



Appeal Decision

Site visit made on 10 November 2020

by J Hunter BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2020

Appeal Ref: APP/X5990/W/20/3251460

New Arch House, 57b Catherine Place, London SW1E 6DY

- 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 New Arch Ltd against the decision of City of Westminster Council.
 - The application Ref 19/09847/FULL dated 16 December 2019, was refused by notice dated 10 March 2020.
 - The development proposed is described as alterations to the dormer and fenestration on the rear facade of the existing mansard roof at the fourth-floor level. Addition of a new glass balustrade on the fourth floor immediately adjacent to the windows. Renewal of roof-light on the ground floor rear to replace existing scratched roof-light.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to the dormer and fenestration on the rear facade of the existing mansard roof at the fourth-floor level; addition of a new glass balustrade on the fourth floor and renewal of roof-light on the ground floor rear to replace existing in accordance with the terms of planning application Ref 19/09847 dated 16 December 2019 and 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: Existing Location and Proposed Site Plan 103P.APD.GA.P10, Proposed Rear Elevation and Section AA 103.APD.GA.D01REV.A and Proposed Fourth Floor and Roof Plan 103.APD.GA.P01REV.A.
 - 3) Demolition, piling or excavation works shall take place only between 0800 and 1800 on Monday to Friday. Construction works shall only take place between 0800 and 1800 on Monday to Friday and 0800 and 1300 on a Saturday. No demolition, piling, excavation or construction works shall take place at any time on Sundays or on Bank or Public Holidays
 - 4) The installation of facing materials at fourth floor level of the building shall not take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

Procedural Matter

2. The description of development contained within the banner heading is taken directly from the application form. It differs slightly from that contained within the appeal form and Council's decision letter. In the interests of precision, I have utilised the description from the latter in the formal decision above as it omits superfluous description.
3. During the time that has lapsed between the refusal of planning permission that has led to this appeal the appellant has had consent granted for an alternative proposal. I saw during my site visit that construction works had already commenced. The remaining area of dispute relates to the fourth floor elements of the proposal and I have determined the appeal on this basis.

Main Issues

4. The main issue is the effect of the proposed development on the character and appearance of the host building and whether or not it would preserve or enhance the character or appearance of the Birdcage Walk Conservation Area (BCA).

Reasons

5. The appeal building is a four-storey terraced building dating from the 1930's located in the heart of the Birdcage Walk Conservation Area (CA). I saw during my site visit that the area surrounding the appeal site is characterised by buildings of a mixed architectural style and date. There is a limited palette of materials, mainly brick and stucco which afford the location with a domestic feel, despite many of the building being in commercial use.
6. The existing building has an existing mansard roof form, with a large glazed dormer to the rear. This is a common roof form in the locality although whilst the front elevations of the buildings are relatively similar in scale and proportions, at the rear there is a more diverse range of roof types and finishes, largely due to the height differences, ages and level of previous alteration.
7. The proposals would see the configuration of the rear dormer to include full height windows and a glass balustrade that would sit flush with the glazing. In order to accommodate the additional height to the windows, the mansard roof would be altered to remove the outer most sloping section. The result would be an almost sheer wall of glass that would meet with the flat roof on the mansard. The width of the glazed section would also be increased towards the gable walls to line through with the glazing present on the lower storeys.
8. The proposal would increase the overall bulk and scale of the mansard roof, and the reconfiguration of the fenestration would result in the fourth floor mimicking the proportions of the lower floors in terms of the glazing and balustrade. This would mean that the mansard roof would lose its subservience, when viewed in the context of the rear elevation as a whole. Nonetheless, the mansard roof would still sit below the height of the gable parapets and the use of materials to match the existing roof rather than the lower floors would soften the impact of the alterations. Overall, whilst I accept that the modern interventions would alter the appearance of the building, I do not consider that they would have a significantly detrimental impact on the character and appearance of the building.

9. In reference to the CA, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving and enhancing the character or appearance of the CA.
10. The rear of the appeal building is almost completely landlocked by development except for a construction site which lies mid-way along Buckingham Gate, behind the site. Consequently, public views towards the appeal building and location of the proposed alterations are extremely limited. Although, I acknowledge that there would be some private views available from the buildings facing onto the rear of the appeal site.
11. I saw during my site visit that the roof line, form and design along the rear of Catherine Place was extremely varied. Whilst there are several buildings with mansard roofs, some are set back further than others giving the illusion of a flat rear façade on some of the buildings. Furthermore, the differential building heights including the those that stand at up to 7 storeys at the rear of the appeal site add to the variety of the area.
12. Overall, I consider that the proposal would not detract from the significance of the CA and therefore it would preserve its character and appearance. Accordingly, the proposal would comply with the design and conservation requirements of Policies S25 and S28 of Westminster's City Plan 2016 and DES6 and DES1 of the City of Westminster Unitary Development Plan 2007. Collectively these policies seek to promote high quality design and protect the special character of heritage assets.

Conditions

13. The conditions set out in the accompanying schedule are based on those suggested by the Council. In the interests of precision and clarity, and where necessary, I have amended the wording of the suggested conditions and omitted those that are repetitive in order to comply with advice in the Planning Practice Guidance.
14. Planning permission is granted subject to the standard three year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
15. In the interests of the amenity of the surrounding area I have imposed a condition that limits hours of work on site.
16. In order to ensure the safeguarding the character and appearance of the area, I have also imposed a condition relating to the submission of facing materials for approval by the Council.

Conclusion

17. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

J Hunter

INSPECTOR

