
Appeal Decisions

Site visit made on 7 October 2019

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

Decision date: 16th October 2019

Appeal A: APP/A5840/W/19/3228105

17 West Square, London SE11 4SN

- 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 & Mrs Tansey against the decision of the Council of the London Borough of Southwark.
 - The application Ref.19/AP/0425, dated 7 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed is a Mansard roof extension to an existing Grade II listed town-house.
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Appeal B: APP/A5840/Y/19/3228106

17 West Square, London SE11 4SN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Tansey against the decision of the Council of the London Borough of Southwark.
 - The application Ref.19/AP/0426, dated 7 February 2019, was refused by notice dated 18 April 2019.
 - The works proposed are a Mansard roof extension to an existing Grade II listed town-house.
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Decisions

1. The appeals are dismissed.

Main Issue

2. Nos.6-19 (consecutive) form a terrace (of which No.17 is part), on the west side of West Square. The terrace, which dates from 1794, is listed at Grade II and lies within the West Square Conservation Area.
3. In that context, the main issue to be considered is the effect of the proposal on the special architectural and historic interest of the listed building and, linked to that, whether it would preserve or enhance the character or appearance of the conservation area.

Reasons

4. In their response to being consulted, Historic England (HE) set out that the demolition of existing butterfly roof structures (whether original or replica) would result in the loss of an important architectural component that characterises terraced houses of the period. This, according to HE, would cause some harm to the architectural value of the listed terrace.

5. Put very simply, I agree with that analysis. The loss of the butterfly roof, an integral part of the original composition of the house, and the terrace, in order to facilitate a Mansard roof extension, would obviously cause harm to the special architectural and historic interest of the listed terrace and fail to preserve or enhance the character or appearance of the conservation area. The workings of s.16(2), s.66(1), and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 set up a strong presumption against a grant of planning permission, or listed building consent, in those circumstances.
6. Moreover, that conclusion brings the proposal into conflict with (amongst others) Policies 3.15, 3.16 and 3.17 of the Southwark Plan (2007) that seek to protect the historic environment generally, conservation areas, and listed buildings, respectively, and general advice in paragraph 193 of the National Planning Policy Framework (the Framework). I return to the specific workings of the Framework below.
7. The arguments in favour of grants of permission and consent by the appellant have several strands but revolve around consistency of approach. It seems that the terrace of which No.17 forms part was formerly in the ownership of the Council. Works were carried out in the 1990s to convert the terrace from flats, back to single dwellings. This included the removal of two Mansard roof extensions at Nos.8 and 9, as well as the construction of new Mansard roof extensions at Nos.6, 7, 18 and 19. Most (if not all) of the remaining butterfly roofs were rebuilt.
8. Moreover, in 2015 and 2018, the Council granted permission and consent for Mansard roof extensions at Nos.8 and 9 on the basis (it seems) that they had similar extensions in place before the works carried out in the 1990s, so the butterfly roofs in place at that time were of modern construction. Investigation has shown that the existing butterfly roof at No.17 is of modern construction so the suggestion is that the proposals should be approached in the same way.
9. On top of that, it is argued that there is a clear pattern of development in West Square, with very many Mansard roof extensions in place, on the east side of the square in particular. A Mansard roof extension would, it is suggested, bring a sense of symmetry to the western terrace, sitting alongside those at Nos.18 and 19, and balancing out those at the opposite end of the terrace.
10. I can appreciate why those arguments have been put forward. However, the essential difficulty with them is that whether viewed from the front, or the rear, these Mansard roof extensions are unattractive, bulky, top-heavy additions that harmfully alter the historic form of the terrace. They have had a significant detrimental impact on the listed terraces that bound West Square, and the character and appearance of the conservation area. The fact that the Council has permitted extensions of this sort in the past, for whatever reason, is no good justification, in my view, for more of the same.
11. The suggestion that the proposal would bring a sense of symmetry to the terrace fails because the sense of symmetry introduced would be no compensation for the harmful impact of yet another incongruous addition at roof level. The fact that the existing butterfly roof at No.17 is not original matters little to my mind. The important point is that it reflects the historic form of the terrace. As set out above, the destruction of that historic form through the addition of a Mansard roof extension would be harmful to both the listed building, and the conservation area, whatever the age of the fabric.

12. Returning to the workings of the Framework, I am of the view that the harm occasioned by the proposal, to the designated heritage assets affected, while considerable, would be less than substantial. Paragraph 196 of the Framework tells us that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
13. That balancing exercise must take place in the context of the strong presumption against the grant of permission or consent for development or works that would cause harm to the special interest of a listed building and fail to preserve or enhance the character or appearance of a conservation area.
14. There is no suggestion that the additional accommodation is required to secure the optimum viable use of the dwelling, but I appreciate that the provision of additional residential floor-space, especially in London where housing pressures are extreme, could be construed as a public benefit. However, the weight one attaches to that benefit is nowhere near sufficient to justify the considerable harm that would be caused; harm that must be given considerable importance and weight in the balancing exercise.
15. For all those reasons, the appeals are dismissed.

Paul Griffiths

INSPECTOR