



Appeal Decision

Site visit made on 17 August 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Appeal Ref: APP/X5990/W/20/3245688

23 St Petersburg Place, London W2 4LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms Yeng Pong against the decision of City of Westminster Council.
 - The application Ref 19/07330/FULL, dated 12 September 2019, was refused by notice dated 15 January 2020.
 - The application sought planning permission for: Erection of a mansard roof extension to No's. 21 and 23. Erection of ground floor rear extension, second floor infill extension and alterations to the existing first floor terrace at No. 23 by varying Condition 1 of planning permission 18/04246/FULL.
 - The condition in dispute is No 1 which states that: The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.
 - The reason given for the condition is: For the avoidance of doubt and in the interest of proper planning.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The description of the proposal has been amended by the Council and described as '*Variation of Condition 1 of planning permission dated 30 October 2018 (RN: 18/04246/FULL) for erection of a mansard roof extension to No's. 21 and 23. Erection of ground floor rear extension, second floor rear infill extension and alterations to the existing first floor rear terrace at No.23; NAMELY to finish rear extension in render to match the existing rear façade; amend the arrangement and style of doors to the rear extension; amend style of doors to the courtyard; smaller pitched roof lantern above rear extension; existing first floor rear balcony to match the level of the rear extension terrace; alter windows and doors; install a sedum blanket system to the second and third floor flat roofs; install rooflights to both roof extensions at No. 21 and No. 23 St Petersburg Place, to the rear elevation only; alter dormer arrangement to the front elevation; repair works to the front and rear facade and install replacement windows to match the existing in terms of size, materials and detailing.*' I concur that this accurately describes the proposal before me.

3. The address of the appeal site is listed as No 23 St Petersburg Place. However the original permission also encompassed No 21 St Petersburg Place. The proposals before me refer to No 23 only.
4. The discrepancies of a number of plan references have been brought to my attention by the appellant. I am satisfied I have all relevant plans before me.
5. There are many proposed changes as part of the proposal. The matters of contention between the parties relates to the rear extension and the dormer windows only. The third reason for refusal relates to railings to the second floor of the dwelling of No 21. However, correspondence I have seen from the two parties confirms that there are no proposed changes to these railings at No 21. I can see no evidence of these being affected on the submitted drawings before me. Therefore Condition 3 requires no further discussion.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the Bayswater Conservation Area.

Reasons

7. The appeal site is a pair of identical, three storey dwellings that have been designed to resemble a single Regency white stucco villa. The elevations, front and rear, are planned based on symmetry and proportion, typical of this period with a predominantly vertical emphasis. They are built on a grand scale with pediment façade to the front. Both 21 and 23 form a centrepiece to the terrace. They are flanked on either side by differing house types.
8. The appeal site is located within the Bayswater Conservation Area (CA) and the prevailing character within the CA consists of towering mansion flats, grand Italianate style property, stucco facing frontages and square patterns of development.
9. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework 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 and the more important the asset, the greater the weight should be. The Framework also acknowledges the contribution made by the setting. Harm to or loss of the significance of a designated heritage asset from its alteration or destruction, or from development within its setting requires clear and convincing justification.
10. Also, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Patio doors and lantern roof

11. Both of these elements are proposed to be altered from the original approved scheme. The broad expanse of glazing proposed to the patio doors would remove the strong vertical emphasis to the rear elevation, and would instead introduce an alien feature in conflict with the elegance expected of this style of

dwelling within the CA. It would result in a discordant feature that is out of character with an extension where the approved brick pillars provide vertical emphasis and break up the mass of glazing.

12. It would not pair with the dwelling of No 21. I note the omission of gauged arches to the rear elevation. However, it was not clear from my inspection whether or not they are in evidence at No 21. On this basis, I could not say that these are a characteristic feature that would be appropriate to this elevation.
13. Nevertheless, the proposed doors would represent an unduly wide and uncharacteristic opening. Other dwellings brought to my attention may have a similar style of openings as proposed. However, some are mews developments that is a completely different dwelling type, and the other dwellings compared do not share the same design characteristics as the appeal site. Furthermore, given these dwellings are a pair, further emphasises the significance of providing a sense of symmetry.
14. Even if this proposed crittal material would match other doors at the appeal site, I can find no harm would arise to the insertion of differing doors sizes, types and designs across the dwelling, provided they are appropriate to the dwelling. Crittal material may have been used elsewhere to other houses close by, however they are not the same example of house type before me.
15. A roof lantern would more closely resemble that at No 21. However, the size encompasses a small area of the roof and would appear out of proportion with the wide dimensions of the extension where it is intended to be installed. It would not appear as a sympathetic addition to the rear extension and would not be a positive contribution to the heritage asset. It would therefore be harmful to the character and appearance of the host dwelling, and as a collective pair of houses.
16. Other examples brought to my attention of roof lanterns do not relate precisely to the appeal site as they are different house types and are furthermore, not a pair.

Front dormer windows

17. The dormer windows to the front elevation is now proposed to align with the windows below although the approved scheme places only one in an off-set arrangement. The separation distance that would occur as a consequence of the proposed arrangement would result in the pair of dormers appearing uncharacteristically wide apart and separate from one another. It would harmfully compromise the architectural significance of the pediment feature. It would conflict with the objectives of Policy DES 6 of the Westminster Unitary Development Plan 2007 with particular regard to roof level alterations and extensions.
18. Improvements to the internal layout for the occupiers may arise, however, this does not outweigh the harm I have identified.
19. Another example cited by the appellant at 25 St Petersburg Place is not the same house type and has a very different character. It cannot be compared to that of the appeal site.

20. Bringing all matters together, the proposed amendments would detract from the character and appearance of the host dwelling and the CA. The proposed alterations would therefore be contrary to the aims and objectives of policies S25 and S28 of *Westminster's City Plan 2016*, policies DES 1, DES 5, DES 6 and DES 9 of the *Westminster Unitary Development Plan 2007* (UDP) for development to be of highest standards of design and to protect the historic environment. Whilst it may conflict with the paragraphs listed from the Unitary Development Plan 2007, this is supporting text and is not the adopted policy.

Other Matters

21. Within the appellant's Final Comments, they have drawn my attention to a number of discrepancies within the Council's Statement of Case with specific regard to double glazing. I have been mindful of this upon reaching my decision. There are several matters pertaining to the development that do not form a reason for refusal by the Council although they have been included within this appeal statement. However, these matters should be first addressed to the Council.
22. The matter of public benefits has been brought to my attention by the appellant as they question what this would consist of. The Framework explains that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including where appropriate securing its optimum viable use. I appreciate the site is a private house. I have found however, in line with the advice within the Framework, the proposal would not sustain and enhance the significance of the heritage asset or make a positive contribution to local character.

Conclusion

23. I have considered the justifications put forward by the appellant, however these do not compel me to allow the scheme in light of the harm I have identified. For the reasons given, having regard to all other matters raised, I conclude that the appeal is dismissed.

Alison Scott

INSPECTOR