
Appeal Decisions

Site visit made on 20 January 2020

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 3 February 2020

Appeal Ref: APP/X5990/W/19/3238388

Wedgewood Hotel, 49 - 51 Leinster Square, London W2 4PU

- 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 Wedgewood Hotel against the decision of City of Westminster Council.
 - The application Ref 19/04976/FULL, dated 26 June 2019, was refused by notice dated 13 August 2019.
 - The development proposed is replacement skylights.
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Appeal Ref: APP/X5990/Y/19/3238390

Wedgewood Hotel, 49 - 51 Leinster Square, London W2 4PU

- 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 Wedgewood Hotel against the decision of City of Westminster Council.
 - The application Ref 19/04977/LBC, dated 26 June 2019, was refused by notice dated 13 August 2019.
 - The works proposed are replacement skylights.
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Decisions

1. The appeals are dismissed.

Preliminary Matters

2. The replacement skylights have already been installed and I had the benefit of seeing these at my site visit.
3. Within their submissions, the Council suggest that the enclosure of the rear lightwells has been done without permission/consent. The appellant indicates that this may have been undertaken as part of a refurbishment granted permission in 1987. There is no conclusive evidence submitted in relation to either argument. In any event, the description of the proposal, as used above, is clear and I shall determine the appeals in relation to the skylights only. This should not be taken as implying an acceptance of either side's case in relation to the enclosure of the rear lightwells.

Main Issue

4. The main issue in these appeals is the effects of the development/works on the significance of the listed building and conservation area.

Reasons

5. The appeal relates to this hotel which has been formed from 3 residential properties, within this longer terrace. The individual properties formed 3 grand houses with accommodation over 6 floors, including basement and attic. The terrace dates from 1857 and is grade II listed and within the Bayswater Conservation Area. The front of the properties face onto the road and present handsome and imposing elevations. At the rear, the properties have shallow private areas and then face over the communal gardens of Leinster Square. This affords a more public face to the rear elevations of the terrace here.
6. The evidence submitted by the appellant indicates that the 3 skylights were in a poor state of repair. Although I do not have full photographic details, they appear to be of wooden frames, with relatively slender woodwork and form what would more commonly be referred to as lantern-lights. The 3 replacement skylights are of painted metal frames which are significantly wider than the previous ones. The skylights are each placed on top of a significant up-stand, which varies between the 3 skylights and is more pronounced on the right-hand side (when viewed from the rear). In addition, the size of each skylight is different, when seen in plan.
7. In my judgement, the size and form of the skylights appear significantly at odds with the slim and elegant wooden frames of the glazing found within the rear elevation, and elsewhere, on this listed building. The metal frames are wide and visually heavy and parts of it extend beyond the edges of the glazing. Their precise edges and form accentuate the difference with the wooden window frames with puttied edges and I found no other examples of the use of this material on the listed building. I accept that the submitted evidence suggests that the previous skylights were in a poor state of repair. Setting aside the disputed history, there is no evidence before me that suggests that this is the only form of providing a skylight here.
8. I consider that the skylights detract from the qualities of the listed building and represent features which cause harm to its significance, for the reasons stated above. In my judgement, they also diminish the contribution that the building makes to the character and appearance of the conservation area as they are visible from the rear. The National Planning Policy Framework (NPPF) states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the assessed level of harm. It adds that any harm requires clear and convincing justification.
9. In my view, the level of harm arising from the skylights amounts to 'less than substantial' harm, as set out in paragraph 196 of the NPPF. This should be weighed against any public benefits. The appellant states that the proposal would enable better compliance with the Building Regulations and result in better thermal efficiency of the building. Again, setting aside the disputed history in relation to the presence of this part of the building, I have not been provided with evidence that convinces me that this would be the only solution to providing light into the basement area in a manner which complies with the Building Regulations and provides thermal efficiency. When weighed against the harmful effects of the skylights, I consider that these matters are insufficient to outweigh that harm.

Conclusions

10. I have taken account of all other matters raised. I conclude that the skylights have a harmful effect on the significance of the listed building and the conservation area, contrary to Policies S25 and S28 of Westminster's City Plan and Policies DES 1 and DES 10 of the Unitary Development Plan. I have considered the suggested benefits of the new skylights but find that these are insufficient to outweigh the harm that I have identified. As a consequence, the appeals are dismissed.

ST Wood

INSPECTOR