



Appeal Decisions

Site visit made on 6 November 2019

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2019

Appeal A: APP/X5990/W/19/3227766

116-118 Chancery Lane, London WC2A 1PP

- 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 Dholak Properties Ltd against the decision of City of Westminster Council.
 - The application Ref:19/01478/FULL, dated 26 February 2019, was refused by a notice dated 23 April 2019.
 - The development proposed is erection of a roof extension to provide an additional one bedroom flat.
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Appeal B: APP/X5990/Y/19/3227772

116-118 Chancery Lane, London WC2A 1PP

- 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 Dholak Properties Ltd against the decision of City of Westminster Council.
 - The application Ref:19/01479/LBC, dated 26 February 2019, was refused by a notice dated 23 April 2019.
 - The works proposed are erection of a roof extension to provide an additional one bedroom flat.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Main Issue

3. The main issue in both of these appeals is whether the proposed development/works would preserve the grade II listed building known as 116 Chancery Lane and whether it would preserve or enhance the character or appearance of the Strand Conservation Area.

Reasons

4. The appeal site relates to a grade II listed building which the list description details as 116 Chancery Lane. It is a four-storey brick building, formerly two houses and now in office use with a shop frontage at ground floor. Only the front façade of the original early 19th century building survives, and the

remainder of the building has been rebuilt with a mansard roof. From the evidence before me, including the submitted Planning, Design, Affordable Housing, Heritage and Access Statement and my own observations, I consider the significance of the appeal property as a heritage asset to be mainly attributable to its fine architectural detailing and proportions, including its simple modest brick façade with classical sash windows, impost band and blind arcade features.

5. The building makes a positive contribution to the significance of the Strand Conservation Area (SCA), the character of which, in so far as it relates to the appeal proposal and along Chancery Lane, is predominantly derived from its historic streetscape. In addition, this part of the SCA has a much finer grain and plot pattern than some other parts of the SCA, and the fine collection of historic buildings, including the appeal site, have both historic and architectural significance.
6. The proposed roof extension would be in the form of a new mansard which would be set back from the edge of the existing roof with a terrace in front enclosed by railings. The appellant maintains that the visual effect of the roof extension will be almost entirely indiscernible when viewed from the street and would be no higher than the neighbouring properties within the street.
7. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural interest which it possesses. Section 72 (1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. These requirements are the starting point for consideration of the proposals and are a weighty statutory requirement.
8. The existing building is simple in design, well-proportioned and there is a clear rhythm and balance to its appearance which is derived from its fenestration which has been reflected in the appearance of the existing mansard roof. In contrast, the arrangement and design of fenestration within the proposed roof extension, fails to respond to the design or appearance of the building's original façade, or indeed its existing mansard roof. The proposed openings within the front elevation of the roof extension would give it a much greater horizontal emphasis and this would be at odds with the overall appearance of the building whose fenestration currently conveys verticality. Rather it would add an incongruous feature. The proposal would not in my view sit comfortably atop the existing roof structure whose appearance from Chancery Lane is generally sympathetic to the building's original façade. The proposal therefore fails to preserve the special architectural interest of the listed building.
9. The requirement for works to preserve or enhance the special interest of the listed building applies with equal force whether or not the proposal is prominent or in public view. However, I agree with my colleague that depending on the circumstances of the case, the degree of material visibility of the proposals in relation to the standing architecture of the facades can be critical in determining the actual degree of effect on the special interest of the building.¹

¹ APP/X5990/Y/16/3161786 & APP/X5990/W/16/3161801

10. In this case, given the proposed siting of the roof extension and set back from the buildings the front elevation, I accept that the proposal would not be visible from Chancery Lane. However, despite the CGI not showing the existing hipped roof on neighbouring 114 Chancery Lane, I was clearly able to see that roof from my own observations on when I viewed the site from the footpath opposite which gives access to Cliffords Inn. Although the proposed roof extension would not extend to the full height of No 114's hipped roof, the visibility of that roof enabled me to ascertain that the proposed roof extension would be clearly visible from the footpath and have a harmful effect on the overall appearance of the building.
11. The proposed extension would have a materially harmful effect on the character and appearance of the building as a building listed for its special architectural interest, so failing to preserve it. For the same reasons, the proposal would also diminish the contribution that the listed building makes to the SCA. The overall impact of the proposed scheme would be, in the context of the significance of the assets as a whole, and in the language of the National Planning Policy Framework (the Framework), less than substantial. In these circumstances, paragraph 192 of the Framework says that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
12. Even though I have found that the harm to the heritage assets is less than substantial, it is not to be treated as a less than substantial objection to the proposal. However, the public benefits attributable to one additional housing unit would not outweigh the considerable importance and weight to be given to the harm to the heritage assets.
13. I conclude that the proposal would fail to satisfy the requirements of the Act and paragraph 192 of the Framework. It would also conflict with Policies S25 and S28 of Westminster's City Plan (adopted 2016) and saved Policies DES1, DES9 and DES10 of Westminster's Unitary Development Plan, 2007 (UDP) which seek to ensure, amongst other criteria, that new development preserves or enhances Westminster's heritage assets and local distinctiveness through sustainable and inclusive design and architecture. I also find conflict with Policy DES5 of the UDP which advises that extensions to buildings should, amongst other things, reflect the style and details of the existing building.

Other Matters

14. I have taken into account the other examples of double mansard roof extensions which have been drawn to my attention by the appellant and I was able to observe some of those and others on my site visit. I do not know the precise circumstances or planning considerations of those other examples, and therefore whether or not they are directly comparable to this appeal case. However, of the examples I saw on Chancery Lane, the double mansards had been predominantly constructed as a single extension and the dormer features within them, for example at Nos. 122 and 28 are reflective of and respond to the design and appearance of the original building. In any event each case must be considered on its own merits.
15. I appreciate that the proposal would not result in the loss of any historic fabric. However, for the reasons set out in the main issue above, the proposal would still fail to preserve the special architectural and historic interest of the building. I therefore give this consideration little weight.

Conclusion

16. For the reasons given above and taking into account all other matters raised, I conclude that the appeals should be dismissed.

Elizabeth Pleasant

INSPECTOR