



Appeal Decision

Site visit made on 5 October 2020

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTP

an Inspector appointed by the Secretary of State

Decision date: 26 October 2020

Appeal Ref: APP/X5990/D/19/3242318

3 Ormond Yard, London SW1Y 6JT

- 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 Jim Hays against the decision of the City of Westminster Council.
 - The application Ref 19/06182/FULL, dated 6 August 2019, was refused by notice dated 18 September 2019.
 - The development proposed is the construction of extension to replace existing roof terrace at second floor level at rear.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of extension to replace existing roof terrace at second floor level at rear of 3 Ormond Yard, London SW1Y 6JT, in accordance with the terms of the application, Ref 19/06182/FULL, dated 6 August 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

EX 01	EXISTING PLANS
EX 02	EXISTING ELEVATIONS
EX 03	EXISTING SECTION
PRO 04	PROPOSED PLANS
PRO 05	PROPOSED ELEVATIONS
PRO 06	PROPOSED SECTION
PRO 07	LOCATION & BLOCK PLANS
 - 3) Before the walls of the extension rise from the roof deck, full details of the following shall have been submitted to the local planning authority and approved in writing: -
 - a. The colours and finishes of the roof and walls of the extension;
 - b. Section profiles of frames and transoms of the new doors, as well as their colour and finish;
 - c. The treatment of the verge of the extension, including its material, colour and finish, as appropriate.The development shall be carried out in accordance with the approved details.
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Preliminary Matter

2. As the proposal concerns a listed building in a conservation area, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are the effect of the proposed development:
 - on the setting of surrounding listed buildings; and,
 - on the character and appearance of the St. James's Conservation Area (CA), and of 3 Ormond Yard, regarded by the Council as a building of merit.

Reasons

The significance of the surrounding listed buildings and the CA

4. The site of the proposed extension, behind one of the buildings in the terrace of Ormond Yard, faces the backs of the terrace of buildings enclosing Jermyn Street. Those listed buildings date from the late C17. The street block defined by these buildings is part of the distinctive arrangement of streets and squares developed after the Great Fire of London, and is an important part of the historic and architectural significance of the CA.
5. The frontages of the listed buildings retain their distinctive, classical, formality, the subtle differences between their original designs, providing different textures to their enclosure of the street, while sharing a loose architectural order of heights, plot-widths and depths, and fenestration patterns. Their special architectural and historic interest is plain to see from both the street and from the buildings behind them. So too the buildings on this side of Ormond Yard. Though they are not listed, their designs reflect their place in the architectural hierarchy of the area and indicate their use and social position in relation to the grander houses fronting the main street. They enrich the townscape of the CA and add to its overall architectural and historic significance. Indeed, the local planning authority has designated No 3 as a building of merit.
6. The buildings in these terraces appear to have been altered over the C19 and C20, notably in upwards and backwards directions, to form additional accommodation. While the frontages of the buildings have retained a smart restraint during the centuries of their development, the space between these two terraces of the street block is confined by the development which has incrementally advanced between them, closing the space in both height and depth. The architectural order at the back of these terraces is far more utilitarian and distinctly less regular than the fronts, and the space between them is now substantially compressed.
7. The space behind the listed buildings, as a separating layer between the opposing terraces of this street block, is a diminished, yet still an important part of their historic significance. The surviving space partially reveals the forms of the listed buildings and betrays the difference in character between their formal fronts and their utilitarian backs. In these respects, this setting contributes to both their architectural and historic significance.

The effect of the development on the setting of the surrounding listed buildings

8. The proposed extension would appear in this close setting of the listed buildings. However, given the amount of incremental rear development behind the listed buildings, the erection of an extension on this roof terrace, which is already partially enclosed by balustrading and tall, side-screening would not disrupt the spatial dimensions of their setting. The modest height and footprint of the proposed extension, its sensitive position over an existing terrace, and its innocuous box form albeit it with one curved corner, would not detract from or intrude in the architectural setting of the listed buildings, which now includes flat roofs and upwards, incremental development of comparable scale and character.
9. The size of the opening and the slim metal frames of the proposed doors would reflect some of the fenestration in the surrounding buildings. The render finish and flat roof would not appear out of place in the townscape of the architectural setting of the listed buildings.
10. In the context of the definition of setting in the National Planning Policy Framework 2018 (the Framework), as the surroundings in which a heritage asset is experienced, the proposed extension would have such limited impact on the setting of the surrounding listed buildings, that they would be preserved in accordance with the expectations of the Act, and the requirements of policies S25 and S28 of the Westminster City Plan 2016 (WCP) which seek exemplary standards of architecture in development, and policy DES10 of the Unitary Development Plan 2007 (UDP) which protects the settings of listed buildings.
11. Nor would there be any conflict in this regard with the objectives of the Framework which recognises the potential for harm to the significance of a designated heritage asset from development within its setting, and which advises that when considering the impact of development on its significance, that great weight be given to the asset's conservation.

The effect of the development on the CA and on No 3

12. The extension would be confined to the rear of the building and would not be visible from the public domain. It would have limited prominence and feature only in a very limited number of views from surrounding buildings. Given this, and the development already in the space between the terraces which form part of the architectural character of the CA, and for the spatial and architectural reasons already described above, I find no harm from the extension to the historic and architectural significance of the CA, and neither to its character nor its appearance.
13. Its footprint would not be disproportionate to No 3, a mid C19 building, which would envelope it on two sides. It would project no further out than the footprint of the floor below it. It would rise no higher than the roof over No 3. It would appear as an incremental, sensitive extension at the back of No 3. While I recognise its status a building of merit, its significance is concentrated in its street elevation, its characteristic plan, and the congruence of its footprint and height with the buildings beside it. I see no harm to its architectural character or its historic or local significance from the position and scale of this addition.

14. I find that the character and the appearance of the CA would be preserved, to the desirability of which special attention must be paid. The architectural and historic character of the building of merit would not be harmed. There would be no conflict with WCP policies S25 and S28 and UDP policies DES9 which aims to preserve or enhance the character or appearance of conservation areas and policies DES1, DES5 and DES6 which seek high quality design and which control the location and design of extensions indicating that permission may be granted for roof structures which are in sympathy with the building's character, storey heights and general elevational proportions.

Other Matters

15. The space between these terraces acts as a lightwell and provides outlook to the windows at the backs of these buildings. However, the extension would not extend beyond the existing footprint and no higher than the roof of No 3. Its effect on the outlook from surrounding windows and on the light received through them would be very limited. Taking these factors, and the existing screening and balustrading already enclosing the terrace into account, I can identify no material harm to the living conditions of surrounding occupiers.

Conditions and Conclusion

16. A drawing numbers condition is necessary in the interests of proper planning. Conditions requiring the approval of the materials of the walls and roof as well as the materials and detailing of the doors and verge are necessary to preserve the appearance of the CA and the architectural setting of the listed buildings. While these conditions do not need to be resolved before commencement, the matters they control should be settled before the extension rises from the floor slab because of implications for programming and weathertightness. For the reasons above, the appeal is allowed.

Patrick Whelan

INSPECTOR