



Appeal Decision

Site visit made on 25 February 2020

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2020

Appeal Ref: APP/X5990/D/19/3242607
97 Hamilton Terrace, London NW8 9QY

- 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 and Mrs Levine against the decision of City of Westminster Council.
 - The application Ref 19/05056/FUL, dated 27 June 2019, was refused by notice dated 28 October 2019.
 - The development proposed is extension of the rear bay windows of the house at ground, first and second floors and fenestration alterations including new juliette balconies and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the planning application the appellant submitted amended plans to the Council. However, these were not accepted as part of the plans informing the decision. The appellant has included reference to these plans (P1-312 and P1-314) in Appendix 5 of their Statement of Case. As they have not been subject to consultation, I do not accept these as part of the plans on which this decision is based.
3. I have used the description of development from the Councils decision notice and that stated by the appellant in the appeal form. I am satisfied this accurately and succinctly describes the proposed development and have determined the appeal on that basis.

Main Issues

4. The main issues are (i) the effect of the proposed development on the character and appearance of the existing building which is an unlisted building of merit; and (ii) whether the proposed development would preserve or enhance the character or appearance of the St John's Wood Conservation Area (CA).

Reasons

Existing Building

5. The appeal property is a double fronted detached Victorian villa style property located on Hamilton Terrace which is characterised by its wide tree lined road

- with large detached properties of varying styles. The architectural qualities of the built environment in this area including the appeal property, contributes to a pleasant and attractive street scene. The Council states that the property is identified amongst others as an Unlisted Building of Merit.
6. The Development and Demolition in Conservation Areas (1996) Supplementary Planning Guidance (SPG) states that the design of rear extensions and alterations must respect the character of the building. In addition, it advises that extensions should respect the scale and proportions of the building and be subordinate to the main building and normally the extension should terminate at the penultimate storey level or lower leaving the existing parapet line unaltered. Further, the SPG states that the depth of the extension needs to respect the depth of any existing extension and generally, full width extensions are not usually acceptable.
 7. It is evident that the character of the rear of the dwellings along Hamilton Terrace display a variance in architectural character. The appeal building and adjacent buildings have been subject to many alterations. Notwithstanding this, in respect of the appeal building the extensions to the building are clearly distinguishable from the original building, and the evolution of the building can be understood. The separate elements in terms of the closet wing, single storey extension, stairwell and the canted 3 storey bay are clearly identifiable and this understanding of the evolution of the building contributes to its character.
 8. The proposed rear extension would infill the remaining set back to the original rear elevation of the property. Whilst I acknowledge that the closet wing already extends the property at penultimate storey, the current arrangement of the setback and the shallow depth canted bay do not dominate the property. The infilling of the penultimate storey across the width of the house would increase the visual massing across the rear elevation. Currently the canted bay is a key feature on the rear of this building which contributes significantly to its character. Whilst this is currently a feature which is set back behind the closet wing, through infilling the upper storey the canted bay would be deeper and would project beyond the closet wing creating significant bulk to this side of the rear of the property. This previous subordinate feature would become overly bulky and dominant and would now project awkwardly beyond the existing closet wing particularly when viewed from gardens to the south east. Whilst I acknowledge it would still be set back behind the ground floor extension this would not effectively mitigate its dominant effect.
 9. Furthermore, the removal of the canted bay at lower ground floor with the proposed squared extension would cause significant harm to the character of the canted bay which its character is defined by the symmetry of the fenestration. The proposed patio doors would be at odds with the fenestration of the upper storeys of the canted bay. This would result in an awkward and unsympathetic addition and given this would be set back only marginally from the single storey extension would create a bulky addition at lower ground floor level. This would result in significant harm to the character of this building.
 10. Whilst I acknowledge the proposed fenestration amendments to the upper storey of the building would create a more ordered appearance to this elevation, this does not outweigh the harm the proposed extension would cause. In respect of the amended plans¹ whilst I have not accepted these as

¹ P1-312 and P1-314

part of the appeal, given the diverse architectural styles I do not agree with the Council that it would be necessary to amend the materials of the rear elevation to stock brick to tie in with the materials of No. 95. The rendered appearance is not uncharacteristic of properties along this row. Thus, amending the materials to the rear elevation would not overcome the harm I have identified to the character and appearance of the building.

11. Whilst there is a diverse architectural style in properties, the proposed extension for the reasons above would create a bulky feature, which would fail to respect the character of the existing dwelling. Whilst it is a rear elevation and largely screened from surrounding viewpoints it would be visible from the surrounding gardens in the locality appearing as a dominant feature against the existing building and would detract from its character.
12. For the above reasons, I conclude the proposals would cause harm to the character and appearance of the building and would be contrary to Policy S28 of the Westminster City Plan (City Plan) and Policies DES 1 and DES 5 of the City of Westminster Unitary Development Plan (2007) (UDP) and the SPG. Amongst other matters, these policies seek that development incorporates exemplary architecture which respects Westminster's heritage, and extensions should not visually dominate the existing building, should be in scale with it and the design should reflect the style of the building.

Conservation Area

13. The site is located along the boundary of the St John's Wood Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be had to the desirability of preserving or enhancing the character or appearance of a CA.
14. The CA is described in the St John's Wood Conservation Area Audit Supplementary Planning Document (SPD) (2008) as of leafy character with a low-density suburban appearance. The large detached and semi-detached villas in diverse architectural styles combine to create an informal townscape. Hamilton Terrace is identified as of more formal quality where classical architecture predominates, and has some of the grander houses in the CA. It is clear that the variety of architectural styles contribute to the diversity and interest of the CA. Hamilton Terrace is a primary route in the CA and views along the wide tree lined road are important to this area. Similarly, the retention of gaps between properties that allow views to the greenery in verdant gardens are a key feature. I find that the significance of the CA, in so far as it relates to the appeal, to be primarily associated with the architectural quality of the buildings and associated views along Hamilton Terrace and through the gaps between existing buildings.
15. The SPG acknowledges that in respect of extensions, more change is often possible at the rear, without affecting the character of CA's. Further it states that at the rear, buildings have often been subject to many alterations over years and the uniformity that exists on the street frontage may not exist on the rear. The property is identified amongst many others as an Unlisted Building of Merit which are defined as buildings of value to the character and appearance of the area, where their unsympathetic alteration will be resisted. However, it is recognised that the designation is reflective of the group value of the buildings designated rather than their specific individual value.

16. The character of the buildings in the CA in this location are defined by the individuality of the architectural style and it is this diversity that contributes to the character of the CA. On this basis I find that the appeal property and No 95 appear different and do not read as a pair. Whilst the properties may have previously been similar the numerous extensions give these properties a different appearance when viewed from the rear. Whilst they may have had an original building line this is not readily apparent when viewed from the rear due to the changes to the buildings. I do not consider therefore this remains an overriding feature of importance to the CA in this location.
17. Whilst I have found harm to the character of the unlisted building of merit this will be localised to the rear of the building and would not disrupt the buildings contribution to the street scene. In addition, whilst it would be visible from surrounding gardens the rear elevation is largely screened from wider viewpoints in the CA. Further, the extension would not be visible from the front of Hamilton Terrace which is identified as an important view. Therefore, the proposed amendments to the building would not result in a readily apparent change to the character of the CA. Thus, whilst for the reasons above the proposal would result in harm to the character and appearance of the building, given the highly localised harm, the fact it is largely screened from the wider CA and considering the unlisted building merit is not defined for its individual value I am not persuaded this would result in harm to the CA as a whole.
18. Given the above, I conclude that, on balance the proposal would not harm the character or appearance of the CA and would preserve its significance as a designated heritage asset. Accordingly, it would not be contrary to Policies S25 of the City Plan and Policies DES 9 (including paragraphs 10.108 to 10.128) of the UDP. Amongst other matters, these policies seek that Westminster's extensive heritage assets including Conservation Area's should be conserved.
19. Whilst I have found in favour of the appellant in terms of the effect of the proposal on the CA, this does not overcome the identified harm in relation to the first main issue.

Conclusion

20. For the reasons above, the appeal is dismissed.

S Thomas

INSPECTOR