
Appeal Decision

Site visit made on 1 October 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2019

Appeal Ref: APP/X5990/W/19/3233524
26 New Row, London WC2N 4LA

- 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 Guy Greenfield against the decision of City of Westminster Council.
 - The application Ref 19/01291/FULL, dated 19 February 2019, was refused by notice dated 1 May 2019.
 - The development proposed is the demolition of the stair head/bathroom and construction of a single room in mansard roof to match others in the street. Note: the proposed height maintains existing height of building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Despite the conflicting views of the main parties in relation to the requirement for alterations to the dividing party wall upstands to either side of the appeal building or whether the proposals would constitute a 'mansard roof', I have nonetheless determined the appeal on the basis of the development shown on the submitted drawings, upon which the Council also made its determination.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the existing property and the Covent Garden Conservation Area and the setting of the listed buildings situated at 23-25 New Row.

Reasons

4. The appeal building is situated close to the western end of New Row, within the Covent Garden Conservation Area (Conservation Area). The significance of the Conservation Area lies, at least in part, in the positive contribution made by the historic street pattern and the age, scale and architectural legibility of the built fabric, including the design of roofs.
5. The ground floor of the appeal building is occupied by a café and access to the upper floors is via a separate doorway. The front of the building is visible from street level within New Row and from St. Martin's Court further to the west. The roof of the building is also visible from the upper floors of the properties on the southern side of New Row.

6. The front façade of the building includes a parapet which provides a clear termination to the building at roof level. The concealment of the roof form behind is a historically significant element of the design of buildings of a similar age found in the street, including the grade II listed buildings at Nos 23-25. Part of the significance of these listed buildings lies in their concealed roofs and they were listed due to their group interest in this street. The roof of the appeal building therefore provides evidence of its original intent and form and makes an important contribution to the character and appearance of the existing building and wider Conservation Area and the setting of the adjacent listed buildings.
7. The roof of the building has already been partially altered through the stair enclosure, but as this is set back from the front of the building it is not visible from street level. It does not therefore harm the role of the façade and parapet of the building in the concealment of the roof or the contribution that this makes to the character and appearance of the Conservation Area and the setting of the adjacent listed buildings. Although a number of properties to the southern side of New Row incorporate significant roof additions in various forms, including crown and mansard roofs, the appeal building is one of a number of properties to the northern side of the street that have not been altered in this manner.
8. Despite the palette of materials being similar to others utilised in the construction of other developments nearby, particularly the roof membrane, the proposal would visually crowd the existing roof form. Whilst it would be set in from the parapet wall, it would fill the remainder of the roof of the building and thereby result in the complete loss of the concealed roof. Furthermore, the detailed design and form of the proposal would be bulky and incongruous and would depart from traditional mansard roof design. It would therefore not be appropriate in the context of nearby historic and listed buildings.
9. I accept that the visibility of the roof form of the building would be restricted from some parts of the street below due to its tight nature and the intervention of the roofs of other buildings. However, the proposal would be visible at street level within New Row and from St. Martin's Court. This would heighten the prominence of the proposal, particularly its perceptibility above the parapet and the overall bulk and mass that would be added to the roof. Furthermore, even if the party wall upstands were not altered, this would not diminish the harm that would be caused by the proposal.
10. I am not aware of the full circumstances behind the alterations to the roof of No 25 but its listing description refers to the top floor having been rebuilt and to the concealed roof of the property. Therefore, as the roof of that property appears to have been in its current form for some time and this is recognised in the listing, it would not help to justify the proposal, as I have found it to be harmful.
11. The alterations to the rear of No 27¹ are comparable with the appeal scheme, in that they include alterations to the rear of the roof of the building. However, unlike the appeal scheme before me, the roof of No 27 is largely not visible from the building to the rear, as it abuts its party wall. Nonetheless, part of the appeal scheme is to extend the existing sheer façade at the rear. Given the minor extent of this aspect of the proposal and the context of the large sheer

¹ Ref 06/02910/FULL

elevations of the modern building immediately to the north, this aspect of the proposal would not be harmful to the character and appearance of the existing building or the Conservation Area or to the setting of the adjacent listed buildings.

12. Even so, for the other reasons outlined above, there would still be harm to the significance of the Conservation Area from the proposal. As the harm would be localised around the appeal building, the harm to the Conservation Area as a whole would be less than substantial. It would nonetheless represent an erosion of the Conservation Area's distinctive character and appearance. Furthermore, the proposal would also be harmful to the setting of listed buildings, and thereby their significance as designated heritage assets but this harm would also be less than substantial. In circumstances where there is less than substantial harm to the significance of such designated heritage assets, paragraph 196 of the Framework identifies that harm should be weighed against the public benefits of the proposal.
13. Most of the benefits that would result from the proposal would be private benefits in terms of the additional living space, which would meet the needs of the appellant, and improved natural light within the appeal building. There would also be a small benefit to the occupiers of neighbouring properties through the reduction in the possibility of a direct loss of privacy from the existing roof garden. The proposal would include the removal of the bulky and unsightly stair enclosure from the roof terrace which would be beneficial to the appreciation of the architecture of the existing building from the upper floors of neighbouring buildings. However, this would not be achieved as part of the appeal scheme without harm being caused to the character or appearance of the Conservation Area and the setting of the adjacent listed buildings.
14. The statutory duties in Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are a matter of considerable importance and weight. The proposal would have a negative effect on the significance of designated heritage assets and would result in less than substantial harm. The public benefits put forward by the appellant do not outweigh this harm.
15. Despite my favourable consideration of the alterations to the sheer wall at the rear of the building, I conclude that the loss of the historic roof form that would result from the proposed development would have an unacceptably harmful effect on the character and appearance of the existing property, would not preserve or enhance the character or appearance of the Conservation Area, and would be harmful to the setting of the listed buildings situated at Nos 23-25. Hence, the proposal would not accord with Saved Policies DES 1, DES 5, DES 6, DES 9 and DES 10 of the City of Westminster Unitary Development Plan (adopted January 2007); Policies S25 and S28 of the Westminster City Plan (Revised November 2016); and the City of Westminster guidance Roofs (1995). Together these policies and guidance indicate that development should be of the highest standards of architectural quality; maintaining the character, scale and hierarchy of existing buildings or the unity of groups of buildings, including where seen in longer public views and from private upper levels; heritage assets will be conserved and planning permission will not be granted where it would adversely affect the immediate setting of a listed building.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR