attached to planning permission dated 29 March 2017 (Ref 16/11456/FULL) and as highlighted in red on photograph D of the enforcement notice and replace with natural slate tiles.

- The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) & (g) of the Town and Country Planning Act 1990 as amended.
-

Decision

Appeal A

1. The appeal is allowed, listed building consent granted for and the enforcement notice quashed.

Appeal B

2. The appeal is dismissed and the enforcement notice upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Reasons

Appeal A

Ground (a)

3. The appeal building is grade II listed identified in the description as detached house built in the mid 19th Century of gault brick, stucco and slate pitched roof. It is of an irregular composition with 2 storeys, an attic and basement with a 4 storey tower. I consider that its significance and architectural and historic interest relates to its age, design, materials and detailing. The St John's Wood Conservation Area represents the first example of suburban residential development in inner London, having been built around 1825. There were individual villas as well as the more usual terraces, which represented a departure from the more dense urban development more usual at the time. The significance and special interest of the conservation area relates to the layout of the streets and the individual buildings in the area, and the appeal building is a good representation of a villa style house.
4. I appreciate that the building has been altered and extended over the years and converted into flats. This has inevitably changed the listed building, but that is part of its history and interest. The building remains a fine example of the period and makes a significant contribution to the character and appearance of the conservation area. The evidence submitted and the changes that have occurred do not indicate that the building should not be listed. The listing includes the whole building internally and externally. Naturally changes that have occurred will be taken into consideration in determination of the appeal, but I consider that it remains of architectural and historic interest. The appeal on ground (a) fails.

Ground (e)

Internal wall/doorway

5. Changes have been made to the building at various times. A significant change is the addition of the side extension that now forms a major part of 84b, and the sub-division of the building into flats. The consequence of this is that the extension not only extends the plan form, but also the changes to form the flats have split the floor plans up. A particularly odd aspect is the way that 84b has been extended partially into the older part of the building. I accept as the Council identifies, that some of the plan form affected is that of the older part of the building. However, in the vicinity of the wall that has been removed, the small room that remains (if the wall were not removed) would not be particularly representative of the original plan form, as it has been cut off from the older part of the building by the flat sub-division, and from the logical part to which it should directly associate. I therefore do not consider that the plan form in this particular position, because of the past sub-division makes a material contribution to the significance and architectural and historic interest of the building. There has been a small loss of historic fabric, but overall I consider that the impact of the work is negligible. I therefore consider that listed building consent should be granted for the removal of the wall/door.

Glazed opening

6. Permission has been granted for a large flat roofed extension which was designed with a large area of glazing, albeit that this was divided up into three sections and the openings were intended to mimic the first floor French window. However, while that was the case it is clear that this extension was not designed to respect the original period and design characteristics and detailing of the original house. A basic difference is that the original house elevations are mainly masonry with windows inset, while the new extension as permitted was mainly (French) windows with small amounts of masonry structure. The fact that the windows approved are of a different design does not make the flat roof extension appear anything other than a modern addition. I therefore do not consider that the change to the glazing with wider piers at the end makes any noticeable difference to the modern nature of the structure as permitted and it has no additional impact to that permitted. I therefore consider that listed building consent should be granted for the installation of fenestration to the north facing elevation of the ground floor rear extension. The appeal succeeds on ground (e).
7. I therefore do not need to go on and consider ground (j).

Appeal B

Ground (a)

8. Condition 4 of the planning permission stated you must provide the following bio-diversity features before you start to use any part of the development, as set out in your application – green roof to rear extension, and you must not remove any of these features. The reason for condition 4 was to increase bio-diversity of the environment as set out in S38 of the Westminster City Plan (November 2016) and ENV17 of the Unitary Development Plan adopted in January 2007.
9. Condition 5 noted that within 3 months of the date of this permission, you must replace the slate tiles of the pitched roof above the side extension with natural slate. These must then be retained in that condition thereafter. The reason is to make sure that the appearance of the building is suitable and that

it contributes to the character and appearance of this part of the conservation area. This is set out in S25 and S28 of Westminster's City Plan (November 2016) and DES1 and DES5 or DES6 or both and paras 10.108 to 10.128 of the Unitary Development Plan adopted in January 2007.

Slate roof covering

10. The materials used on the building are important to its character, appearance and quality and slate roofs are identified in the listing. I note that the main roof appears to be covered with artificial slates, but there is little to demonstrate if it was there at the time of listing. In any case, even if it were, because materials and their quality are of such importance to the listed building and the contribution they make to the conservation area, the presence of the main roof covering would not justify slate on the extension.
11. While the roof is partially concealed, it is visible when approaching the building along the road. I consider that the use of the artificial slates has a harmful impact on the listed building and consequently on the conservation area as a whole and does not preserve the architectural and historic interest of the listed building or the character and appearance of the conservation area. In terms of the National Planning Policy Framework the impact would be less than substantial harm.
12. I have considered whether there are public benefits that would outweigh the harm of the slates. However, it seems to me that the building is not at risk in terms of preservation or provision of a viable use. I conclude that public benefits do not outweigh the harm caused by the use of artificial slates. The appeal on ground (a) fails.

Green roof

13. The heritage statement produced by the appellant identifies that the extension does not appear to preserve the character or appearance of the conservation area. I agree that the extension has been designed effectively as a modern addition, with little to compliment the listed building, and this is with the original permitted glazing or the glazing as constructed. I therefore conclude that it does harm the significance and architectural and historic interest of the listed building. The large expanse of roof as seen from the surrounding area and from the listed buildings upper floors also is harmful. I therefore consider that the improvement from the green roof required is substantial and goes a long way to mitigate the impact of the flat roof.
14. I accept that there was no 'garden' in the position of the extension, but that does not mean that the roof should not be a green roof to improve its appearance. I would also note it is a policy of the Council to improve the ecology of the area and to my mind the provision of the roof is a public benefit, that helps to offset the impact of the permitted extension. The condition is reasonable and necessary and what is constructed is not in compliance with it.
15. I conclude that the green roof is important and that the appeal on ground (a) fails in relation to it.

Ground (g)

16. I have taken into account the need for remedial works internally, but the works required relate to the two roofs outside of the building and should not be

affected unduly by any internal remedial works. The works are not so extensive that they could not be readily and reasonably achieved within the period allowed. The appeal on ground (g) fails.

Graham Dudley

Planning Inspector