
Appeal Decisions

Site visit made on 11 February 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 20 February 2020

Appeal A: APP/X5990/W/19/3240235

25A Westbourne Terrace Road, London W2 6NF

- 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 Justin Cavell against the decision of City of Westminster Council.
 - The application Ref 19/03918/FULL, dated 22 May 2019, was refused by the Council by notice dated 17 July 2019.
 - The development proposed is demolition of the existing rear basement extension and erection of full width single storey extension including lightwell and alterations to doors.
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Appeal B: APP/X5990/Y/19/3240239

25A Westbourne Terrace Road, London W2 6NF

- 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 Justin Cavell against the decision of City of Westminster Council.
 - The application Ref 19/03919/LBC, dated 22 May 2019, was refused by the Council by notice dated 17 July 2019.
 - The works proposed are demolition of the existing rear basement extension and erection of full width single storey extension including lightwell and alterations to doors, internal alterations.
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Decisions

1. I dismiss both appeals.

Reasons

2. The building is listed Grade II and is within the Maida Vale Conservation Area. The main issue in both appeals is the effect of the proposal on the significance of designated heritage assets. Policies S25 and S28 of Westminster's City Plan state that heritage assets will be preserved, and that development must incorporate exemplary standards of sustainable and inclusive urban design and architecture. Unitary Development Plan Policy DES 1 sets out the principles of urban design and conservation, while Policy DES 5 is specific to alterations and extensions. Policies DES 9 and DES 10(A) set out requirements for conservation areas, and for applications for planning permission involving the extension or alteration of a listed building, and paras 10.108 to 10.146 are the supporting text to these latter 2 policies.
3. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of

preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

4. Paragraph 124 of the 2019 National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 193 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.
5. The appeal property is part of a group 21 – 26 Westbourne Terrace Road, and that is one of 4 such groups of listed buildings. The front elevations display considerable architectural significance with a strong rhythm of projecting and recessed bays handed for each pair, the recessed entrance area being covered by a colonnade. The effect is of villas, albeit in fact formed of semi-detached houses in each case. The buildings have a high historic significance due to their coherence of design and use.
6. To the rear the significance is less, although there is a recognisable rhythm matching the arrangement at the front and delineating the same pairs with a main block and recessed linking pieces. That recess is made smaller at the rear by square wings set into the corner between projecting part and recessed part, and the unhappy relationship with rear windows together with the non-historic slot window and the lower height all indicate that this was a later addition.
7. The present arrangement to the rear of number 25 is a glazed conservatory-like addition behind the projecting part (Ref: 05/10283/FULL and 05/10284/LBC) and an infill of the small remaining recess between the boundary and the square wing (Ref: 13/06338/FULL and 13/06339/LBC). The result of these two permitted additions and the surmised previous square wing is that little of the original basement level rear wall is now exposed, but the glazed roof does allow a continuity of wall planes from top to bottom of the house.
8. The proposal would see the removal of the 2005 addition along with the 2013 infill, and the reinstatement of the rear wall within the recess between the square wing and the boundary, at which point the rear wall would be returned to its previous exposed state. It is proposed to hack-off the render covering with the intention of exposing brickwork in its original condition. Some minor re-ordering of uses within the bedroom and the *en-suite* would be needed but the Council do not object to that work which affects previously altered internal arrangements. The wide full height opening between the main rear room and the 2005 addition would remain as the entry to the proposed addition.
9. The proposals comprise a full-width extension of a slightly deeper dimension than the removed 2005 addition, leaving the newly opened recess after the 2013 infill had been removed, as a lightwell. This rear wall of the new addition would be fully glazed with minimal framing, including to the lightwell, said to allow a view of the newly restored original rear wall. A 'green' roof of sedum with roof lights would complete the proposal.

10. Looking first at the full-width aspect of the proposal, paragraph 10.141 of the supporting text to the Unitary Development Plan states that '*rear extensions which span the full width of the building will rarely be acceptable, except in some circumstances at basement level*'. This proposal is at basement level but the Plan text does not specify the circumstances required to be in place; that is a matter for the decision maker on the particulars of the case. It may be that some basement external areas are tightly constrained and not visible, or that the original building has been significantly altered or added to previously. The appeal site is visible from the raised footway of Harrow Road, albeit filtered by vegetation, although long term reliance on that remaining cannot be guaranteed. The site is also visible from other windows and the Council refer to the possibility of redevelopment of an adjoining site adding to that number.
11. Be that as it may, the preservation of listed buildings does not rely on a public view, the rear wall of the appeal building retains visible evidence at basement level of the rhythm previously referred to, and neither the 2005 nor the 2013 additions seriously erode that evidence. The opening-up of the lightwell by removing the 2013 addition would be a benefit which will be weighed in the balance later in this Decision but placing the full-width addition across the recess negates some of the benefit.
12. The proposal is to hack-off the render presently on the rear house wall, but that can be a fraught process if the render is cementitious, and risks losing the face of the bricks. A pre-commencement condition could be devised to prevent any work until tests have been carried out, but if full weight is to be attached to that benefit, there may need to be significant provisions for replacement bricks, or for the main works not to proceed.
13. The appeal proposal is for a sedum roof, with 2 rooflights, so that the appearance would not be of a conservatory similar to the 2005 structure, and for that reason the appellant is critical of the Council's reference to Supplementary Planning Guidance on that subject. However, the roof would appear to raise the level of the garden from basement to ground floor in those, admittedly fleeting and filtered, views from public places, and would not result in the transparency allowed by the proposed walls.
14. To conclude on the effect on the significance of the listed building, the proposal would harm the legibility of the rear wall, and that wall has a moderate level of significance, reflecting as it does the highly significant arrangement of bays and recessed parts of the frontage. Not being referred to in the 1970 listing description does not indicate that the rear parts of these terraces lack such significance, a description at that time being for identification as much as any other reason. The proposed addition would cause harm to the architectural and historic significance of the listed building, and to the extent that the sedum roof would be visible, harm to the character and appearance of the Maida Vale Conservation Area.
15. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies, and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
16. As set out above, there would be public benefits from the scheme in the better presentation of the recessed parts of the original rear wall, as the preservation of listed buildings is such a benefit regardless of visibility. Were the removal of

render to be successfully accomplished, that would be a benefit for similar reasons, and the re-ordering of spaces and windows would replace lost features. But, in the balance, the harm that would be caused by the sedum roof and the adverse effect it would have on the understanding of the rear wall would not be outweighed.

17. The conclusion is that the proposal would fail the tests in Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would not accord with the aims of Policies S25, S28, DES 9 and DES 10(A) and the Framework on designated heritage assets, and would not be of the standard of design sought in Policies DES 1 and DES 5 together with Paragraph 124 of the Framework. For the reasons given above it is concluded that both appeals should be dismissed.

S J Papworth

INSPECTOR