The Planning Inspectorate

Appeal Decision

Site visit made on 14 October 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 15th January 2020

Appeal Ref: APP/X5990/W/19/3233864
8 Hamilton Gardens, London NW8 9PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
- The appeal is made by Mr Michael Nahon, Vision Estates Limited against the decision of City of Westminster Council.
- The application Ref: 19/02091/FULL, dated 20 March 2019, was refused by notice dated 15 May 2019.
- The development proposed is described as alterations to existing roof to provide mansard roof, dormer window, conservation rooflights and associated alterations to provide additional accommodation.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning history of the site is acknowledged, specifically planning application Ref: 18/07611/FULL for alterations to existing roof to form a roof extension with dormer windows to create an additional third floor, which was refused in 2018.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character and appearance of the St John's Wood Conservation Area (CA).

Reasons

4. The appeal site comprises a three-storey house at the end of a row of terraced properties, located on the apex of the corner of Hamilton Gardens and Garden Road. It is located within the CA.

5. The CA is in the north of the City of Westminster. Its significance stems from being early suburban development in inner London. The setting of the appeal building is defined by a predominantly Victorian residential character. Within the CA, a picturesque character is derived from a variety of architectural styles, which notably includes rows of Victorian terraced houses with Gothic detailing, which the host row exemplifies. As set out in paragraph 4.39 of the St John's Wood Conservation Area Audit Supplementary Planning Document (2008) (CAA), the terraces in the area provide more regular townscape in the CA. The appeal building is categorised as an unlisted building of merit in the CAA and

contributes positively to the significance of the CA as a tall, end of terrace house in a corner location.

6. Policies S25 and S28 of the Westminster City Plan (2016) (CP) and Policies DES 1, DES 6, and DES 9 of the City of Westminster's Unitary Development Plan (2007) (UDP), taken together, seek to ensure that development is of appropriate design and appearance to conserve or enhance the historic environment. Policy DES6 of the UDP specifically requires roof level alterations and extensions to be sympathetic to the existing building's architectural character, and unity of groups of buildings. Supporting text for DES6 adds that some buildings where roof extensions are not appropriate include terraces that have original unbroken or unaltered rooflines.

7. The above policy is amplified in the following guidance: section 4 of the City of Westminster Supplementary Planning Guidance, titled Roofs: A Guide to Extensions and Alterations on Domestic Buildings (1995) (SPG); paragraph 4.69 of the CAA, which sets out that roof profiles contribute to the character and appearance of conservation areas as they are fundamental to the architectural character of buildings; and paragraph 4.75 of the CAA, which highlights the importance of consistent roofscapes to terraces.

8. An approximate rectangle of streets - comprising Hamilton Gardens and parts of Alma Square - forms a characterful 'enclave' of terraced rows of dwellings. From what I have seen and read, the original frontage roofscape form is noticeably free of mansard and dormer extensions, and its integrity is preserved, in the following locations within the 'enclave': along the row of 18 properties with pitched roofs in which the appeal building is located; in the middle of the terraced row on the opposite side of the street from the host row; in the south-eastern corner of Alma Square; and in the south-western corner of Hamilton Gardens.

9. I recognise that there is a row of dwellings with mansard roofs along part of Alma Square, to the north-west of the host row. Furthermore, a variety of dormer roof extensions are visible in the CA, including those which front onto the south-eastern side of the parallel stretch of Hamilton Gardens and Alma Square to the north-west of the host row. This row of dormers distracts from the original roofscape form of terraces within the 'enclave' described above.

10. I recognise that the appeal building has differences from the adjoining terraced row in that it 'bookends' the row, has a stucco rather than brick finish, and an individual entrance on Garden Road. Nevertheless, the appeal building is clearly part of a terraced row, the pitch of its roof aligns with the pitched roofs in the terrace, and its hipped side elevation mirrors No 25 Hamilton Gardens. Moreover, the intact original roof shape of the appeal building and other terraced properties in its vicinity, described above, is a noticeable and important character feature within the south-eastern part of the 'enclave' and the CA. Moreover, I saw during my site visit that the appeal building is a focal point, looking in a south-easterly direction down Hamilton Gardens and in a south-westerly direction down Garden Road. The above factors together give the appeal building and its roofscape coherence within the host row, and prominence within the CA.

11. Within the above context, the proposed addition of the mansard roof extension with dormer window to the appeal building would disrupt the traditional pitched roof form of the roofscape of the host terraced row, and detract from the

latter's unity of character. It would also disrupt the vista comprised of the grouping of the appeal building and adjacent property No 8a, which is free from mansard roofs. The above impacts would be noticeable, viewed travelling in a south-easterly direction down the north-eastern stretch of Alma Square, approaching along Garden Road in a south-westerly direction, from properties on Alma Square to the north-east of the site and, to a lesser extent from the intersection of Garden Road and Abbey Road, the latter of which is identified as a primary route within the CAA.

12. The above factors would, in combination, amount to addition of discordant and visually cluttering bulk to the building. In itself, and cumulatively along with other distractions from the original roofscape form described above, the proposal would significantly detract from the architectural integrity of the host row, and the character of the south-eastern part of the terraced 'enclave' focussed in and around Hamilton Gardens.

13. Viewed from the street, the appeal property's chimney and party wall upstand would not significantly moderate the above described effects, as the proposed roof extension would either largely obscure or distract from these elements. Proposed use of slate, lead and cast iron materials would not override the harmful impact of the additional bulk and profile of the proposal.

14. I note the appellant considers that the proposal would be a minor change which would complement the host building and the rest of the terrace. However, having regard to the combination of factors described above, I find that the proposal would harm the character and appearance of the area. The harm identified would be significant, relative to the site and immediate surroundings of the proposal in the CA. However, the effect would be localised and therefore would constitute less than substantial harm to the significance of the CA as a whole. In such circumstances I therefore necessarily weigh the harm against the public benefits of the proposal.

15. With regard to the above, the proposal would provide additional living accommodation - which potentially could meet growing family need - with associated socio-economic benefit. It would also provide the heritage benefit of reinstating brick corbelling to the eaves. However, the public benefits in these respects would be minor, given the scale of the development proposed. Consequently, the public benefits do not outweigh the great weight given to the conservation of the CA and the less than substantial harm to its significance which I have identified.

16. To conclude, the proposed development would fail to preserve or enhance the character and appearance of the CA. It would therefore conflict with Policies S25 and S28 of the Westminster City Plan (2016) (CP) and Policies DES 1, DES 6 and DES 9 of the UDP, together with associated guidance in the CAA and SPG. The policies and guidance are broadly consistent with the approach of the National Planning Policy Framework (the Framework) in respect of the desirability of sustaining and enhancing the significance of heritage assets, with great weight given to the asset's conservation.

Other Matters

17. My attention is drawn to appeal decisions on other sites. However, full details of those cases are not before me. Moreover, the proposal has its own circumstances and, as such, I assess it on its own merits.

18. I note the appellant's citing of a general requirement for higher density housing to meet changing needs in the future, in the emerging Westminster City Plan 2019-2040 (CP2) in support of the proposal. However, the CP2 is yet to be finalised and adopted, which limits the weight its carries. Furthermore, I have assessed the housing provision benefit of the proposal in this decision.

19. The appellant considers that policies in the UDP, and guidance in the CAA and SPG, are outdated, with reference to paragraph 33 of Framework, which requires the following in respect of Local Plan policies, at least once every five years: they should be reviewed to assess whether they need updating, and should then be updated as necessary; relevant strategic policies should be updated if their applicable local housing need figure has changed significantly, or be reviewed earlier if local housing need is expected to change significantly in the near future. However, there is no substantive evidence before me that the Council has failed to meet the above requirements of paragraph 33 of the Framework.

20. Moreover, as set out in paragraph 213 of the Framework, weight should be given to policies according to their degree of consistency with the Framework. I consider the UDP policies and CAA and SPG guidance referred to above to be consistent with the Framework. Taking the above together, I find that the policies and guidance are not out of date. Accordingly, the 'tilted balance', as set out by paragraph 11 of the Framework, is not engaged. Even if it were, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the public and other benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

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

William Cooper

INSPECTOR