
Appeal Decision

Site visit made on 11 February 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 5 May 2020

Appeal Ref: APP/X5990/W/19/3240144
47-48 Chagford Street, London NW1 6EB

- 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 The Trustees of The Dollar Marion York-Easter Will Trust against the decision of City of Westminster Council.
 - The application Ref 19/04652/FULL, dated 14 June 2019, was refused by notice dated 26 September 2019.
 - The development proposed is the erection of mansard extension with inset terrace and air conditioning units and alterations to windows and doors.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of a mansard roof extension with inset terrace and air conditioning units. The appeal is allowed, and planning permission is granted, insofar as it relates to the alterations to windows and doors, including demolition of external fittings, on the front elevation of the building at 47-48 Chagford Street, London NW1 6EB in accordance with the terms of the application, Ref 19/04652/FULL, dated 14 June 2019, and subject to the conditions in the attached schedule.

Procedural Matters

2. The above description of development has been taken from the Council's decision notice. The description was revised during the application process to more accurately describe the proposed works. The appellant had the opportunity to comment on the revised description during the application process. I have therefore decided the appeal on this basis.
3. The appellant has submitted amended plans as part of this appeal in response to the Council's assessment of the proposed alterations to the windows and doors on the front elevation of the building. The amended plans show a reduced scheme of alterations to more closely reflect the original scale and composition of windows and doors on the building. The Council have agreed to the amended plans being considered as part of this appeal. I am satisfied that no interested parties would be prejudiced as a result these amended plans and have therefore determined the appeal based on the amended plans submitted and the list of plans which have not been superseded on the Council's decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host building and surrounding area, having regard to the

Dorset Square Conservation Area (CA) and setting of the Grade II listed buildings at 1-8 Dorset Square.

Reasons

5. The appeal site is a traditional two storey mews building forming a continuous row of terrace buildings fronting the western side of Chagford Street. The building appears industrial in character with a simple brick finish, low-scale pitched roof and an irregular composition of windows and doors. Of note, a commemorative plaque on the exterior of the appeal site signifies that the first Bentley Motor Car was produced on the site. The appeal site is currently vacant but was last used as a Class B1 office and is intended to be retained as such. The appeal site is an unlisted building, but forms part of the Dorset Square CA and is located to the rear of the Grade II listed buildings extending across 1-8 Dorset Square to the west.
6. The mews buildings along Chagford Street served an ancillary function to the residential properties fronting Dorset Square as coach houses and stables. Overtime the mews buildings were converted for independent use and the built form along Chagford Street changed accordingly. Of particularly note, a number of properties within the street are now used for residential purposes and were facilitated through the introduction of mansard roofs to the mews buildings, including the neighbouring property adjoining the appeal site to the north at 46 Chagford Street. The appeal site, along with the neighbouring property to the south at 49-50 Chagford Street, appears to be the few remaining properties within the street which reflects the original scale and built form of the mews buildings as they historically related to the residential properties fronting Dorset Square. As such, the design and composition of the appeal site is considered to add significant value to the character and appearance of the surrounding area.
7. The Dorset Square CA Audit and Management Proposals Supplementary Planning Document (SPD) (adopted December 2008) supports this position. The SPD identifies both the appeal site, and neighbouring property No 49-50, as "unlisted buildings of merit" that positively enhance the character and appearance of the CA through their traditional features. The grouped roof profile of the appeal site and No 49-50 is noted as being particularly significant given the extent of mansard roof extensions along Chagford Street, and is subsequently identified as not being an acceptable site for a roof extension.
8. The primary significance of the CA is centred around the small grid of residential Georgian terraces fronting Dorset Square, which present a uniform area of townscape and coherent character. The residential properties described includes the listed building at 1-8 Dorset Square. The traditional character and built form of the appeal site is therefore considered a key component of the historic form and development of the area, informing the subservient relationship shared between the mews buildings, in scale, design and function, to the principal residential properties along Dorset Square. It follows that the appeal site represents an important built form within the setting of the Grade II listed buildings at No 1-8.
9. The appeal proposal partially involves the demolition of the existing roof of the appeal site and erection of a replacement mansard roof with dormer windows, inset terrace and air conditioning units, to create an additional storey of office floor space and improved amenities. In doing so the proposed development

would irrevocably harm the character and appearance of the host building and surrounding area by demolishing one of the last examples of a traditional mews building roof line along Chagford Street. Whilst the proposed mansard roof extension would not appear out of keeping along Chagford Street, the positive contribution of the appeal site to the built heritage of the CA and setting of the Grade II listed buildings along Dorset Square would be unacceptably eroded.

10. The Dorset Square CA SPD identifies mews buildings as the lowest order of surviving historic buildings due to their ancillary function to the principal residential properties, both in scale, design and function. In recognition of this, and noting that the proposed mansard roof design would not be out of place along Chagford Street, it is my view that the mansard roof component of the appeal proposal, including the inset terrace and air conditioning units, would represent less than substantial harm to the designated heritage assets. As for the external alterations to the front elevation of the appeal site, these changes would represent a sympathetic improvement to the building that would protect the existing composition of windows and doors and enhance the current presentation towards the street scene. I am satisfied that this portion of the appeal proposal could appropriately be severed from the mansard roof component. Nonetheless, the acceptability of the proposed external alterations does not compensate for the identified harm to the designated heritage assets.
11. Sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be given to the desirability of preserving or enhancing the character or appearance of conservation areas. Similarly, Section 66 requires that special regard be given to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess. Accordingly, the less than substantial harm identified to the CA and setting of the Grade II listed buildings at 1-8 Dorset Square attracts great weight.
12. Paragraph 196 of the Framework specifies that where less than substantial harm to a designated heritage asset has been identified that this should be weighed against the public benefits of the development. No overwhelming public benefit has been identified in support of the appeal proposal, nor substantive evidence to support that the proposed mansard roof extension is necessary to secure the optimum viable use of the appeal site. As such, there are no material considerations relevant to this appeal that would outweigh the less than substantial harm identified to the designated heritage assets.
13. Accordingly, I find that the erection of a mansard roof extension with inset terrace and air conditioning units component of the appeal proposal would harm the character and appearance of the host building and surrounding area, having regard to the Dorset Square CA and the setting of the Grade II listed buildings at 1-8 Dorset Square. It conflicts with Policies S25 and S28 of the Westminster City Plan (adopted November 2016), Policies DES 1, DES 6, DES 9, DES 10 and Paragraphs 10.108 to 10.128 of the Westminster Unitary Development Plan (UDP) (adopted January 2007), the Roofs: A Guide to Alterations and Extensions on Domestic Buildings Supplementary Planning Guidance (SPG) (adopted 1995), and the Dorset Square CA SPD. These policies and guidance collectively seek, amongst other things, to ensure development achieves a high standard of design which respects the distinct local character and appearance of areas whilst preserving the significance of heritage assets and the wider historic environment.

Other Matters

14. The Council refer to an appeal decision over neighbouring property 49-50 Chagford Street¹, which was for a proposal with a similar mansard roof extension. The Council suggests this decision holds weight against the appeal proposal. While I note the similarities, the local and national planning policy context has changed since that appeal decision was made and as such can only be afforded limited weight. Nevertheless, I have determined the appeal based on the evidence before me and on its own merits.
15. The Council identified the potential for noise generated by the proposed air conditioning units to harm the living conditions of nearby residential units, and as such suggested conditions be imposed to mitigate such harm. However, as the air conditioning units, along with the mansard roof extension and inset terrace component of the proposed development, are being dismissed under this appeal no further discussion on this subject is required.

Conditions

16. In allowing the proposed development I have had regard to the conditions suggested by the Council, which the appellant has had the opportunity to comment on. Where necessary I have amended the wording of the suggested conditions in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance and the Framework.
17. Planning permission is granted subject to the standard three year time limit condition for implementation. In addition, it is necessary to specify the approved plans in the interest of certainty. The plans specifically showing the proposed roof extension and demolition have been omitted from the approved plans list as they do not form part of the allowed development. For completeness, the approved plans condition will specify that any details showing works to the roof on the plans are excluded under the permission.
18. A condition requiring the external surfaces of the development to match that of the existing building is necessary to preserve the character and appearance of the host dwelling and surrounding area, with regard for the Dorset Square CA. A condition requiring details of the windows and doors to be submitted to Council for approval is considered reasonable having regard for the Dorset Square CA, however the submission of these details prior to first occupation of the development is considered more appropriate.
19. Conditions restricting the hours during which certain building and construction works can occur is necessary to protect the living conditions of neighbouring occupants. Reference to procedures under the separate legislation have been removed as it is unnecessary.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

J Gibson

INSPECTOR

¹ Appeal Ref: APP/X5990/A/08/2080169

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location & Site Plan (Dwg No 18M PL LOC 01, dated 03/05/19); Existing Layouts Ground & First Floor (Dwg No 18M PL EXT 01, Rev A, dated 13/06/19); Existing Layouts Roof Plan (Dwg No 18M PL EXT 02, Rev A, dated 13/06/19); Existing Front and Rear Elevations (Dwg No 18M PL EXT 03, Rev A, dated 13/06/19); Existing Sections (Dwg No 18M PL EXT 04, Rev A, dated 13/06/19); Demolition Front and Rear Elevations (Dwg No 18M PL DEM 03, Rev A, dated 28/10/19); Proposed Layouts Ground & First Floor (Dwg No 18M PL PRO 01, Rev B, dated 28/10/19); Proposed Front and Rear Elevations (Dwg No 18M PL PRO 03, Rev C, dated 28/10/19), as it relates to the alterations to windows and doors, including demolition of external fittings, on the front elevation of the building only. All other works shown, in particular to the roof, are excluded under this permission.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans. Where not specified, all external surfaces shall match the existing materials used, method of construction and finished appearance of the original building.
- 4) Prior to first occupation of the development hereby permitted, detailed elevation and section drawings of the proposed windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The windows and doors shall thereafter be carried out in accordance with the approved details prior to first occupation of the development hereby permitted.
- 5) Any building work which can be heard at the boundary of the site, excluding piling, excavation and demolition work, must be carried out as follows:
 - between 08.00 and 18.00 Monday to Friday;
 - between 08.00 and 13.00 on Saturday; and
 - not at all on Sundays, bank holidays and public holidays.Any piling, excavation and demolition work must be carried out as follows:
 - between 08.00 and 18.00 Monday to Friday; and
 - not at all on Saturdays, Sundays, bank holidays and public holidays.

End of Schedule