
Appeal Decisions

Site visit made on 21 September 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th October 2020

Appeal A: APP/X5990/W/20/3250056

116-118 Chancery Lane, London WC2A 1PP

- 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 Kamal Pankhania (Dholak Properties Ltd) against the decision of City of Westminster Council.
 - The application Ref 20/00639/FULL, dated 30 January 2020, was refused by notice dated 25 March 2020.
 - The development proposed is erection of a studio flat in a mansard roof.
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Appeal B: APP/X5990/Y/20/3250062

116-118 Chancery Lane, London WC2A 1PP

- 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 Kamal Pankhania (Dholak Properties Ltd) against the decision of City of Westminster Council.
 - The application Ref 20/00640/LBC, dated 30 January 2020, was refused by notice dated 25 March 2020.
 - The works proposed are erection of a studio flat in a mansard roof.
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Decision

1. Appeals A and B are dismissed.

Procedural Matters

2. Despite the description of development and works set out above, I consider the description found on the Decision Notices and the Appeal Forms better reflects the scheme that is before me and that which the Council considered. The development and works proposed are therefore for 'Erection of a roof extension to provide a studio flat'. I have therefore dealt with the appeals on this basis.
3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.

Main Issue

4. The main issue is whether the proposal would preserve a Grade II listed building, known as '116 Chancery Lane'¹ and the extent to which it would preserve or enhance the character or appearance of the Strand Conservation Area.

¹ The listed building occupies 116-118 Chancery Lane.

Reasons

Significance

5. The appeal site concerns a six-storey building, comprising a basement, ground floor and four upper floors, that originally dates from the early 19th Century and is Grade II listed. It is also situated within the Strand Conservation Area (CA).
6. The principal façade fronting onto Chancery Lane is constructed mainly in red brick with a slate tiled mansard roof containing three dormers. The ground floor comprises a shopfront and a separate entrance to the upper floors. The sash windows on each floor are arranged in pairs, asymmetrically, with differing heights and proportions. Other architectural detailing includes impost-band and blind arcades at first floor level.
7. The differences in the two parts of the façade are owing to the building having previously been two separate houses, which is emphasised through the lead parapet on the mansard roof. The building was most recently in use as offices. However, I understand that the front façade is all that survives of the original building following a comprehensive redevelopment during the inter-war or post second world war eras, with the remainder of the building rebuilt, including the mansard roof. With this in mind, the significance of the listed building today is to be mainly attributed to the Georgian-style façade of the building, as it is a fine example of the architectural detailing and proportions of the period.
8. The CA extends to the eastern boundary of the City of Westminster but is focused on the formal layout of the Aldwych and Kingsway and includes Lincoln's Inn Fields, one of the most notable squares in London; and celebrated listed buildings, such as Somerset House, the Church of St. Clement Dean, the Royal Courts of Justice and Kings College. The street hierarchy is varied, with a finer grain and plot pattern away from the Strand and Kingsway, particularly to the northeast of the area. Therefore, in so far as it relates to the appeal proposal, the significance of the CA is predominantly derived from the streetscapes formed of the collections of fine historic buildings therein.
9. The façade of the listed building is relatively modest in the context of the other ornate and classical buildings in Chancery Lane. However, the varied architecture, scale and palette of materials across the buildings, including the listed building, together make a considerably important contribution to the character and appearance of the CA. Furthermore, the front façade is all that survives of the original building, so it is a strong reminder of the intensity of post-war redevelopment undertaken in this part of London during the 19th and 20th centuries. The listed building therefore makes an important contribution to the historic development within the CA, and thereby its significance.

Background and the proposal

10. The Council has previously granted approval for development/works² for the conversion of the listed building to provide 14 residential flats, which are in the process of being implemented. However, two further schemes for additional development to the roof of the building were considered at appeal in 2019. The first³ was for a further floor to be added to the rear of the site (2019a),

² Planning References: 15/01170/FUL, 15/01171/LBC, as varied by 16/10409/FUL & 16/10731/LBC.

³ Appeal References: APP/X5990/W/19/3222805 & APP/X5990/Y/19/3222797.

whilst the second⁴ was for a mansard roof extension to the front of the site together with a terrace enclosed by railings (2019b). The terrace was to be further forward on the roof than that set out in the schemes approved by the Council. This will be situated to the rear of the roof and serve a flat below.

11. Like the scheme in 2019b, the appeal proposal is for a roof extension in the form of a new mansard to accommodate a flat, but this would be set back further from the edge of the existing mansard roof, occupy only the southern two-thirds of the roof and incorporate a larger terrace.

Effect of the proposal on the significance of the listed building and the character and appearance of the Strand Conservation Area

12. Despite the tight nature of Chancery Lane, the front façade of the listed building is prominent at street level due to dual visibility available from Chancery Lane and Cliffords Inn. However, the visibility of its roof varies, with only part being visible from Cliffords Inn. Greater visibility is more likely from the upper floors of the buildings to the opposite side of Chancery Lane.
13. I note that the Inspector for 2019a referred to the views from the upper floors of those buildings. However, in determining their approach to the visibility in 2019b, the Inspector had regard to an appeal for a roof extension at 5 Bell Yard⁵, which did not include consideration of the views opposite. As part of my statutory duties (see below), I have considered the entirety of the proposal, as determined by the Council, afresh in light of the evidence before me. Furthermore, given that Policy DES6 of the City of Westminster Unitary Development Plan (adopted January 2007) (UDP) refers to the visibility of proposals from the upper floors of buildings, I have taken a similar approach to that employed by the Inspector for 2019a.
14. Due to the height of the listed building, the grain of development in the locality and the siting of the proposed mansard roof, it is unlikely that it would be visible in the views available from Cliffords Inn and Chancery Lane. However, all of the proposal would be likely to be perceptible from the upper floors of buildings across Chancery Lane.
15. Mansard roofs are not uncommon in the area, but the existing double mansards in Chancery Lane appear to have been added to buildings in a holistic manner and the roof slopes meet one another. In contrast, the proposed mansard roof would be set back some distance from the existing mansard, with a large terrace area in the foreground. The appeal proposal would therefore appear as an uncharacteristic addition to the roof of the building, at variance with the established characteristics of the existing roof of the listed building and the other mansards found within this part of the CA.
16. The use of the proposed roof terrace area by future occupants of the studio flat and the presence of domestic paraphernalia would also be likely to be a noticeable presence in views from Cliffords Inn and from the upper floors of buildings across Chancery Lane. Moreover, the proposed roof terrace would be noticeably larger and sited closer to the front façade of the listed building than that previously approved by the Council.

⁴ Appeal References: APP/X5990/W/19/3227766 & APP/X5990/Y/19/3227772.

⁵ Appeal References: APP/X5990/Y/16/3161786 & APP/X5990/W/16/3161801.

17. I appreciate that the appeal proposal has sought to address a number of the concerns expressed by the Inspector in 2019b. Moreover, while the proposed openings would align with the windows in the existing façade of the building, the full-height proportions of the openings would jar with the architectural hierarchy and rhythm of the existing windows within the front façade of the building, particularly when viewed from the upper storeys of the buildings opposite.
18. Notwithstanding the above, given that the listed building was formerly two houses of distinctly different appearance, the fact that the proposed mansard would only occupy one part of the roof of the listed building would not, of itself, appear as an anomaly. It would, in fact, reinforce the asymmetrical form of the listed building. The scale of the proposed mansard would also not appear disproportionate with the existing mansard.
19. My attention has been drawn to an extension to the roof of 5 Bell Yard. This was consented by the Council⁶ after the appeal at the same property, referred to above. Despite the similarities between the location of the extensions on the roof of both buildings and proximity of the buildings to one another, it is unclear whether the Council had regard to the views available from neighbouring buildings, as they did for the appeal proposal. With that in mind and given that I have identified harm in this respect, the extension would not be comparable with the appeal proposal before me and, in any event, the appeal should be considered on its own individual merits.
20. Similarly, the roof slope of the building opposite which faces Cliffords Inn appears to be on one plane rather than a double mansard, as the dormer windows are arranged above one another in rows. For these reasons, this would not be comparable with the appeal scheme before me.
21. I have no reason to doubt that the proposal would be built to a high standard, despite this and my findings in relation to the scale of the proposed mansard roof and its coverage across only part the roof of the listed building, given its siting to the rear of the roof and the presence of the large roof terrace in its foreground, the proposal would be a discordant built form that would be unsympathetic to, and distract from, the early 19th century façade of the listed building.
22. Unlike listed buildings, the significance of a conservation area is more widely experienced. Under such circumstances, proposals must be judged according to their effect on a conservation area as a whole and must therefore have a moderate degree of prominence. Given that there are tall buildings along Chancery Lane and in the wider area, the proposal would be most readily perceived in its immediate context. However, elements of the proposal would be prominent from street level and from the opposite buildings, so would have a degree of prominence within the CA that would be harmful to its character and appearance.

Public benefits and conclusions on the main issue

23. The statutory duties in Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) are matters of considerable importance and weight. Paragraph 192 of the National Planning

⁶ Planning References: 17/02935/FULL & 17/02936/LBC.

Policy Framework (the Framework) states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Meanwhile, paragraph 193 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.

24. The proposal would be harmful to the special historic interest of the Grade II listed building and the character and appearance of the CA, which would have a negative effect on their significance as designated heritage assets. In my view the harm that I have identified would equate to less than substantial harm to the significance of these designated heritage assets. In such circumstances, paragraph 196 of the Framework identifies that this harm should be weighed against the public benefits of proposals, which includes the securing of optimal viable use of listed buildings.
25. I note the contribution that would be made by the proposed private studio flat to the supply of housing in the city, particularly as it would be situated in an accessible location and could be built-out relatively quickly. These would form public benefits in social terms.
26. Furthermore, the more recent permissions and consents for the residential use of the building have already resulted in a lot of change and alteration to the listed building and there is no substantive evidence before me to suggest that the proposal is required to sustain the heritage asset. The continued viable use of the appeal building is therefore not dependent on the proposal, as the building has permission / consent for residential use that would not appear to cease in its absence.
27. Taking the above together, the public benefits I have outlined above would not justify allowing works and development that would fail to preserve the special interest of the listed building and the character and appearance of the CA. Therefore, in accordance with paragraphs 193 and 196 of the Framework, considered together, I am not persuaded that there would be wider public benefits of sufficient magnitude to outweigh the great weight to be given to the less than substantial harm that I have identified to the significance of the heritage assets.
28. I therefore conclude that the appeal proposal would fail to preserve the special historic interest of the Grade II listed building and the character and appearance of the Strand Conservation Area, and, thereby, their understanding and significance as heritage assets. Hence, the proposal would fail to satisfy the requirements of the Act, paragraphs 192 and 193 of the Framework and conflicts with Policies S25 and S28 of the Westminster City Plan (Revised November 2016); and Policies DES1, DES6 and DES10(A) and paragraphs 10.108 to 10.146 of the UDP which together, amongst other things, seek to ensure that proposals for additional floors would not adversely affect either the architectural character or unity of a building or group of buildings, including their hierarchy; or be visually intrusive or unsightly when seen in longer public or private views from ground or upper levels.

Other Matters

29. I appreciate that the proposal would not result in the loss of any historic fabric. However, for the reasons set out in the main issue above, it would still fail to

preserve the special architectural and historic interest of the building. Furthermore, I note that there is common ground between the appellant and the Council that the proposal would be acceptable in terms of its impact on living conditions. There is no substantive evidence before me that would lead me to arrive at a different conclusion. Nevertheless, none of these other matters raised would alter or outweigh my conclusion on the main issue.

Conclusion

30. For the reasons given above, I conclude that the appeals should be dismissed.

Paul Thompson

INSPECTOR